

Issue Profile

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Non Governmental Organisations and Intellectual Property Rights

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Worldwide, the role of civil society has been increasing at rapid speed. Non-governmental organizations (NGOs) have become significant and influential players and generate much interest. Created in 1986, the Programme on Non-Governmental Organizations and Civil Society aims at contributing towards a better understanding of NGOs and the solutions of complex and conflictive societal problems involving NGOs.

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PRESENTATION OF THE PROBLEMATIQUE OF IPRS

Introduction

With the growing leverage of technology and innovation in today's world economy, Intellectual Property Rights (IPRs) are increasingly the subject of political debate. New legislation and attempts to apply international standards have made these debates more acute in recent years. Even if the role of NGOs is relatively small for the time being, their presence is increasingly being felt.

This paper will present some of the NGOs working on the issue of Intellectual Property Rights. Intellectual property rights can be defined as a set of regulations protecting the works of the mind as if it were another form of property¹. There are two branches of intellectual property law. The *industrial intellectual property rights* branch includes patents, trademarks, industrial design, geographic indication of sources and trade secrets. *Copyrights* refer to artistic and cultural rights. This paper will focus on the former, more specifically, on patents.

According to the WIPO (World Intellectual Property Organization), IPRs' justification is based on "the desire to promote creativity by protecting the works of the mind".² This has an impact on the entire international system: "By providing a stable environment for the marketing of intellectual property products, it also oils the wheels of international trade".³

Unlike material property however, which is a zero sum game, intellectual property does not share this feature of scarcity, which means there is no additional cost in sharing it⁴. Therefore, the protection of intellectual property has a global cost for society. The debate around intellectual property rights is about finding a balance between incentives to discover and the long-term general interest of society. NGOs involved in this debate usually criticize the present system because of its cost to the whole society or for some vulnerable groups or countries.

Considering the large range of issues, this research will focus on issues that could have an impact on North-South relations. It will feature NGOs working at the international level in the area of patents on drugs and life forms. Two main issues emerge: the access to essential drugs which could be threatened by IPRs and the preservation of biodiversity. This latter issue deals particularly with the spread of GMO seeds protected by IPRs and the corresponding reduction of indigenous controls on agriculture.

¹ WIPO. "What is Intellectual Property". [Online] www.wipo.int/about-ip/en/

² WIPO, "An Organization for the Future", [Online] http://www.wipo.int/about-wipo/en/gib.htm#P6_18, (July 17, 2006)

³ WIPO, "An Organization for the Future", [Online] http://www.wipo.int/about-wipo/en/gib.htm#P6_18, (July 17, 2006)

⁴ Pastor,Rafael. "The Impact of Free Trade Agreements on Intellectual Property Standards in a Post-TRIPS World", [Online] www.bilaterals.org/article.php?id_article=4311 (November 2006)

This paper aims to explore the new role of NGOs in the IPR field at the international level by examining the influence of NGOs in IPR debate and by giving a brief presentation of the main organizations involved. It is divided into two main sections. The first section will be a short overview of the issue, presenting the overall evolution of intellectual property, drafting a typology of the NGOs involved, their main arguments, recommendations and strategies. It will be concluded by assessing their results and will look at the challenges of the future. The second section is an index of the main NGOs working on the issue of IPRs and will deal with their mission, main arguments, activities, governance, and publications.

Considering the complexity of the issue, this paper is an explorative study and is not meant to be exhaustive. By focusing on the international level, this research excludes local and grassroots NGOs, even if they are completely part of the process. Further research would be necessary to cover these aspects and to get a better picture of the issue as a whole. We also excluded NGOs that were defending IPRs. Nor does this paper attempt to deal with issues relating to copyrights, the cultural aspects of IPRs, such as CD copying, or the computer programming issues. Finally, most of the sources used in this paper come from the official websites of the NGOs and international organizations.

Multilateral Legislations and Intellectual Property Rights

Legislation on intellectual rights is adopted within the framework of specific nation states. The role of international organizations is to bring nation states to agree on common legislations and to implement them within nation states. The protection of intellectual property is moving from less constraining fora, such as the WIPO, to more constraining ones like the WTO and bilateral agreements. Civil society organisations are present in all three levels.

According to the WIPO's website, "the need for international protection of intellectual property became evident when foreign exhibitors refused to attend the International Exhibition of Inventions in Vienna in 1873 because they were afraid their ideas would be stolen and exploited commercially in other countries."⁵ It was in 1883, 10 years after the Vienna Exhibition, that the Paris Convention for the Protection of Industrial Property was adopted. In 1893 the Berne Convention for the Protection of Literary and Artistic Works came into being. The organizations set up to oversee these two agreements are the forefathers of the present World Intellectual Property Organization (WIPO). In 1974, WIPO became a specialized agency of the United Nations, based in Geneva. In the 80's, the revision of the Paris Convention failed after six years of negotiation, notably on the issue of compulsory licensing. "The failure caused negotiators to move their harmonization talks to GATT negotiations."⁶

The conclusion of the Uruguay Round in 1994 set the stage for the current debates. It was at that time that the General Agreement on Tariffs and Trade (GATT) was replaced by

⁵ WIPO, "The Beginning". [On line] http://www.wipo.int/about-wipo/en/gib.htm#P6_18, (July 17, 2006)

⁶ Mark F. Shultz and David B. Walker. "Intellectual Property. How Intellectual Property Became Controversial: NGOs and the New International IP Agenda", *Engage*, volume 6, issue 2, p.86.

the World Trade Organization (WTO). The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was signed at that time, maintained the general features of the Paris and Berne Conventions. Consent to the TRIPS Agreement is now a condition for membership in the WTO. WIPO and the WTO agreed to cooperate on the implementation of TRIPS, which came into force on January 1st, 1996 for developed countries and in 2000 for developing countries.

One of the main concerns of Intellectual property rights defenders is implementation. The TRIPS agreement reinforces intellectual property rights because it can benefit from the Dispute Settlement Mechanism of the WTO. Trade sanctions can be imposed if the terms of the agreement are not respected. There are now two opposing trends in the debate.

On one hand, there is the introduction of two safeguards that ease the implementation of TRIPS in developing countries. In 2001, the Doha Declaration stipulated that governments have the right to impose compulsory licensing if it is necessary in order to prevent a public health crisis. Another agreement in 2003 allowed developing countries to export products licensed in this way to other developing countries with a similar problem. Nonetheless the growing opposition between developing and developed countries led to the failure of WTO negotiation in July 2006.

On the other hand, the “TRIPS +” agreement reinforces the existing international agreement by implementing and limiting the use of those safeguards by developing countries⁷. This is made by the addition of Intellectual Property Rights measures in bilateral and regional trade agreements, by-passing WTO negotiations. Those guarantees on intellectual property rights are usually exchanged against better investment and trade conditions. FDA would represent the highest standards and serve as a model in TRIPS-plus agreements. There are agreement between United States and various countries from Central America, but not with sub-Saharan countries, from an order of President Bill Clinton in 2000.⁸

Those struggles are also found in the WIPO. After more than a century of the “exclusive competence” on intellectual property rights, the WIPO now has to work with WTO for the administration of the TRIPS agreements. Within the implementation process that has developed out of these agreements, WIPO has found a “niche” by providing technical assistance to developing countries in TRIPS implementation⁹. In spite of general support shown towards WIPO by developing countries support, its work has come under some criticism for not taking into account all the possibilities of the Doha Declaration¹⁰. Moreover, the WIPO reaches more countries than the TRIPS agreements. In 2006, 183 countries were members of the WIPO. It also administers 23 treaties on different issues

⁷ 3D. *Policy Brief on Intellectual Property, Development and Human Rights: How Human Rights Can Support Proposals for a World Intellectual Property (WIPO) Development Agenda*. Policy Brief 2, February 2006.

⁸ AVERT. “TRIPS, AIDS & Generic drugs”. [On line] www.avert.org/generic.htm (November 2006).

⁹ WIPO. “Intellectual Property for Development”. [On line] www.wipo.int/ip-development/en/ (November 2006).

¹⁰ 3D. *Policy Brief on Intellectual Property, Development and Human Rights: How Human Rights Can Support Proposals for a World Intellectual Property (WIPO) Development Agenda*. Policy Brief 2, February 2006.

connected with Intellectual Property Rights, including the WIPO Patent Law Treaty adopted in 2000.

The Friends of Development, a group of developing countries and NGOs led by Brazil, conducted the WIPO to launch the Development Agenda. This Development Agenda would include development concerns into the WIPO Agenda and it would constitute a major change in WIPO's orientations. "They want the WIPO to adopt a presumption against increased IP rights, allowing 'higher standards of protection... only when it is clearly necessary... and where the benefits outweigh the costs of protection'."¹¹

Finally, other specialized organizations, agencies or agreements are involved in one aspect or another of IPRs. We will present the organizations connected with the issues that will be discussed below; they are the access to essential drugs and biodiversity.

ANALYSIS OF NGOS' ROLE IN IPRS

This section will introduce the main NGOs working on IPRs. We will define the issues of access to essential medicines and biodiversity according to relevant international organizations. Because most NGOs involved in the issues of IPRs got involved from a more global perspective that was affected by IPRs rules, which influenced their perception of the issue, we will present their original area of activity. We will then look at their strategies and their main recommendations. Each point will be illustrated by the example of an NGO. Because the issues are really different, we separated NGOs working on essential drug access from NGOs working on biodiversity. But first, we will present NGOs having a general interest in IPRs, not necessary linked to one of the two themes.

NGOs Working on IPRs in General

Some NGOs are concerned about the issue of IPRs in general, including access to drugs and biodiversity. There are four different types: specialized news services, research centers, training centers, and corporate watch. For all of them, information is at the core of their work.

News Services and Research Centers

News services provide access to up-to-date information on intellectual property issues. IP Watch is an independent news service and "reports on the interests and behind-the-scenes dynamics that influence the design and implementation of international intellectual property policies"¹². IP Justice takes a stand in favor of a balanced intellectual property law and takes position on several issues on IPRs. It also takes part in many campaigns and coalitions. Information is seen in this case as a means to achieve an objective.

¹¹ Mark F. Shultz and David B. Walker. "Intellectual Property. How Intellectual Property Became Controversial: NGOs and the New International IP Agenda", *Engage*, volume 6, issue 2, p.84.

¹² IP Watch. [Online] www.ip-watch.org

The International Centre for Trade and Sustainable Development is responsible for the IPRonline, a website that focuses on intellectual property rights and international development.

Research centers

The Third World Network's objectives are to conduct research, to organize and participate in seminars and to represent Southern interests and vision in international fora.¹³ Its analysis of IPRs focuses on the impact they have on Third World countries in bringing a critical understanding of the issue. It has a complete section on biodiversity.

Research centers provide an analysis of an issue and make recommendations to other NGOs or policy makers. Panos, the Declaration de Berne and Focus on the Global South would fall into that category. While some of them offer two sides of the issues, the South Center and Public Citizen have one of the more critical positions on WTO among NGOs.

Capacity Building Organizations and Supportive Organizations

Capacity Building Organizations, such as QUNO and 3D Three, are usually research centers but with enlarged means of action, including training, informal meetings, conflict mediation, coalition building, practical work. As international organizations' negotiations processes are held between nation states, their strategy is to support developing countries with negotiation inside international fora to protect and defend their own interests.

Corporate Watchers

There are some research centers working on transnational corporations to assess their impact on society: Corporate Watch, Corporate Europe Observatory, the Polaris Institute and CorpWatch are among them. They focus on corporations working in an area connected to IPRs, such as pharmaceutical or biotechnology. Transnational corporations are held responsible, if not found guilty, for the consequences of using technology and for its impact on developing countries. Corporations are considered to be at the source of developed countries' foreign policy on IPRs. Mostly based in developed countries, corporate watchers' strategy is to document and condemn the corporations' use of IPRs and its impact, for influencing public opinion.

News services, research centres, capacity building organizations and corporate watchers are all knowledge producers. Their strategy is therefore to disseminate information as a mean of action either to impact directly decision-makers, to support other NGOs in advocating, or, at a lower level, influencing public opinion.

These organizations will be taken into account in this presentation where they are involved in one of the two issues of this paper: access to essential drugs and biodiversity. We will now look at organizations working directly with these issues. Development organizations have broader interests than those of IPRs and they are concerned about

¹³ Third World Network. [Online] www.twinside.org.sg (July 2006)

the two issues: essential medicines and biodiversity. Some NGOs are specialized in one of the two: Drug access has interested aids groups and biodiversity has interested agricultural, indigenous and environmental groups.

NGOs Concerned about the Access to Essential Drugs

Definition

The World Health Organization (WHO) has defined essential drugs as “those that satisfy the priority health care needs of the population. (...) Essential medicines are selected with due regard to disease prevalence, evidence on efficacy and safety, and comparative cost-effectiveness”.¹⁴ The 2005’s list includes 312 medicines, including those against HIV/AIDS. The main areas of concern relating to drugs for NGOs and IPRs are how regulations on IPRs influence access to drugs, as well as development and production issues, especially in developing countries.

Accessibility is generally greater when the price of medicine is reduced. The patent system is seen as a culprit in this regard, to the extent that it tends to maintain high costs of medicine and that it limits the right to produce generic versions of existing drugs. The fight against HIV/Aids has served as a catalyst in the debates on access which developed in the late 90s. The debate has tended to concentrate on the situation in Africa, because it is there that the issues are the most critical. The number of people infected, the small percentage of them having access to antiretroviral drugs (less than 1%), and the impact the disease has had on society as a whole, made the problem particularly urgent.

The very existence of some drugs and their production is the other main concern of NGOs. Since the patent system makes research and distribution profit-oriented, the point NGOs have argued is that tropical diseases are being neglected. Drugs are lacking for some illnesses and little research is being funded. People with these illnesses still have to depend on drugs that were developed in the 1930’s, even if they have been proven to have undesirable side effects. No drug exists for treating sleeping sickness. For other diseases, drugs do exist but they are no longer produced because there is no financial incentive to do so.

Recent Developments

At present, the TRIPS agreement requires its members to give 20 years protection on patents and copyrights, including patents on drugs¹⁵. Opposition to this provision turns around two dates:

* 1995-1996: While the TRIPS agreements were signed in 1994, its provisions were not to come into effect before 1995. This means that drugs patented before 1995 are not

¹⁴ WHO. “Essential medicines” [online] www.who.int/medicines/services/essmedicines_def/en/print.html (September, 2006)

¹⁵ Gumisai Mutume. “Health and “intellectual property”. Poor nations and drugs firms tussle over WTO patent provisions”, *Africa Recovery*, vol 15, no 1-2, p. 14. [online] www.un.org/ecosocdev/geninfo/afrec/vol15no1/151aids8.htm (July 2006)

necessary eligible to the TRIPS agreement. This is the argument Brazil has used to justify the production of its own HIV/AIDS drugs¹⁶. Finally, it was in 1996 that developed countries had to adopt domestic legislation on IPRs in conformity with the TRIPS.

* 1999-2001: The years between 1999 and 2001 constitute a turning point on the debate concerning the accessibility to drugs and therefore NGOs' involvement in the issue. The AIDS crisis in Africa seems to have played an important role in bringing the issue forward. It is in 1999 that *Médecins sans Frontières* (MSF) launched its "Access to Essential Drugs" Campaign. Moreover, the fight against HIV/AIDS is one of the Millennium Development Goals (MDG).

In 2000, developing countries, except the least developed countries, had to implement the TRIPS in their national legislation. However, in 2001, the Doha Declaration eased the TRIPS restrictions by allowing compulsory licensing (the right of a government to permit a person other than the patent holder to produce the product without the owner's consent), the parallel importing (the right of a government, when a patent on a drug is held in a country, but the product is available cheaper in another country, to buy it from this country), and "Bolar provisions" (the right to prepare production of generic medicines in advance in order to make generic products available as soon the patent ends).¹⁷

* 2005-2006: Recent developments show that 2005-2006 could be the next turning point. The challenge for NGOs' in 2006 will be to maintain and implement the gains that were made in recent years.

If 2006 was the last year for the least developed countries to comply with TRIPS Agreement, on the other hand, WTO negotiations failed in June 2006. Therefore, while keeping an eye on what is going on in the WTO, NGOs have to prevent that its wins be taken away in other fora, like in the WIPO or bilateral agreements, introducing the adoption of TRIPS-plus measures.

Origins of NGOs Working on the Issue of Essential Drugs

Organizations concerned with the connection between drugs and intellectual property rights come from different backgrounds. Besides the general organizations previously presented, the two main backgrounds are AIDS groups and development organizations. Moreover, one of the specificity of the HIV/AIDS is the numbers of campaigns and coalitions of NGOs and other actors working on the issue on the international or the national level.

¹⁶ Gumisai Mutume. "Health and "intellectual property". Poor nations and drugs firms tussle over WTO patent provisions", *Africa Recovery*, vol 15, no 1-2, p. 14. [online]
www.un.org/ecosocdev/geninfo/afrec/vol15no1/151aids8.htm (July 2006)

¹⁷ Gumisai Mutume. "Health and "intellectual property". Poor nations and drugs firms tussle over WTO patent provisions", *Africa Recovery*, vol 15, no 1-2, p. 14. [on line]
www.un.org/ecosocdev/geninfo/afrec/vol15no1/151aids8.htm (July 2006)

Organizations Working on HIV/AIDS and Positive People Groups

Groups of people affected by HIV/AIDS and organizations working with them have also played a key role in bringing the problem of drug access in the public sphere. Act Up was founded in New York in 1987 at the Lesbian and Gay Community Services Center in New York. This group of direct action, which is fighting for the development and the access to affordable drugs, was one of the first groups to put this issue forward in order to increase research expenses. In the early 90s, it was divided into two parts: the first continues its political strategy to secure financing by getting media attention and fighting the bad image of HIV/AIDS. The second group mainly focuses its attention on treatment. If ACT UP's membership in the United States has slightly dwindled, ACT UP Paris is still very active.

This organization opened the door for many other HIV/AIDS organizations all around the world to get involved in the issue. In the United States, Health Gap gathers AIDS and human rights activists, public health experts and fair trade advocates to call for cheaper medicines. The Treatment Action Campaign is a South African organization, inspired by the direct strategy of ACT Up, which has fought against denial of HIV/AIDS by their government and now promote access to treatment for infected people.

An original type of project is African Aids Action. The idea came from an individual, Eyob Ghebre-Sellassie, born in Africa but living in the UK, when he was confronted with the fact that he could not help one of his childhood friends to pay for antiretroviral drugs. His initiative aims to establish a manufacturing base in Africa to cut off Africa's dependency on imported and patented drugs.

Development Organizations

Organizations working in the field of international development have also raised the question of IPRs applying to drugs. Access to drugs is only one of their concerns among others, and it is seen as a mean to fight poverty. For example, the fight against HIV is one of the three priorities of Oxfam international. The main focus is part of their campaign Make Trade Fair. ActionAid is another example of development organizations lobbying for accessible drugs, linking the current crisis to neo-liberal reforms imposed by international financial institutions and the TRIPS agreement.

The Access to Essential Medicines Campaign has been launched by Médecins sans Frontières (MSF) in 1999 with the money they received with their Nobel Prize. This platform brings together many organizations who are concerned about the price of essential drugs. They contribute to advocacy by providing information and analyses on drugs, such as comparing prices, the quality of different products including patented and generic.

Campaigns and Coalitions

One of the main features of the fight against HIV/AIDS is the creation of large coalitions or campaigns bringing together actors from different backgrounds. While the MSF campaign for Access to Essential Medicines is probably the most worldwide campaign, there are many international and national campaigns.

An example of national effort can be found in The Stop AIDS campaign, which is also a group of heterogeneous players, all based in the UK. Organized by the UK Consortium on AIDS and International Development, the campaign brings together 80 groups in the fields of development and HIV/AIDS. The International Council of AIDS Service Organizations (ICASO), founded in 1991, is also a global network of non-governmental and grass-roots organizations.

Other Types of Actors

The scientific and public sectors are both also involved in this issue. DNDi, the Drug for Neglected Diseases working group, is analysing the causes and proposing strategies to provide efficient and affordable medicines for the most neglected diseases, such as sleeping sickness, *Chagas disease* or *leishmaniasis*. As these diseases are not present in the Northern countries and do not even have a “traveller’s” market, they are completely neglected by the private pharmaceutical industry. Therefore, their approach is to take their treatments out of the private market system and to give them to the public sector. The members are themselves members of the public sector: the Oswaldo Cruz Foundation from Brazil, the Indian Council for Medical Research, the Kenya Medical Research Institute, the Ministry of Health of Malaysia and the French Pasteur Institute. Médecins sans Frontières and the Special Program for Research and Training in Tropical Diseases, associated to UNDP, the World Bank and WHO are permanent observers of the initiative.

International organizations are major actors in the debate on the effects of IPRs on drugs access. Among them, we can mention the commission on intellectual property rights set up by the World Health Assembly in 2003. This organization works on the relationship between intellectual property, the innovation process, and public health. UNAIDS, the Joint United Nations programme on HIV/AIDS, channels its efforts in fighting HIV/AIDS in many UN programmes, like UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, ILO, UNESCO, WHO and the World Bank.

Strategies

We can distinguish three main types of approaches depending on the level of intervention:

Targeting General Public

The first level of intervention is aimed at the general public. It mainly provides information that would be difficult to get otherwise. Obviously those services are mainly used by people who already have an interest in the issue. Falling in this category are specialized

news services, such as IP Watch, IP Justice or the Third World Network. Corporation watchdogs or even consumer protection groups are also part of this category. We can notice the importance of the Internet in the strategy of those groups and the presence of many blogs on the issue.

In targeting the general public, direct action is another strategy to get media attention on an issue. It has been used mainly to fight against HIV/AIDS. The group ACT UP, for example, occupied a TV studio at news time.

Targeting International Institutions and Bilateral Agreements

The second type of action is constituted by NGOs interested in working at the political level as advocacy groups, either nationally or internationally. On the international level we can distinguish direct actors participating in the negotiation process, from indirect actors, through training for developing countries or pressuring developed countries.

Direct actors in the negotiations are NGOs participating mainly in intellectual property rights fora, like the WTO-TRIPS and the WIPO. In the TRIPS, the main focus of NGOs was to obtain the rights of compulsory licensing and parallel imports, which were achieved respectively in 2001 and 2003. One of their roles is now to facilitate the use of those safeguards through indirect actions, such as global price analysis to help negotiation of price, made by MSF, or the Health Action International/World Health Organization drug price measurement methodology.

Another role they play is to keep those wins alive by fighting against TRIPS-plus Agreements happening in the WIPO or in bilateral or regional trade agreements. In 2003, QUNO noted that the civil society's participation is still below what it could be and that is mainly concentrated in the IGC, the Intergovernmental Committee on the Intellectual Property and Genetic resources, Traditional Knowledge and Folklore. Moreover, many civil society organizations did not attend the WIPO negotiations, even if they have an observer status¹⁸.

This seems to have changed since the WIPO launched the Development Agenda on October 4, 2004, to the initiative of Argentina and Brazil. The proposal was co-sponsored by "the Friends of Development", made up of 12 countries. This was following the Geneva Declaration on the Future of WIPO supported by civil society and developing countries. The First Session of the Provisional Committee on Proposals Related to the WIPO Development Agenda (PCDA) was on February 20-24, 2006. Consumer Project on Technology and Consumer International are, among others, part of WIPO patent's discussions.

¹⁸ Musunga, Sisule F., Graham Dutfield. "Multilateral Agreements and TRIPS-plus World: The World Intellectual Property Organisation (WIPO), TRIPS issues #3, Geneva: Quaker United Nations Office (QUNO), 2003, p.25.

NGOs can also be *indirect actors* in the negotiations by providing support to developing countries and enhance their ability to get the best conditions in the agreements. One of them, QUNO offers analysis and trainings on intellectual property regimes. In turn, 3D three aims to use human rights rules and mechanisms to support “more equitable and development-oriented intellectual property regimes”.¹⁹ Those rules and mechanisms can be used to ensure greater transparency and participation in the decision-making processes, monitoring the impacts and ensure, on the international level, that “wealthier countries do not have national policies or take measures in international organizations that would undermine the enjoyment of human rights in other countries”²⁰. The main international treaties that can be used include the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Right, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of all Forms of Discrimination Against Women.

As international organizations negotiations are led by nation states, some NGOs from developed countries are pressuring their local governments to bring forth a change in their foreign policy to promote better access to drugs in developing countries. For example, Health Gap led a campaign to change the American policy that punished African countries producing or importing generic AIDS drugs. The Canadian HIV/AIDS Legal Network made a similar campaign in Canada, while EU Coherence is doing it within the European Union.

Organizations participating in the normative process, either directly or indirectly, show a certain degree of confidence in international institutions and the setting of standards. On the other side, there are some NGOs refusing to participate in those processes. By doing so, they are also part of the relations of power inside the international regime of IPRs. For example, for Public Citizens, WTO’s negotiations have to fail because there is no hope of improvement. This organization tries to delegitimize the organization and promote the creation of whole new trading system²¹.

Targeting Pharmaceutical Companies and Multinationals

Apart from influencing international institutions, some NGOs are also calling pharmaceutical companies to accept the TRIPS agreement’s reforms. OXFAM international, for example, has asked GlaxoSmithKline and Pfizer, not to block the access to generic medicines. MSF gathers together actors from the industry with advocacy groups, international organizations, and government representatives in common events on compulsory licensing and parallel import.

¹⁹ 3D. “In-Deth Study Session on Intellectual Property and Human Rights”, Geneva, September 23-24, 2005, p.1. [Online] www.3dthree.org (November 2006)

²⁰ Ibid, p. 2.

²¹ Public Citizen. ““WTO – Shrink or Sink” The Turnaroud Agenda International Civil Society Sign-On Letter” [Online] www.citizen.org/trade/wto/articles.cfm?ID=1569 (July 2006)

These strategies are preferred to drugs donation by pharmaceutical companies because the latter make developing countries dependant of pharmaceutical companies, which keep the control over the programmes²².

Targeting Population Affected or at Risk

Finally, the last group is represented by grass-roots organizations. Unfortunately, our choice to consider only international or global NGO has an influence on the kind of NGOs our study includes. We could possibly add a last kind of organization, the prevention group. Obviously, as prevention doesn't need medication, they are not part of the debate of IPRs, but by their actions and their interactions with other groups working on the HIV/AIDS issue, they participate fully.

Recommendations

The issue of intellectual property rights with regards to drugs is essentially a question of funding. Who will finance the research of medicines, who will ensure the risk, and what is their incentive? The answer to these questions is found in the public/private debate.

Generic Production and Access

The criticism that has been made about the current regime of intellectual property rights is that the cost of the medicines is high. This is not necessarily a criticism of private enterprise, but rather one of the monopoly of pharmacological patents. What NGOs seek is a decentralization of drug production. The argument is that generic medicine reduces costs by promoting competition and the free market.

This approval of some features of the private system does not exclude the uses of public funds. The government of Brazil, for instance, is very involved in the production and distribution of antiretroviral drugs. If it does not challenge private industry, this approach does implement a structural difference between developing and developed countries, since the legitimacy of Doha holds in the development argument.

Public Financing

Besides participating in international fora and facilitating the distribution of generic medicine, government also invests in the development of new medicines. This is most often in the case of diseases neglected by new pharmaceutical research. It is an answer to the criticism of the current regime of Intellectual Property Rights (IPR), which is profit driven and which tends to neglect diseases specific to developing countries. Therefore, the gains made in the Doha negotiation are less important than often assumed, because they concerned pre-existing medicines. In this perspective, the rule of international organizations is less important than it was for the previous group. This strategy can either serve as a critique of the private sector as a means to development or as a complement to the private sector.

²² Health Gap. "No Charity". [Online] www.healthgap.org (November 2006)

Foundations and Public Private Partnership (PPP)

Philanthropy and charitable foundations have always been involved in health and development. The Gates Foundation, for example, aims to increase access to existing medicines and is funding research for new drugs²³. So does the Clinton Foundation.

A new approach in the fight against AIDS, tuberculosis and malaria is the development of Global Funds. The Global Fund aims to “operate as a financial instrument, not an implementing entity”²⁴. It is a framework, which facilitates the access to financing. Its aim is to increase the input of financial resources by acting as a platform for partnership between public actors, like governments, and private and civil society ones. The Global Fund has become a leader in the fight against HIV/AIDS, tuberculosis and malaria by its growing importance in the field and its innovative approach in foreign assistance.²⁵ The fund is under scrutiny by NGOs, including the Center for Global Development. The latter through its HIV/AIDS Monitor program, made recommendations to the fund’s new Executive Director.

Moreover, Health Action International Europe is developing a methodology to conduct research assessing what they call PPI, Private Public Interaction, on the AIDS pandemic in some pilot-study countries: “in practice, fast and effective action is proving to be difficult: funds for implementation of projects are often constrained, with implications for their functioning and the communities they are intended to serve. Other risks have been recognised including strain on existing health infrastructure, inequity in delivery, and questions about accountability and responsiveness to the public.”²⁶

Outcomes

In April 2001, 39 pharmaceutical companies withdrew their lawsuit against the South African government for providing affordable generic medicines to its people. This example showed the implementation of the Doha Declaration and its acceptance by pharmaceutical companies.²⁷ Since the launch of the campaign against HIV/AIDS, the main gains of civil society have been the Doha Declaration and, a few years later, the acceptance of compulsory licensing.

That has been possible by gathering together a whole range of actors. NGOs were able to research and document the problem, its cause and the effects of IPRs on drug accessibility. That enabled NGOs to alert the public and policy makers to the importance and leverage of the issue. They also built partnerships among the governments of developing countries to transform international legislation.

²³ Gates Foundation. [Online] www.gatesfoundation.org (July 2006)

²⁴ Global Fund. “How the Fund Works”. [Online] www.theglobalfund.org/en/about/how (September 17, 2006)

²⁵ Center for Global Development. “Challenges and Opportunities for the New Executive Director of the Global fund: Seven Essential Tasks” [Online] www.cgdev.org/section/initiatives/actives/hivmonitor/globalfundwg (November 2006)

²⁶ HAI. “Public Private Interactions”. [Online] www.haiweb.org/02_focus_c.htm

²⁷ Gumisai Mutume. “Health and “intellectual property”. Poor nations and drugs firms tussle over WTO patent provisions”, *Africa Recovery*, vol 15, no 1-2, p. 14. [on line] www.un.org/ecosocdev/geninfo/afrec/vol15no1/151aids8.htm (July 2006)

NGOs Concerned about Biodiversity

Definition of biodiversity

Biological diversity, or biodiversity, is defined in the 1992 *Convention on Biological Diversity*, as “the variability among living organisms from all different sources, including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems.”²⁸

As biodiversity refers to life, its main connection with (IPR) is the possibility to patent living organisms. This patented life form can be either pre-existing in which case some properties are discovered and then patented, like plants used in drugs or the human genome, or a newly created form of life, which has either been genetically modified (GM) or genetically engineered. Crops, plants for drugs or vaccines, and animals are the most common commodities on which these processes are used.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) excludes plants and animals and the processes used to produce them, however the adoption of legislation to protect them is compulsory. This can be within the convention of the International Union for the Protection of New Varieties of Plants (UPOV).²⁹ This clause prompted GRAIN, an international NGO which promotes agricultural biodiversity saying that TRIPS “is the first international treaty to make the privatisation of biodiversity compulsory – and to do so as a principle of international trade.”³⁰

Recent Developments

* The Access and Benefit-Sharing (ABS) Negotiations under the Convention of biodiversity (CBD)

The Conference of the parties, which led to the Bonn Guidelines, is seeking to operationalise the access and benefit-sharing provision, such as the ‘mutually agreed term’ (MAT) and the ‘prior informed consent’ (PIC).³¹ Concerning IPRs, the Guidelines suggest that governments “encourage the disclosure of the country of origin of genetic resources and traditional knowledge in intellectual property rights application in order to help track compliance with requirements relating to PIC and MAT.”³²

* Biodiversity and the Doha Negotiations at the World Trade Organization

Brazil and India made a proposal to amend the TRIPS Agreement to include a 'disclosure requirement'. This requirement would require the disclosure of the origin of a resource or

²⁸ UN. *Convention on biological diversity. Concluded in Rio de Janeiro on 5 June 1992, p.146. [on line]* <http://www.biodiv.org/convention/convention.shtml> (July 2006)

²⁹ WTO. “Intellectual Property: Protection and Enforcement”. [Online] www.wto.org/english/thewto_e/whatis_e/agrm7_e.htm (August 10, 2006)

³⁰ GRAIN. “TRIPS-plus Through the Back Door” [Online] www.grain.org/briefings/index.cfm?id=6&print=yes (August 10, 2006)

³¹ International Centre for Trade and Sustainable Development. “Access, Benefit-sharing and Intellectual Property Rights”, *COP-8 Biodiversity and Trade Briefings*, March 2006, p.2.

³² Idem.

a traditional knowledge from the patent holder. The purpose is to ensure a fair and equitable benefit-sharing. India pushed for the 'disclosure requirement' in WTO negotiations in Cancun, and met strong resistance from developed countries, such as Canada, Australia and the US.³³

* The WIPO and the Substantive Patent Law Treaty

In the WIPO, negotiations on IPRs have been made under the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and within the negotiations for Substantive Patent Law Treaty. For the former, no consensus has been achieved yet at the Intergovernmental Committee. For the latter, because it is based on the current TRIPS agreement, which does not include the 'disclosure requirement', it could prevent governments to adopt such amendment.

Origins of NGOs Working on Biological Diversity

Some NGOs are now working directly and exclusively on the issue of IPRs, and others have incorporated IPRs and biodiversity into their broader area of concern. The main themes of these NGOs can be roughly divided into three categories: science and technology, environment and agriculture, and finally, development and social justice.

Science and Technology

Organizations specialising in science and technology can themselves be divided into two categories: "public interest" think tanks and associations of concerned scientists. Both provide information and promote the use of technology in safe and/or fair and/or ethical ways. They highlight the social and environmental consequences of specific technology. Most of them were founded in the 1990s and in the early 2000s. EcoNexus, the International Center for Technology Assessment and GeneWatch are all public interest science think tanks.

Environment and Agriculture

Agricultural and environmental groups are the two main origins of NGOs working on IPRs and biodiversity.

Agriculture, and especially genetically modified crops, is the major concern of these NGOs. The first groups to be interested in this issue were made up of farmers, usually small farmers, and were concerned with the preservation of traditional agricultural methods. For example, the Farmers' Link started working on biotechnology in 1989 and GRAIN was founded in 1990. Erosion, Technology and Concentration's predecessor, Rural Advancement international (RAFI) was founded in the 1930s in the US.

Environmental groups are also concerned about the loss of biodiversity caused by homogenous genetically modified crops. Important international organizations have an interest in biological diversity, but in a broader perspective they also have an interest in the use of GM technology in the forest sector, indigenous rights, and genetic engineering on plants, animals and humans. Some organizations, like Greenpeace and Friends of the

³³ Ibid, p. 3.

Earth International, broaden the debate and make the connection between intellectual property rights and economic and social structures: business and social distribution of wealth. They join in the development and social justice discourse on this point.

Development and social justice

The last category brings together organizations with different interests but common arguments based on a sense of justice. Their point of view is that the use of patented biotechnologies should be proscribed if it has negative consequences on some groups within society: small farmers, developing countries, indigenous peoples, or the general interest.

If a development organization's main interest in intellectual rights is concentrated in accessible drugs, it is also likely concerned about the impacts of genetically modified crops and especially the impact of the "terminator technologies" on developing countries' farmers. In this view, these technologies will increase the South dependency as well as the loss of its traditional knowledge and expertise. This argument, as promoted by grass-roots organizations like Practical Action, is shared by Third World research groups, like Focus on the Global South or Third World Network. These two groups, however, also address the global context including international legislation over IPRs (Global South) or unforeseen environmental consequences (Third World Network).

Some organizations from the North must also be included in the development category as they participate in capacity building initiatives to improve the ability of developing countries to defend their interests in the international fora. Three D (3D) is an example of this kind of group.

Religious organizations also have an interest in international affairs and therefore share this interest with development organizations. For example, the Quaker United Nations Office is worried about the fairness of the new IPR rules for developing countries and aims to enhance their negotiation abilities.

Another group concerned about intellectual property rights are groups defending indigenous rights. Their main concern is the sovereignty of indigenous people over their resources in the face of biopiracy and biocolonialism. These are different from other groups as the problem is reversed: they are not fighting against the imposition of new crops created externally, but instead on the patenting of their own resources.

The last group of organizations is composed of public interest think tanks and corporate watchdogs. They are usually based in the North. Corporate watchdog organizations look at IPRs in a perspective of corporate public relations and political lobbying, which is usually a hindrance to democracy and the promotion of public interest. Some consumer organizations also have an interest in IPRs, mainly with regards to the consequences for consumers, and as a result they play an advocacy role toward their own national governments.

Main Concerns

The first concern of a civil society organization is to expose the consequences of biotechnologies and their protection over intellectual property rights. The impacts can be environmental, social, or on human health. The other important issue is the political question of control over biological resources. Those debates can take place on an international, national or local scale. It even touches on the question of the relationship between public and private sectors.

Criticism of the Consequences of Genetically Modified Organisms

The main issue of concern for NGOs is the interaction of newly created species with old ones, especially considering the capacity of genetically modified crops to reproduce and to mix with unmodified species. Organizations like Greenpeace advocate for a strict separation between modified and unmodified species. This might not be as easy as it first seems.

- **Contamination, Coexistence and Terminator Technology**

Coming mainly from European organizations fighting against the introduction of GM crops in Europe, like Save our Seeds, there is an argument that the introduction of GM crops would make non-GM agriculture hardly viable in Europe because GMOs would reproduce mixing with the non-GM crops. It would be very difficult and costly then to guarantee the absence of GM in food for consumers

On the other hand, the technology developed to put an end to this mixing process is also being criticized. The first criticism of the “terminator technology”, a technology preventing seeds to reproduce, is that it’s not effective enough to be reliable in stopping the mixing process (Genewatch). The second criticism is more about the consequences of this technology on farmers. The “Ban Terminator” Campaign leads the international movement against this new technology, which increases farmers’ dependency on multinational firms, threatens food safety by not allowing farmers to reuse their seeds, and threatens the environment.

- **What if... the unforeseen impacts argument**

As some GM organisms are released in the ecosystem, they reproduce and transform, making it practically impossible to assess their impact precisely (Greenpeace). If this is true for the agricultural sector, it is also true for the forest sector (WWF) and for all wildlife.

The Union of Concerned Scientists has summarized NGOs’ concerns on the possible consequences of GMO on the environment and on human health. It also addresses the fact that “unknown harm” complicates the risk assessment.

The main environmental risks are: increased weed growth, gene transfer to wild or weedy relatives, change in patterns of herbicide use, squandering of valuable pest susceptibility

genes, poisoned wildlife, or the creation of new or worse viruses. Human health could be threatened by: new allergens in the food supply, antibiotic resistance, production of new toxins, concentration of toxic metals, or a favourable environment for growth of toxic fungi.

Therefore, there should be more studies made before using these technologies and releasing these new organisms into nature. This is called the precautionary principle. This principle is shared by many organizations like Genewatch, Econexus and Third World Network within the biosafety info centre.

- **Social Consequences and Human Rights**

Beyond the risks that GM crops can cause on the environment and human health, there are consequences on the “food system” and the balance of power between small farmers and corporations, and between developed countries and developing countries.

Genetically modified crops are leading to monoculture and industrial agriculture. For example, according to the Institute for Agriculture and Trade Policy, the fall of agriculture commodities prices favours multinational corporations at the expense of small farmers. Traditional agriculture is seen as more people-driven (GRAIN).

Intellectual property rights also move knowledge from the informal to the formal sector of society and from the public to the private sector.

According to the Quaker United Nations Office, the new international rules limit the flexibility of developing countries to adapt their legislation to their own needs, which was something developed countries were able to do when they were developing. This is even more important because the range of elements patented has increased to include life and therefore has a huge impact on key development issues like food or environment.

- **Existence of Sustainable Alternatives**

Sustainable agriculture to preserve biodiversity is successful, more ecologically and socially sustainable and less risky.

The efficiency of GM crops compared to traditional seeds is overrated. Traditional and local seeds are more adapted to the specific geographic situation. The diversity allows the plant “to adapt to new pests and diseases, and to change in environment, climate, and agricultural methods.” (ETC) These arguments are generally used to oppose the claimed benefits of GM agriculture, such as higher resistance, more productivity, and the use of fewer pesticides. In the long term biodiversity is more sustainable. Moreover, organisations like Greenpeace, point out that the problem is not food production but rather a question of distribution of resource³⁴.

³⁴ Greenpeace. “Problem is food distribution, not production” [Online] www.greenpeace.org.

Control over Biological Resources

- **Indigenous Rights and “Biopiracy”**

Indigenous People are working on three main issues connected to intellectual rights: cultural rights (arts, dance, traditions etc.), traditional knowledge (in medicine, for example), and genetic resources. There are two approaches to defend those rights.

The most critical group, the Indigenous Peoples Council on Biocolonialism, advocates for a total moratorium on the collection, data basing, manipulation, and commercialisation of human cell lines and their genetic resources. They add that, in the indigenous cosmologies, humans are stewards, not owners of the natural world. This vision goes against the idea of intellectual property rights.

The other approach asks for an increased participation of indigenous people in the policy-making process. They are therefore calling for participatory rights in international policy for indigenous issues. The national participation in these fora is not enough; indigenous people have to have a direct voice with the international community. Organizations like “Call from the Earth” don’t call for a moratorium but instead for “informed consent” for the medicine, traditional knowledge, and genetic information. Moreover, it highlights the difficulties faced by indigenous people to use IPRs rules to their own advantage.

Compared to other NGOs, indigenous people have a different position on the Convention over Biodiversity. For them, national control over biological resource is considered a threat to their resource protection and they advocate for local control over these resources.

- **Preserving World Heritage**

An underlying argument against genetically modified organisms and monoculture is to preserve the world heritage and existing diversity. In this argument, biodiversity is a value in and of itself, and it is not necessary only for the advantages it provides to human beings. The phrase “Life is not a commodity” supports this argument.

Scientific Criticism

- **No patent over life**

For Genewatch, genes are discovery not invention. Therefore, patent on genes should not be possible³⁵.

- **Privatization of Research**

Patents lead research toward patentable and thus profitable discoveries. More public financing of research would bring more solutions for better health or sustainable food

³⁵ Genewatch. "Research Agendas and Patenting" [Online] www.genewatch.org (July 2006)

production³⁶. This opinion about public research and its social utility is shared by ETC and the Fondation Science Citoyenne, as they also ask for more control over scientific discoveries. Another disadvantage of the privatization of the research is the strength of biotech companies lobbying over government policies.

Strategies

IPRs, which are an issue of regulation, are therefore an issue of control over technology and knowledge. NGOs, which mainly use information and advocacy as a means of action, have campaigns on every level of decision-making from international to national.

Advocacy

- **Targeting International Fora**

Not surprisingly, the Biosafety protocol is the cornerstone on which many organizations rely on to support their arguments. The respect of this protocol offers a good basis for the legitimacy of the cause. The biosafety protocol is seen as generally positive, except for some indigenous groups, who criticize the national control over resources. Their position reflects a lack of confidence in their own government to manage and protect their resources. They demand local control over their genetic resources.

The WTO is generally seen as responsible for the growing differences between developed and developing countries. The TRIPS and TRIPS-plus agreements are main topics of interest. Many NGOs participated in the *Bite Back Campaign* to fight against WTO's judgement stating GMO ban as illegal. Moreover, *Focus on the The Global South* is contesting the idea that the end of WTO would lead to more bilateral agreements. It asserts that a new deal in WTO would promote those rules as it supports free trade. Except for organizations specialised in multilateral negotiation, like *3D Three*, NGOs are less focused on the WIPO than on the WTO.

- **Targeting National Authorities**

At the national level, NGOs also promote better control over GMOs labelling and over research. Public citizens are fighting against the US campaign for GMOs and ask for GMOs labelling, while the Union of Concerned Scientists tries to convince federal government to establish regulation "to protect the food supply and environment from contamination by engineered pharma and industrial crops"³⁷.

- **Local Participation and Control**

The International Indian Treaty Council tries to build indigenous people participation in key UN fora. WWF is present at every level from indigenous in tropical forests to international fora. Farmers' Link connect farmers of all over the world by organizing international farmer exchanges.

³⁶ Genewatch. "Research Agendas and Patenting" [Online] www.genewatch.org (July 2006)

³⁷ Union of Concerned Scientists. « Genetic Engineering » [Online] http://www.ucsusa.org/food_and_environment/genetic_engineering (July 2006).

- **Targeting the General Public**

In order to raise awareness about the issue of biodiversity and alert the public and the politicians, NGOs use means such as petitions³⁸ and the centralization of information on diverse national campaigns (Save Our Seeds).

Greenpeace, within its campaign to stop GM, ask for consumers' participation to identify GM organisms in food and to inform the people around them. They produced the "Action Kit" to help consumers better understand what's at stake and to suggest initiatives such as 'Become a Gene Detective' or 'Speak out against GE food'.³⁹

Information Sharing, Education and Capacity Building

- **Publication and Information Sharing**

Most organizations disseminate information through publications, websites and conferences. Some NGOs are specialised in certain fields of research. For example, CIEL does research on policy, International People's Council on Biocolonialism (IPCB) does ethical research, the Institute for Agriculture and Trade Policy organized two observatories on Trade and on Agriculture, Genewatch works on Genetics and their effects on people, the environment and animals, and the International Center for Technology Assessment has a patent watch program.

In addition to doing research, GRAIN is monitoring IPRs in international fora and at national and regional levels, which is included in its "Cross-cutting information work" with the production of periodicals in English, French and Spanish.

Some of this information is aimed at other NGOs, as a means to help them shape their government's position on IPRs.

- **Education and Capacity Building**

The Edmonds Institute is an organization specialised in the environment, technology and intellectual property rights. It organises many educational and capacity building activities, such as workshops, lectures on biosafety and ethical impacts of new technologies, technical and policy information, handbooks, as well as answering questions.

Mutual Support

- **Linkages**

Networking constitutes one of the main strategies of NGOs, either to build a campaign, or to share information and expertise. The Institute for Agriculture and Trade Policy, for example, creates a link between social movements working on different issues, such as

³⁸ Save our Seeds Petition [Online] www.saveourseeds.org (July 2006).

³⁹ Greenpeace. "The Action Kit" [Online] weblog.greenpeace.org/ge/ (July 2006)

trade, finance, development, peace and security, human rights, labour, gender, the environment and corporate accountability.

- **Others Services**

CIEL provide services such as legal counsel and *EcoNexus* offers some consultancy services.

CONCLUSION: OUTCOMES AND CHALLENGES

The legitimacy of intellectual property rights is found in the balance between research and discovery incentives and the short-term cost for society. The argument from civil society could be summed up by the idea that because the conditions in developing countries are different, the equilibrium point has shifted. Therefore, for most NGOs, legislation on intellectual property rights has to be adapted to reflect this difference.

International civil society organizations are playing a growing role in international diplomacy. This study has presented the main NGOs involved in issues related to IPRs and has shown their origins, their main arguments and strategies. NGOs have demonstrated their capabilities in influencing international legislation by having some important outcomes. Nevertheless they still have challenges to overcome.

Outcomes

In April 2001, 39 pharmaceutical companies withdrew their lawsuits against the South African government, which was providing affordable generic medicines to the people. This example showed the implementation of the Doha Declaration and its acceptance by pharmaceutical companies.⁴⁰

This example shows how efficient civil organizations and their partners have been in this multi-stakeholder diplomacy approach. The main wins of civil society with regards to IPRs have been the Doha Declaration and, a few years later, the acceptance of parallel importing and the “bolar” provision. They have been present in all fora, and they have been strong enough to score some points, or at least prevent some legislation to be adopted.

That has been made possible by a division of labour among NGOs. Some NGOs were able to research and document the problem, its cause and the impact of IPRs. That enabled other NGOs to create awareness among the public and policy makers about the importance and leverage power of the issue. The *Access for Essential Medicine Campaign* has benefited from a broad support because of this visibility. Civil society organizations were also successful in building partnerships with governments in

⁴⁰ Gumisai Mutume. “Health and “intellectual property”. Poor nations and drugs firms tussle over WTO patent provisions”, *Africa Recovery*, vol 15, no 1-2, p. 14. [on line] www.un.org/ecosocdev/geninfo/afrec/vol15no1/151aids8.htm (July 2006)

developing countries and among them in building coalitions able to transform international legislation. The expertise and dissemination of information, advocacy in international fora, support of developing countries and groundwork are all interlocking elements.

Challenges

The future challenges of NGOs working on IPRs will come from the implementation of the TRIPS and the TRIPS-plus restrictions in bilateral agreements. In both cases, political willingness is critical.

An example of one of the consequences of the implementation of the TRIPS agreement is with respect to drugs. As time goes on, new medicines are discovered and, - as opposed to the medicines released before 1994, are protected by the TRIPS. Among others, this is the case for the second generation of drugs against HIV/AIDS. With access to generic medicines from India or Brazil, the first line of tri-therapy generic drugs has increased the rate of survival of HIV infected people through costs being reduced to \$150 from about \$10,000. Nevertheless, when the virus develops resistance to the medication, the second line of drugs is much more expensive. The new drugs are more effective and they are easier to take, mainly because they do not need to be refrigerated which is very important in places where access to electricity is difficult or unreliable. The next challenge for NGOs is having access to the second line of antiviral drugs. But the problem is that those new drugs are patented and due to new IPRs rules, including bilateral agreements, they are harder to copy in generic form.

It is not clear yet how this is going to affect access to generic medicines. These changes may have an impact on companies that manufacture generic drugs by reducing the incentives to produce. For example, in 2005, India changed its laws on patent in compliance with the TRIPS Agreement. According to the Agreement, drugs that were patented after 2005, cannot be manufactured in a generic form. That includes the second generation retroviral drugs, TB drugs and anti-malarial drugs for antibiotic-resistant diseases⁴¹. It therefore depends on political willingness. As Indian opposition is on pre-grant cases, we don't know what is going to happen with new patents. This has an impact on all the countries depending on drugs supplied by India to meet their drug needs.⁴² Moreover, the 2005 amendment to the TRIPS Agreement creating a mechanism for parallel importing has been criticized for being too weighty.

Another challenge that NGOs will have to face is the signature of several bilateral agreements including a more constraining legislation on IPRs (TRIPS-plus). The sheer number of agreements makes it harder for NGOs to follow, especially since negotiations are kept secret. Moreover, those treaties are enforced by distinct dispute settlement

⁴¹ "Growing movement opposing granting of drug patents", SUNS #6081, August 3, 2006.

⁴² "Growing movement opposing granting of drug patents", SUNS #6081, August 3, 2006.

processes⁴³. Because of the most-favoured-nation treatment, countries that have signed bilateral agreements have to apply the same conditions to all the countries of the WTO. NGOs will really need to gain the support of national states. To overcome those trends, NGOs will have to work even more with the nation states and reinforce their international networking.

⁴³ GRAIN (in cooperation with SANFEC). "TRIPS-plus Through the Back Door. How bilateral treaties impose much stronger rules for IPRs on life than the WTO", *Briefings*, 2001. [Online] www.grain.org/briefings/index.cfm?id=6&print=yes (September 2006)

NGOs WORKING ON IPRs IN GENERAL

IP Justice

http://www.ipjustice.org/WIPO/IPJ_DA062606.shtml

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Mission

IP Justice is an international civil liberties organization that promotes balanced intellectual property law. The organization's focus is on international treaties, directives, and other trade agreements that address intellectual property rights or impact freedom of expression guarantees. IP Justice is an IRS-approved 501(c)(3) non-profit organization based in San Francisco.

Even though IP Justice focus mainly on the copyright issue in cultural sphere, such as music, movies, book or games, it published a paper on Generic medicines in 2005. IP Justice also provides information on multilateral platforms. It has a whole section on the WIPO. Moreover, as one of its objectives is to build international coalitions and networks, IP Justice is involved in many coalitions, joint statements, letters, etc. with other civil society groups.

Robin Gross founded IP Justice in 2002. She is an attorney specialised in intellectual property and worked as such for the Electronic Frontier Foundation in 1999.

IPRs: Position and Arguments

"Global intellectual property laws are increasingly passed to satisfy narrow special interests at the public's expense. We acknowledge that incentives are crucial to sustain creativity, but are concerned that excessive controls over intellectual property threaten the traditional balance between creators and the public."

"We voice our collective concern over the continuous expansion of intellectual property holders' rights without regard to traditional freedoms and safeguards."

In hopes of safeguarding our liberty, we collectively object to these dangerous worldwide trends:

- *Extending copyright terms in perpetuity, thereby shrinking the quality and quantity of the public domain;*
- *Relegating fair use rights to technologies of the past;*
- *Outlawing legitimate consumer circumvention and reverse engineering of one's own property;*
- *Banning the publication of technical information;*
- *Enforcing legal liability against tool makers and service providers for an other's infringement;*

"In a shared effort to restore balance and justice to intellectual property law, we assert the following affirmative principles:

1. *We reserve the right to control our individual experience of intellectual property.*
2. *Creators deserve to be compensated.*
3. *We reserve our right to make private copies of lawfully acquired intellectual property.*
4. *Technology and information that enable the exercise of rights should be lawful.*
5. *"Copy Rights" come with "Copy Responsibilities."*

Main Issues and Type of Activities

IP Justice is mainly concerned about electronic and cultural copyrights, but as it is working in coalitions, it broadens its area of interest and action. It presents its mission in 5 types of activities:

- Advise policy makers from around the world on the impact of intellectual property rules on traditional rights and innovation. As such, IP Justice make advocacy campaigns within four international fora: the International Campaign for an Open Digital Environment, the

FTAA (Free Trade Area of America), the World Intellectual Property Organization and World Summit on the Information Society (WSIS).

- Concerning the World Intellectual Property Organization (WIPO), its actions consist mainly in sharing information about WIPO activities, writing reports on the meetings and giving access to WIPO news and official docs. Its main interests are Development Agenda and the Broadcasting Treaty.
- Build international coalitions and networks between independent organizations working to protect freedom of expression;
- IP Justice has been a key actor in shaping a large coalition of academics, scientists, attorneys, activists, and policy makers who have issued a "Declaration for the Future of WIPO" in an effort to bring balance and reform to WIPO. Many language versions available at the CPTech website, who spear-headed the initiative.
- Promote laws and technologies that encourage further creativity and innovation, and fairly compensate creators;
- Electronic Campaign on the Principles of IP Justice (sign in) on IP Justice Website.
- Raise global public awareness on the threat to individual freedoms posed by expanding legal rights and technological restrictions to control intellectual property;
- Encourage individuals worldwide to advocate for balanced intellectual property laws that preserve traditional consumer rights such as private copying, the public domain, and reverse engineering.

Staff

Robin Gross, IP Justice Executive Director and Attorney

Publications

New Publication (in 2006)

- *IP Justice Opinion-Editorial in "IP-Watch" on the Proposed WIPO Broadcasting Treaty*, Published 1 May 2006
- *IP Justice's "Top 10 Reasons to Reject the WIPO Broadcasting Treaty" (rev.2)*, Published 1 May 2006
- *IP Justice Statement to the 14th Session of the WIPO Copyright Committee (SCCR)*, Published 1 May 2006
- *IP Justice Statement Supporting Friends of Development Proposal for a Development Agenda at WIPO*, Published 23 February 2006
- *IP Justice Statement Supporting Chile's Proposal for a Development Agenda at WIPO*, Published 21 February 2006

On Drugs

IP JUSTICE REPORT ON DRUG PATENTS: Bush & Big Pharma Team Up to Discredit WHO & Generic Medicines: Drug Companies' Influence on Health Care Policy Worsens Global AIDS Crisis
Published 3 May 2005

On International Organizations and Legislations

138 NGO's Sign IPJ Statement Supporting Friends of Development Proposal at WIPO, Published 20 July 2005

IP Justice Report on IIM/3 of WIPO Development Agenda, Published 24 July 2005

IP Justice Policy Paper: "History of US Piracy", Published 20 July 2005

IP Justice Policy Paper: "Staking out the Middle Ground on Intellectual Property", Published 20 July 2005

"FTAA: A Threat to Freedom and Free Trade", Released: 20 October 2003

IP Watch

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Mission

Intellectual Property Watch, a non-profit independent news service, reports on the interests and behind-the-scenes dynamics that influence the design and implementation of international intellectual property policies.

To conduct its reporting activities, Intellectual Property Watch is forging partnerships with a network of contributing journalists, particularly at the regional level. Intellectual Property Watch also benefits from the advice and support of an informal council of advisers comprised of leading international authorities on intellectual property, sustainable development, science and technology, and transparency and accountability in global governance.

Intellectual Property Watch is funded through a combination of grants from private philanthropic foundations, individual donations and subscriptions. Intellectual Property Watch has received start-up funding from the Rockefeller Foundation, Open Society Institute, and the John D. and Catherine T. MacArthur Foundation.

Intellectual Property Watch does not accept financial support from anonymous donors or from private corporations (except in the form of subscriptions to our reporting services).

Issues of interest

News are filed into the following categories:

Venues :

Regional and Bilateral Negotiations
WIPO
United Nations
WTO/TRIPS
US Policy Developments
EU Policy Developments
Developing Country Policy Developments

Access to Knowledge

Education
Human Rights
Lobbying
Enforcement

Themes

Genetic Resources/Biodiversity
Public Health
Internet and Communication Technology
Technical Cooperation
Traditional and Indigenous Knowledge
Biotechnology
Technology Transfer
Broadcasting

IP Policies

Patent Policy
Copyright Policy
Geographical Indications
Editorials/Opinions
Editorials
Inside Views

Type of Activities and Publications

Intellectual Property Watch's reporting is available in two formats:

On-line: news stories and features are regularly posted in a dynamic [weblog](#) format and archived on the Intellectual Property Watch website. Readers can keep up-to-date via [e-mail notifications](#) or [RSS feed](#).

Print: an 12-page [Monthly Reporter](#) will include a selection of news stories, features, and interviews. Printed in hard copy, it will be distributed by mail to [subscribers](#). Readers can register for an [e-mail notification](#) of the availability of the on-line version of the [Monthly Reporter](#).

Staff

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Contributing Writers

Panos

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Mission

The word Panos' means torch or beacon in classical Greek. A 'panas' is a Nepali word for a lamp, lit when people need to gather round and discuss an issue. It symbolises the principle aims of the Panos Institute when it was founded 20 years ago - to illuminate and provide insights from developing countries into issues facing us globally; and to stimulate informed, enlightened discussion around such issues.

Panos London stimulates informed and inclusive public debate around key development issues in order to foster sustainable development. We are working to promote an enabling media and communications environment worldwide.

Their aim is to ensure that the perspectives of the people whose lives are most affected by development (mainly the poor and marginalised) are included within decision-making and that decisions are subject to their scrutiny and debate.

The Panos network is made up of the following institutes:

[Panos London](#)

[Panos Canada](#)

[Panos Caribbean](#)

[Panos Eastern Africa](#)

[Panos Paris](#)

[Panos South Asia](#)

[Panos Southern Africa](#)

[Panos West Africa \(Institut Panos Afrique de l'Ouest\)](#)

Issues of interest

Their priority issues are:

- Media and communications,
- Globalisation,
- HIV/AIDS,
- Environment, and
- Conflict.

They see gender as integral to all these.

IPRs : Position and Arguments

Because its objective stimulates debate, Panos is mainly reporting both sides of the issue. Here are some examples of their work:

On drugs issues

The Panos London AIDS Programme has an international reputation as one of the most authoritative and respected sources of analysis and reporting on the HIV/AIDS pandemic. Since the 1986 publication AIDS and the Third World – a comprehensive analysis of the likely impact of HIV/AIDS in Africa and other developing countries - Panos London has been informing the global response to HIV/AIDS

Throughout its history, Panos has played a key role in influencing the global agenda on HIV/AIDS.

In 1987 they convened the first meeting of international donors to discuss the epidemic. The seminar convinced many of the potential threat the disease posed to existing development activities and, as a result, new budget lines on HIV/AIDS were created. Ten years later, their landmark publication *AIDS and Men: Taking Risks or Taking Responsibility?* contributed to UNAIDS designating 'men' as the World AIDS Campaign topic in 2000 and 2001.

Access to antiretroviral treatment in developing countries was a major theme at the 2000 International AIDS Conference in Durban. In response to this debate, Panos published *Beyond our Means? - The Cost of Treating HIV/AIDS in the Developing World*, a report described by many as the only comprehensive overview of the topic. They have continued to work on treatment issues, and in 2004 facilitated a meeting – with the WHO, UN and donor agencies, academia, civil society organisations and the private sectors – on communication challenges and opportunities around the scale-up of access to treatment.

Drawing on Panos' extensive knowledge of HIV/AIDS communication, their 2003 report *Missing the Message - 20 years of learning from HIV/AIDS* looked at the way the response to the pandemic has been shaped over the last 20 years, with a particular emphasis on the use of communication and the role of the media. It points out that in the past the emphasis has often been on information dissemination and the distribution of health messages, and argues that the approach needs to be far broader.

In the 1990s, as part of its commitment to Southern-led development, Panos founded a number of institutes around the world, all working around core themes including HIV/AIDS. The Panos Global AIDS Programme (GAP) was established in 2003 to consolidate the network's HIV/AIDS activities and draw on the full breadth of experience the different Panos offices – in the UK, Zambia, Uganda, Ethiopia, Nepal, India and the Caribbean – have to offer. Coordinated from Panos Southern Africa in Zambia, GAP aims to enable developing countries to shape a global response to the HIV/AIDS pandemic by stimulating informed public and policy debate and amplifying marginalised voices – particularly those most affected by HIV/AIDS – through media and communication initiatives.

Today the Panos London AIDS Programme works actively within the GAP, as well as under its own remit, to provide analysis of and influence HIV/AIDS policy and communication in international policy and donor processes, and to support the media in encouraging vibrant, participatory and inclusive dialogue and debate around HIV/AIDS and related issues.

Global AIDS Programme (<http://www.panosids.org>)

The mission of the Global AIDS Programme is to enable developing countries to shape a global response to the HIV/AIDS pandemic by stimulating informed public and policy debate and amplifying marginalised voices - particularly those affected by HIV/AIDS - through media and communication initiatives.

Within this mission their aims are:

- to build the capacity of media to encourage public dialogue and debate, using the media to enhance accountability within HIV/AIDS public policy
- to support participatory, inclusive and transparent decision making on HIV/AIDS at a national and international level
- to enable those most affected by HIV/AIDS to communicate their concerns and perspectives to national and international media and policy agents
- to inform international policy and donor processes on HIV communication through Southern-originated, Southern-driven information and analysis

Their approach is to support the communities most affected by HIV/AIDS in determining and articulating their own agendas to both the media and policymakers. This includes oral testimony programmes, radio listening clubs and providing the skills and capacity needed to participate in the policy discourse.

Their second focus is to foster media and policy environments within which these indigenous, participatory processes can flourish. Their media work involves working with print, broadcast and electronic media to encourage informed and accurate HIV/AIDS reporting, and to provide opportunities for community ownership and participation.

At the policy level, they work with policymakers to stimulate informed and inclusive public debate and decision making. This might include national discussion days, policy briefings, and workshops bringing together PLWHA and decision makers.

To support these activities at the international level, they produce a range of resources including in-depth reports, feature articles and radio programmes. These aim to help ensure that the voices of Southern actors are heard within the mainstream Northern media, and that Southern stakeholders have a better understanding of Northern-based policy and donor processes.

On genetics issues

Government decisions about genetically modified (GM) food are having far-reaching consequences on food production and farmers, the environment and possibly even human health. Scientific evidence of the long-term impact of GM crops remains inconclusive, and media coverage is often polarised between the pro-GM industry lobby and anti-GM campaigners.

A new Panos report, *The GM Debate – Who Decides?*, asks who has access to the people with the power to decide, who is being left out of the GM debate, and explores how the media is covering the GM controversy. It found that:

- The views of small- and large-scale farmers are under-represented in the print media
- Government representatives and scientists are quoted more often than other sources in newspaper articles
- There is little investigative journalism of GM issues, with many stories based on announcements from government ministries and research laboratories
- In the five case study countries, media coverage of GM issues is broadly aligned with government policy, except in Thailand, where the media has mostly opposed government plans to commercialise GM crops
- There is often limited media coverage of GM issues in local languages. In Kenya and Zambia, for example, the debate takes place mainly in the English language press, not the media of the majority of small-scale farmers and rural public.
- External groups influence media coverage. Biotechnology companies have good access to journalists in countries where they have invested in effective PR, such as Brazil and Kenya. Anti-GM NGOs also make them heard and influence coverage of GM issues.

Board of directors

- Urvashi Butalia, Director, Kali Books for Women/Zubaan Books, India
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- Gautam Dalal, Partner, KPMG LLP, United Kingdom
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RELAY: Communicating Research

Joanne Carpenter, Programme Manager

HIV/AIDS

Bec Shaw Crompton, Programme Manager

Robin Vincent, Senior Advisor

Publications

- *Breaking barriers, Effective communication for universal access to HIV prevention, treatment, care and support by 2010*, By Panos Global AIDS Programme, Robin Vincent, October 2006
- *Making or missing the links?*, The politics of trade reform and poverty reduction, by John Madeley & Jon Barnes, August 2006
- *The GM Debate – Who Decides?*, An analysis of decision-making about genetically modified crops in developing countries, By Ehsan Masood | May 2005
- *Greed or Need?*, Genetically modified crops - Briefing No. 30, by Kitty Warnock and John Bonner
- *AIDS reports: Investigating an epidemic*, Edited by Kunda Dixit, Aruni John, and Bhim Subba, Oct 1999 (out of print)

CAPACITY BUILDING

3D Three

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Mission

3D's overall goal is to promote an equitable economy in which all people can enjoy their human rights.

Objectives

1. To promote collaborative efforts between people working to promote an equitable economy.
2. To strengthen the capacity of human rights advocates to raise their concerns with trade decision-makers.
3. To encourage the use of human rights mechanisms and rules in support of efforts to promote an equitable economy.
4. To ensure accountability of all economic actors.

Strategy

3D believes that the human rights framework provides strong tools for ensuring a more equitable economy. A human rights approach to trade policy is valuable for the following reasons:

- It provides useful guidelines and benchmarks for ensuring that trade rules are developed and applied in an equitable way. For instance, human rights require broad public participation in all policy-making and a particular focus on the needs of the most vulnerable and marginalized members of society such as women, children or ethnic minorities.
- States themselves have agreed to abide by human rights standards and processes. It follows that human rights provide a clear yardstick for evaluating the activities of all economic actors (including governments and private business).
- It offers clear mechanisms for holding economic actors accountable for their actions.

Issues of interest

General Trade and HR activities
IP and Human Rights
Agricultural Trade and Human Rights
Trade in Services and Human Rights
Access to Information and Participation

IPRs: Position and Arguments

Intellectual property and Human rights

3D encourages greater collaboration between human rights advocates and development groups in order to achieve a pro-development and human rights-consistent approach to intellectual

property systems. This work currently focuses on using human rights rules and mechanisms to provide tools to advocates and policy-makers and ensure greater accountability in intellectual property policy-making.

- 3D monitors intellectual property rules in bilateral and regional Free Trade Agreements (FTAs) and their impact on the enjoyment of human rights and is following discussions on the World Intellectual Property Organization (WIPO) Development Agenda.
(http://www.3dthree.org/pdf_3D/3DPolBrief-WIPO-eng.pdf)

3D brings country-specific information to the UN human rights treaty supervisory bodies about the impact of trade-related intellectual property rules on access to medicines and human rights. In December 2005, 3D submitted a country briefing on the impact of FTA rules on access to affordable medicines and children's rights in Thailand to the Committee on the Rights of the Child.

- 3D organizes expert meetings and holds seminars on intellectual property and human rights issues. The last meeting, an In-Depth Study Session on Intellectual Property and Human Rights, was held on 23-24 September 2005.

Practical Guide to the WTO for human rights advocates

- 3D published the first edition of the Practical Guide in December 2004. A Spanish edition of the Guide focusing on Latin America and the Caribbean will be published in Spring 2006.

WTO related activities

3D organizes events regarding the WTO and human rights. The last one was a joint event with FIDH and IATP in parallel to the WTO Ministerial Conference in Hong Kong in December 2005.

Study sessions

3D organizes study sessions and presentations on various trade and human rights themes. The last one focused on Intellectual property and Human Rights.

Type of Activities

Because a human rights approach holds such promising tools to promote economic equity, 3D's work aims to raise the profile of this approach through a strategy of capacity building, dialogue, coalition-building and practical work.

Capacity-building: They make targeted information on trade available to human rights advocates ([see Practical Guide to the WTO](#)) and information on human rights available to trade and development professionals ([see Policy Briefs](#)) They also engage in capacity-building and training activities, whether organized by 3D or by others.

Dialogues: Too many misunderstandings still surround discussions of human rights in trade circles, and discussions of trade in human rights circles. For this reason they organize and participate in dialogues ([see Cancun Towards Development Panel Report](#)) to contribute towards a shared basis of understanding from which work towards shared aims can proceed.

Coalition-building: They attach great importance to collaborative approaches and seek through all their activities to build and facilitate the creation of coalitions and collaboration amongst human rights advocates, development groups and others working in support of economic equity.

Practical work: 3D will give increasing priority to concrete initiatives to demonstrate to human rights advocates and trade professionals how the application of human rights mechanisms can ensure that trade rules are developed and applied in a way that contributes to an equitable economy.

Throughout their work, they encourage groups to raise human rights issues with national trade policy-making processes.

3D's Treaty Body work brings country-specific information to the UN human rights treaty supervisory bodies so that they can raise trade-related issues of human rights concern with State representatives. The treaty body recommendations on these trade-related issues are useful tools for groups and individuals advocating for a more equitable international trading system.

They have prepared country briefing notes for treaty body members on trade-related intellectual property rules, access to medicines and human rights in Botswana, Denmark & Italy (EU), Ecuador, El Salvador, Morocco, the Philippines, Thailand and Uganda.

Advisory Board

All 3D members join in their personal capacity. Steering Committee members are indicated with an asterisk*.

Robert Archer*
Nicolas Borsinger
Rachel Brett*
Céline Charveriat
Carolyn Deere*
Brewster Grace
Mark Halle*
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Paul Hunt*
Malini Mehra
Sisule F. Musungu
Leo Palma
Daniel Ravindran
Peter Splinter
Elisabeth Tuerk
Mariama Williams

Staff

Caroline Dommen, Director
Davinia Ovet, Programme Manager

Publications

Intellectual Property, Development and Human Rights

- Policy Brief on Intellectual Property, Development and Human Rights: How Human Rights Can Support Proposals for a World Intellectual Property Briefings on trade-related intellectual property rules, access to medicines and human rights.
- Country briefings on Botswana, Denmark & Italy (EU), Ecuador, El Salvador, Morocco, the Philippines, Uganda and Thailand.
- Compilation of UN Treaty Body recommendations on IP, access to medicines and human rights, 2004-2006
- Organization (WIPO) Development Agenda, February 2006. Policy brief on intellectual property
- Human Rights and the Establishment of a WIPO Development Agenda, Information Note 5, June 2006
- The THREAD series is a topical information and action-alert series on trade, designed for people concerned with human rights. Thread publications are designed to provide human rights groups with the information tools to enable them to ensure that trade and trade rules promote and protect human rights.
- A compilation [Articles and Presentations](#) [Press Releases and Notes](#) [Activity Reports](#) [Reports of 3D Meetings](#) [Statements](#)

Quaker United Nations Office (QUNO)

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Mission

As well as representing Quakers at the UN, QUNO facilitates dialogue and works on specific issues. Work priorities are based on the concerns of Quakers worldwide and determined, in part, by the agendas of the organisations with which QUNO works. QUNO staff work with people in the UN, multilateral organisations, government delegations and non-governmental organisations, to achieve changes in international law and practice.

In July 2002, the Economic and Social Council (ECOSOC) granted General consultative status to Friends World Committee for Consultation.

Issues of interest

- Prevention of Violent Conflict
- Emerging Conflicts & Crises
- Disarmament & Peacebuilding
- Human Rights & Refugees
- Economic Issues
- Criminal Justice

IPRs: Position and Arguments

The Quaker United Nations Office in Geneva works in collaboration with the [Quaker International Affairs Programme \(QIAP\)](#) on trade and intellectual property issues. In the last 20 years, new rules on the scope and territorial extent for intellectual property rights (patents, copyrights, trademarks, etc.) have expanded beyond national and existing multilateral arenas (i.e. World Intellectual Property Organisation (WIPO)) to bilateral, regional and World Trade Organisation (WTO) trade agreements.

Flexibility and development: a question of fairness

The new rules being negotiated extend high minimum standards for intellectual property protection on all signatory states at the WTO (the majority of which are developing countries) and in regional/bilateral agreements. As a result, developing countries no longer have the same flexibility or policy options that developed countries had over the past 200 years in using intellectual property to support what is appropriate for their level of national development.

These new rules apply to a range of biologically based materials, including life forms (such as microorganisms, seeds and plants), that many countries may not have previously been obliged to protect. This will impact upon key development areas important for social and economic prosperity such as: food security, agriculture and access to genetic resources, biodiversity, environment, health and access to essential medicines, and the protection of traditional knowledge, folklore and cultural property.

QUNO and QIAP aim to enhance the fairness of the negotiating process by providing information to decisions-makers and facilitating off-the-record dialogue.

Type of Activities

Quakers engaged in international affairs have a long tradition of providing opportunities for people to meet on an equal footing. Such informal and off-the-record meetings, away from the pressures of public life, provide a setting for dialogue where the voices of delegations from all countries may attain equal weight and importance. These meetings encourage a greater understanding of why there are disagreements and provide an opportunity to challenge assumptions between groups, who would not otherwise have the chance to talk openly. Participants may try to find common ground or to explore difficult, controversial or sensitive issues. Staff both initiate and respond to requests for these meetings, which are held at the Quaker Houses maintained for this purpose in Geneva and New York.

Staff

Geneva Staff

- David Atwood Director & Representative for Disarmament & Peace
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- Rachel Brett Representative for Human Rights and Refugees
- Helen McEvoy Administrative Assistant
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- Jessica Huber Quaker UN Representative
- Hala Hasan Administrative Assistant
- Richard Bailey Program Assistant
- Marin O'Brien Program Assistant

Publications

[Governance Processes in Negotiating Intellectual Property at the UN and WTO](#), Martin Watson, in Trocaire Annual Development Review 2006

QUNO and QIAP have commissioned a series of publications on intellectual property issues:

Background Papers

[1. Patents, Trade & Development.](#)

[2. Patents, Trade & Food.](#)

[3. Patents, Trade & Health.](#)

4. Patents & Quaker Action.

Discussion Papers

Discussion papers are written for trade negotiators and policy makers responsible for analysing and assessing the impact of intellectual property on particular sectors.

Food Security, Biotechnology & Intellectual Property: Unpacking some Issues around TRIP, Geoff Tansey, July 2002 (pdf ~195).

Discusses biotechnology and the minimum standards of intellectual property rights required of Members of the World Trade Organisation and affects on food security.

Sui Generis Systems for Plant Variety Protection: Some Options under TRIPS Diswajit Dhar, April 2002 . Examines history of and legal options available under sui generis systems in TRIPS for plant variety protection, in particular UPOV, Indian and Namibian approaches, and their likely impact on farming communities.

Traditional Knowledge & Intellectual Property: Issues and Options Surrounding the Protection of Traditional Knowledge, Carlos Correa, November 2001. Outlines policy issues surrounding the protection of Traditional Knowledge in TRIPS and other international fora.

Trade, Intellectual Property, Food & Biodiversity. Key Issues & Options for the 1999 review of Article 27.3(b) of the TRIPS Agreement., Geoff Tansey, February 1999. Examines ethical, economic, environmental and social issues related to food security and the TRIPS Agreement.

Issue Papers

In these papers, the authors examine a subject of importance to the development of the international intellectual property regime. The topics have been selected following consultations with negotiators from developing countries.

5. *Rethinking innovation, development and intellectual property in the UN: WIPO and beyond*, Sisule F. Musungu, September 2005. Focuses on how the mandates and competencies of key UN institutions relevant to innovation, development and intellectual property can be brought to bear in addressing the challenges of the 21st century knowledge society.

4. *Bilateral Agreements and a TRIPS-plus World. The Chile-USA Free Trade Agreement*, Pedro Roffe, October 2004. Contributes to a better understanding of TRIPS plus issues as found in the FTA and the lessons that can be drawn from the negotiations between the most powerful and technologically advanced country in the world and a small but dynamic developing country with an open and liberal economy.

3. *Multilateral Agreements and a TRIPS plus World: The World Intellectual Property Organisation – WIPO*, Sisule Musungu & Graham Dutfield, December 2003. Discusses TRIPS-plus standards at the multilateral level particularly in WIPO, negotiations at WIPO, its mandate in relation to UN development goals, and its role in harmonising patent law standards.

2. *Special & Differential Treatment of Developing Countries in TRIPS*, Constantine Michalopoulos, October 2003. Analyses the special and differential treatment provisions in the TRIPS Agreement, assesses their implementation in support of development, and makes 10 recommendations for change.

1. *Regional & Bilateral Agreements and a TRIPS-plus world: The Free Trade Area of the Americas (FTAA)*, David Vivas-Eugui, August 2003. [Supplementary Table: Simple legal text comparison of the TRIPS Agreement and FTAA Draft IPRs Chapter \(English\)](#). Provides an overview, based on intellectual property rights negotiations in the Americas, of some of the implications of regional and bilateral TRIPS plus agreements for the current minimum standards under TRIPS.

Occasional Papers

Occasional papers are written by individuals who participated in QUNO and QIAP dialogues. These papers build upon the author's presentation at a dialogue.

19. *Assessing the Development Impacts of Intellectual Property Negotiations, Proposals, Reforms and Agreements: A concept note*, Graham Dutfield, February 2006

18. *Thinking Aloud in Disclosure of Origin*, Graham Dutfield, October 2005

17. *Disclosure of origin and Access and Benefit Sharing: The special case of seeds for food and agriculture*, Walter Smolders, October 2005

16. *The Politics and Practicalities of a Disclosure of Origin Obligation*. Carlos Correa, January 2005. Examines developing countries objectives and justifications for a DoO, practical issues, consistency with TRIPS and coherence in different negotiating fora.

15. *Harmonisation or Differentiation in Intellectual Property Protection? The Lessons of History*, Graham Dutfield and Uma Suthersanen, August 2004. Discusses harmonisation in a dynamic

historical context, the issues at stake, experiences from business history in Germany, Switzerland, India, Japan and the Asian Tigers, the USA and their implications.

14. *The Doha Declaration on the TRIPS Agreement and Public Health and the Contradictory Trend in Bilateral and Regional Free Trade Agreements* , Frederick Abbott, April 2004. Examines contradictory trends to those achieved in the Doha Declaration on TRIPS and Public Health, particularly in CAFTA and the Morocco and Australia FTAs.

13. *Trade Diplomacy, the Rule of Law and the Problem of Asymmetric Risks in TRIPS* , Frederick Abbott, September 2003. Discusses political and legal responses to, pressures that may undermine implementation of the paragraph 6 decision.

12. *Establishing a Disclosure of Origin Obligation in the TRIPS Agreement*, Carlos Correa, August 2003 . Discusses the purposes of DoO, national and international precedents, the scope of an obligation and discharging it, and the issues arising in TRIPS.

11. *Non-Violation Nullification or Impairment Causes of Action under the TRIPS Agreement and the Fifth Ministerial Conference: A warning and reminder*, Frederick Abbott, July 2003 Warns that non-violation and article 64.3 of TRISP should not be overlooked and explains why.

10. *Negotiating Intellectual Property: Mandates and Options in the Doha Work Programme* , Jonathan Hepburn, November 2002. Draws together the outstanding areas for action in WTO, examines lessons from the review of Article 27.3 (b) of TRIPS, related issues in WIPO and bilateral and regional institutions.

9. *Compulsory Licensing for Public Health Needs: The TRIPS Agenda at the WTO after the Doha Declaration on Public Health*, Frederick Abbott, February 2002. Provides a detailed examination of ways to implement paragraph 6 of the Doha Declaration on TRIPS and Public Health including Article 30 & 31 based solutions.

8. *Geographical Indications and TRIPS*, Michael Blakeney, November 2001. Discusses definition of GIs, approaches under national laws, international protection, bilateral and plurilateral agreements, and policy issues arising under TRIPS.

7. *The TRIPS Agreement, Access to Medicines & the WTO Doha Ministerial Conference*, Frederick Abbott, September 2001. Examines the relations between access to medicines and TRIPS including discussion of compulsory licensing, parallel importation, TRIPS Articles 7 & 8, patents, trademarks and copyright, data protection, the HIV/AIDS pandemic, and possible actions in Doha.

6. *Some Assumptions on Patent Law and Pharmaceutical R&D*, Carlos Correa, June 2001. Discusses public involvement in R&D, efficiency, medicines for the poor, patent protection in developing countries, and patents and innovation.

5. *TRIPS Disputes: Implications for the Pharmaceutical Sector*, Carlos Correa, June 2001. Examines the subjects of disputes, relationship between TRIPS and GATT, principles of interpretation, object and purpose of TRIPS, interpreting domestic law, discrimination vs differentiation, interpretative approaches, and impending cases.

4. *Exploring the Hidden Costs of Patents*, Stuart Macdonald, May 2001. Discusses patents in practice, who benefits, the difference between invention and innovation, who uses patents and effects of strengthening the system, especially on the weak, and the costs of patents through illusion and distortion.

3. *Generic Drugs, Compulsory Licensing & other Intellectual Property Tools for Improving Access to Medicine*, Michael Gollin, May 2001. Discusses common goals, a practical approach, the life cycle of a drug, an IP decision tree for access to drugs, differential pricing, and national legislation under TRIPS.

2. *Micro-organisms, Definitions and Options under TRIPS*, Margaret Lliewellyn & Mike Adcock, November 2000. Examines a variety of scientific and legal definitions of micro-organisms, the role of lawyers, alternatives under TRIPS, and possible options.

1. *Trade-Offs and Trade Linkages: TRIPS in a Negotiating Context*, Peter Drahos, September 2000. Discusses a practical economics of IP, trade gains and losses, lessons for developing countries from the Uruguay Trade Round and the future for TRIPS.

Joint Publications

Disclosure requirements: ensuring mutual supportiveness between the WTO TRIPS Agreement and the CBD (English), CIEL, ICTSD, IDDRI, IUCN and QUNO, November 2005

Contains a series of policy briefs with diverse opinions about the incorporation of a disclosure of origin of genetic resources and traditional knowledge in patent applications in the TRIPS Agreement.

CORPORATE WATCHDOGS

Corporate Europe Observatory

<http://www.corporateeurope.org>

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Netherlands
tel/fax: +31-20-612-7023 •

Mission

Corporate Europe Observatory (CEO) is an Amsterdam-based research and campaign group targeting the threats to democracy, equity, social justice and the environment posed by the economic and political power of corporations and their lobby groups.

Issues of interest and Arguments

Power Struggles over Biotech in Brussels

Biotech companies, NGOs and EU institutions are engaged in a fierce, unfinished battle over new rules on genetically modified food and agriculture. Read the briefing: [Power Struggles over Biotech in Brussels](#), December 2004

Type of Activities

CEO publishes.

Advisory Board

Their advisory board consists of: Pratap Chatterjee (India/US), Ann Doherty (The Netherlands/US), Ramon Fernandez Duran (Spain), Susan George (France), Adam Ma'anit (UK/US), America Vera-Zavala (Sweden) and Thomas Wallgren (Finland).

Staff

The Corporate Europe Observatory (CEO) team of campaigners and researchers currently consists of: Belén Balanyá, Owen Espley, Olivier Hoedeman, Nami Yamamoto and Erik Wesselius.

Publications

CEO briefings available at their site:

- *Reclaiming Public Water! Participatory Alternatives to Privatisation*, October 2004
- *EU-US free trade talks ahead?*, June 2004
- *The Cunning Bully - EU Bribery and Arm-twisting at the WTO*, September 2003 (by Fatoumata Jawara, co-published with TNI)
- *Corporate Conquistadors in Cancun*, July 2003
- *Europe Inc.; Regional & Global Restructuring and the Rise of Corporate Power*, written by: Belén Balanyá, Ann Doherty, Olivier Hoedeman, Adam Ma'anit and Erik Wesselius. London: Pluto Press, January 2000.

UK- Corporate Watch

<http://www.corporatewatch.org>

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Mission

Corporate Watch is a small independent not-for-profit research and publishing group which undertakes research on the social and environmental impact of large corporations, particularly multinationals. They aim to expose the mechanisms by which corporations function and the detrimental effects they have on society and the environment as an inevitable result of their current legal structure.

Corporate Watch strives for a society that is ecologically sustainable, democratic, equitable and non-exploitative. Progress towards such a society may, in part, be achieved through dismantling the vast economic and political power of corporations and developing ecologically and socially just alternatives to the present economic system.

Towards these ends, Corporate Watch:

- Conducts research and analysis, raises awareness and contributes to public debate and education.
- Aims to empower community groups that are concerned with economic developments and corporate interests that threaten their communities' quality of life.
- Supports the work of public interest and educational groups.

Corporate Watch is part of the growing anti-corporate movement springing up around the world. They are a research group supporting the campaigns which are increasingly successfully forcing corporations to back down from environmentally destructive or socially divisive projects and dragging the corrupt links between business and power, economics and politics into the spotlight, against the resistance of the complacent, corporate-led mainstream media.

Issues of interest

From Corporate Watch's beginnings looking at PFI roadbuilding, they have broadened out to examine the oil industry, globalisation, genetic engineering, food, toxic chemicals, privatisation and many other areas, to build up a picture of almost every type of corporate crime and the nature and mechanisms of corporate power, both economic and political. They have worked with and provided information to empower peace campaigners, environmentalists, and trade unionists; large NGOs and small autonomous groups; journalists, MPs, and members of the public.

IPRs: Position and Arguments

They don't have a specialised section on IPRs, but rather in genetically modified organism and make corporate profiles on biotech companies.

Biotech Corporate Profiles: Advanta, Bayer AG, DuPont, Monsanto, Syngenta

ADVANTA BV
Influence/Lobbying

The International Seed Trade Federation (FIS) represents the international seed trade, notably in the international governmental organisations and NGOs (OECD, ISTA, ICC, WIPO, UPOV, FAO, etc.). It maintains regular contacts with these bodies in order to promote the viewpoint of the seed industry. This essentially means defending the general interests of its members, notably in improving the conditions of international seed trade, in resisting trade barriers and regulations of protectionist nature, and in fighting against the illegal trade in farm-saved seed. Advanta UK is represented at FIS through its membership of the British Society of Plant Breeders.

The International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL)
Mission: 'To represent at the international level and to promote through national organisations the interests of plant breeders and others who may share a common and active major interest in the creation of new plant germplasm; to establish and protect the intellectual property rights which follow from investments in such activities and to take all necessary steps to achieve these goals.

Type of Activities

Website and news

Their website, providing detailed profiles of some of the world's largest corporations and overviews of each major industry sector, constitutes not just a resource for campaigners and journalists but also aims "to provide a comprehensive picture of the reality of their corporate age."

Information and outreach

They regularly give talks and workshops on all areas of their work. They also advise campaigners on corporate issues and try to make their work as accessible and useful as possible.

Food and Farming project

This project aims to raise awareness of the unchecked consolidation of corporate control of food production and its negative impact on society and the environment. It aims to support activists, farmers and the general public in resisting corporate control of the food industry and creating sustainable local food systems.

Corporate Structures project

This new project aims to look into the legal basis of corporate structures, rights and duties, in order to analyse how legal rights and obligations influence corporate behaviour and what changes must be made to corporate structures (or what structures must replace corporations) in order for corporate social responsibility to become a reality instead of a PR buzzword.

Public Relations Industry project

PR campaigns reinforce corporate power and work against democracy. Through deception and deceit the public relations industry reduces society's capacity to respond effectively to key social, environmental and political challenges. This new project aims to deepen understanding of this little known industry, how it operates, and how to combat it.

News services

Bi-monthly 12-page newsletter

Free email news list

Range of publications including a DIY guide to researching corporations.

GM publications

Control freaks - set of 3 briefings on companies importing GMOs, including Introduction, Cargill and ADM

Apocalypse later? - who's winning the biotech battle?

From test tube to tummy - the GMO supply chain for beginners. A guide to which companies and organisations do what throughout the supply chain.

The industry strikes back - Functional foods: good for Monsanto's health, How biotech companies plan to win the GMO debate and succeed in selling GM foods in large quantities.

Aventis - The company pushing hardest for GM crops to be grown in Britain

Animal feed & genetic engineering - set of briefings

Cash cows & bull markets? - the finance behind GM crops Cash cows and bull markets - a detailed guide on which banks and other financial institutions are propping up the industry.

CorpWatch

<http://www.corpwatch.org>

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Mission

CorpWatch investigates and exposes corporate violations of human rights, environmental crimes, fraud and corruption around the world. They work to foster global justice, independent media activism and democratic control over corporations.

CorpWatch is part of a diverse global movement for human rights, social justice, environmental sustainability, peace, corporate transparency and accountability.

They believe that all people deserve:

- The power to make decisions over their own resources, environment and working conditions
- Fair and sustainable trade that rewards workers with just wages and a clean, sustainable environment
- Public services such as education, healthcare, water or electricity available at an affordable price. No institution should be allowed to profit unjustly out of the provision of such basic services
- Access to local jobs and services

For the past nine years San Francisco Bay Area-based CorpWatch has been educating and mobilizing people through the CorpWatch.org website and various campaigns. Founded in 1996, they were initially known as TRAC--Transnational Resource & Action Center, and their website was called Corporate Watch. In March 2001 they simplified the situation by bringing TRAC together with their Internet presence under one name, one logo and a matching website address: CorpWatch.

Issues of interest

- Consumerism & Commercialism
- Corruption
- Environment
- Executive Compensation
- Globalization
- Health
- Human Rights
- Labor
- Money & Politics
- Privatization
- Regulation
- Trade Justice
- World Financial Institutions

Type of Activities

- CorpWatch Research Guide
- Blog

Public Citizen

<http://www.citizen.org/>

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Mission

Public Citizen is an American, nonprofit consumer advocacy organization founded in 1971 to represent consumer interests in Congress, the executive branch and the courts.

They fight for openness and democratic accountability in government, for the right of consumers to seek redress in the courts; for clean, safe and sustainable energy sources; for social and economic justice in trade policies; for strong health, safety and environmental protections; and for safe, effective and affordable prescription drugs and health care.

Issues of interest

- Auto Safety
- Critical Mass Energy Program
- Congress Watch
- Global Trade Watch
- The Health Research Group
- The Litigation Group

Global Trade Watch (GTW) promotes democracy by challenging corporate globalization, arguing that the current globalization model is neither a random inevitability nor “free trade”. Their work seeks to make the measurable outcomes of this model accessible to the public, press, and policy-makers, while emphasizing that if the results are not acceptable, then the model can and must be changed or replaced. GTW works on an array of globalization issues, including health and safety, environmental protection, economic justice, and democratic, accountable governance.

IPRs: Position and Argument

WTO and GMO: no advantage, more risks

The U.S. has led a global campaign including in the WTO to force broader market access for genetically modified organisms (GMOs), in spite of opposition to GMOs in many developing nations based on the fact that the seeds are patented and thus poor farmers are forbidden to save and replant them—meaning that those most susceptible to hunger would not be able to afford to use GM seeds, even if they were proved to be safe. There is also emerging evidence of health and environmental risks that has produced deep-seated popular resistance to GMOs in many other countries. By claiming GMOs as substantially equivalent to non-GM foods, and by sabotaging negotiations for a UN Biosafety Protocol to regulate these products, the U.S. and other major exporters of GMOs have even argued that the labeling of GMOs would be an “unfair” barrier to trade. While GMO crops are often touted as a way to reduce world hunger, such claims are attempts to favorably recast an issue that is really about large commercial interests. Recent research has shown that there is no significant yield increase using GM crops, only increased environmental risks.

Type of Activities

On GMO, Public Citizens provides:

- Background Information
- Other Helpful Sources
- Petitions
- Press Releases
- Statements

Staff

Joseph A. Zillo, Chief Operating Officer

Publications

Public Citizen's Pocket Trade Lawyer: The Alphabet Soup of Globalization, December 5, 2005

Whose Trade Organization? A Comprehensive Guide To the WTO - a new book by Lori Wallach and Patrick Woodall, March 2, 2004

Winners and Losers: A Debate on the Future of Globalization (a debate featuring Global Trade Watch Director Lori Wallach), December 12, 2003

The WTO Comes to Dinner: U.S. Implementation of Trade Rules Bypasses Food Safety Requirements, 7 October 2003

The U.S. Threats Against Europe's GMO Policy and the WTO SPS Agreement, May, 23, 2003

Public Patent Foundation

<http://www.pubpat.org/>

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Mission

The Public Patent Foundation (“PUBPAT”) is a not-for-profit legal services organization that represents the public's interests against the harms caused by the patent system, particularly the harms caused by wrongly issued patents and unsound patent policy. PUBPAT provides the general public and specific persons or entities otherwise deprived of access to the system governing patents with representation, education and advocacy.

Issues of interest

Undeserved Patents and Unsound Patent Policy Harm the Public

- by making things more expensive, if not impossible to afford;
- by preventing scientists from advancing technology;
- by unfairly prejudicing small businesses; and
- by restraining civil liberties and individual freedoms.

PUBPAT Represents the Public's Interests Against Undeserved Patents and Unsound Patent Policy

IPRs: Position and Arguments

Many patents granted by the U.S. Patent and Trademark Office are wrongly issued. They are issued for several reasons, including that the Patent Office was not aware of significant prior art (knowledge already in the public domain) and that the rules regarding how patents are granted are skewed through perverse patent policy to favor applicants. Wrongly issued patents injure the public because they can be used by private actors to preclude activity that would otherwise be permissible, if not desirable. This causes prices for goods to be artificially high, the advancement of science to be thwarted, and civil liberties to be inappropriately restrained.

Most people still do not realize how significantly wrongly issued patents and unsound patent policy are assailing their health, their freedoms, and their wallets. The pharmaceutical and information technology industries are full of markets hampered by wrongly issued patents. Similarly, free speech, privacy, and other individual liberties are increasingly being threatened by wrongly issued patents, especially as daily life becomes more technologically dependent. Unfortunately, the interests of the public to be free from wrongly issued patents and unsound patent policy are not adequately represented. As such, there is great need for a public service organization to represent those interests. PUBPAT is that organization.

RESEARCH GROUPS

Declaration de Berne

<http://www.evb.ch/en/index.cfm>

Déclaration de Berne
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Erklärung von Bern
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8031 ZÜRICH
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Mission

The Berne Declaration is a Swiss non-governmental organization with 19'000 members founded in 1968. The Berne Declaration monitors the role of Swiss corporations, banks, and government agencies. It addresses the problems of unequal international trade and financial relations, unsustainable consumption patterns and cultural prejudices. It calls on all Swiss actors – the private sector and the state, citizens and consumers – to assume their responsibilities in resolving these problems.

The Berne Declaration is completely independent, and derives most of its revenues from individual membership fees and donations. It has a staff of 16 and two secretariats in Zurich and Lausanne for the German and French speaking regions. It also entertains a small branch in the Italian speaking part of Switzerland. The BD is an active member of many international NGO networks.

"In today's era of globalization, the elites, the governments and banks are building new alliances. In the same way, we must forge alliances amongst ourselves - between India and Switzerland, between you and me. The alliance between the Berne Declaration and the Save the Narmada Movement is a model of this new cooperation."

(Arundhati Roy, writer, 15 November 1999 in Zurich/Switzerland)

Issues of interest

The Berne Declaration is currently involved in the following programs:

- International trade
- International financial relations
- World Economic Forum in Davos
- Agriculture
- Financial relations
- Banking Secrecy and Swiss Banks
- Clean Clothes Campaign
- Cultural exchange
- Children's books

The BD publishes magazines in German (EvB-Magazin), French (Solidaire), and English (BD News).

IPRs: Position and Arguments

Agriculture

The BD believes that the root cause of world hunger is the unequal distribution of wealth and power, and the concentration of control over natural resources in the hands of the rich. It supports international initiatives to strengthen farmers rights, and is opposed to any patenting of

life forms. The BD also monitors the business policies of the large Swiss agrochemical corporation Syngenta and supports the implementation of the International FAO Seed-Treaty and the Convention on Biological Diversity.

US Patents and Patent Applications by Zeneca and Syngenta concerning Seed Production

This paper presents three new US patents - one already granted, two filed - which are relating to GM 'traitor technology'. Traitor technology or "genetic use restriction technology" (GURTs) refers to the use of an external chemical "inducer" to turn on or off a plant's genetic traits. This mechanism is also used to control seed sterility in 'Terminator' plants.

TRIPS

<http://www.evb.ch/en/p9112.html>

The agreement on trade-related aspects of intellectual property rights (TRIPS) is one of the agreements that led to the establishment of the World Trade Organization in 1995. The Berne Declaration closely monitors topics that are particularly relevant for development policy such as the access to medication and patenting of life.

24.01.04 ["TRIPS-plus" through EFTA's back door](#)

17.09.01 [TRIPS on Trial](#)

13.09.00 [Position Paper on TRIPs](#)

[Position Paper on TRIPs](#)

The agreement on trade-related aspects of intellectual property rights is one of the agreements negotiated during the Uruguay Round of GATT that eventually led to the formation of the WTO in 1995. The industrialised countries, with significant support from the pharmaceutical and agrochemical lobbies, strongly advocated globalisation of the rights related to non-material goods, against the wishes of most developing countries. Ultimately, countries in the South accepted the demands made by industrialised countries, not least of all because they hoped to gain advantages in the agricultural and textile sectors in the overall context of the agreement. To date, these hopes have been largely unfulfilled.

Type of Activities

Through research, public education and advocacy work, it has promoted more equitable, sustainable and democratic North-South relations since 1968.

<http://www.evb.ch/en/p8209.html>

Focus on the Global South

<http://www.focusweb.org/>

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Thailand

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Fax: + 66-2-255 9970

Mission

Focus on the Global South is a program of Development Policy Research, Analysis and Action. It was founded in 1995. At present Focus on the Global South has three offices in Bangkok, Thailand, Mumbai, India and Manila, Philippines.

Focus on the Global South aims to consciously and consistently articulate, link and develop greater coherence between local community-based and national, regional and global paradigms of change. Focus on the Global South strives to create a distinct and cogent link between development at the grassroots and the "macro" levels.

Their work on alternatives to the current neoliberal order, based on the ideas of food sovereignty and deglobalisation, proceeded apace, in joint activities with like-minded organizations in India, Thailand, Indonesia and the Philippines, as well as regionally and internationally.

Issues of interest

- Finance and Development
- Trade
- Peace Building and Peoples Security
- Alternatives
- Trends and Analysis

Focus also provides a macro picture of the trade liberalisation regime for the public complementing other FTA Watch members' who are specialized in specific issues such as drugs patenting, biodiversity, public health and agriculture.

IPRs: Position and Arguments

"Throughout the year, we in Focus, along with other groups in the global justice movement, were engaged in one unending campaign to win global civil society and governments to the view that "No deal is better than a bad deal"." <http://www.focusweb.org/content/view/694/54/>

At the 6th WTO Ministerial in Hong Kong, they said that no deal is better than a bad deal since the only possible deal that can come out of ongoing negotiations is one that would further consolidate the underdevelopment, marginalisation and immiseration of the South.

Danger: A new deal would lead to more not less WTO-plus bilateral and regional free trade agreements, as it would set the ground for deeper and faster liberalization. Intellectual Property Rules (IPRs) under the WTO and WTO-plus trade agreements will deepen threats to bio-diversity, traditional knowledge and the rights of indigenous peoples all over the world.

Type of Activities

Progressive research and analysis, and its being a source of ideas and a "network builder" in global civil society.

Focus kept up the pressure on the international financial institutions (IFIs).

Board of directors

- Walden Bello, Focus on the Global South, Bangkok, Thailand
- Alejandro Bendaña, Centro de Estudios Internacionales, Managua City, Nicaragua
- Boua Chanthou, Padek, Phnom Penh, Cambodia
- Jayati Ghosh, Centre for Economic Studies & Planning, Jawaharlal Nehru University, India
- Somchai Homlaor, Internet Law Consultants Limited, Bangkok, Thailand
- Kamal Malhotra, United Nation Development Programme (UNDP), New York, NY USA
- Abdul Hameed Nayyar, Sustainable Development Policy Institute, Islamabad, Pakistan
- Peter Rosset, Oaxaca, Mexico
- Dita Sari, FNPBI, Jakarta, Indonesia
- Suwattana Thadaniti, CUSRI, Chulalongkorn University, Bangkok, Thailand
- Nguyen Van Thanh, Center for Development Study and Outreach, Vietnam Peace and Development Foundation, Vietnam
- Surichai Wun'Gaeo (Chair), Center for Social Development Studies, Chulalongkorn University, Thailand
- Yoon Youngmo, Korea Labour & Society Institute (KLSI), Seoul, Korea

Advisers

Victor P. Karunan, UNICEF Headquarter, New York, USA

Martin Khor, Third World Network (TWN), Penang, Malaysia

Amara Pongsapich, Chulalongkorn University

Staff (2005)

- Afsar Jafri (from July)
- Aileen Kwa (from September)
- Anoop Sukumaran
- Ben Moxham (to February)
- Benny Kuruvilla
- Brett Solomon (volunteer November-December)
- Chanida Bamford
- Dorothy Guerrero (from June)
- Frederico Almeida (intern July to December)
- Herbert Docena
- Jacques-chai Chomthongdi
- Joseph Purugganan
- Jenina Joy Chavez
- Julie Anne delos Reyes
- Lou Torres
- Mary Ann Manahan
- Mary Lou Malig
- Mayuree Ruechakiattikul
- Meena Mennon
- Neelam Dhanawade
- Nicola Bullard
- Praphai Jundee
- Sajin Prachason
- Shalmali Guttal
- Sonila Shetty
- Soontaree Nakaviroj
- Varsha Berry
- Walden Bello

Publications

Campaign Material

WTO HONG KONG DEAL: WHY IS IT REALLY BAD FOR YOU?

This new video from Focus on the Global South explains what happened in Hong Kong, what the elements of the BAD DEAL are and what we can do about it. The video explains in simple terms how there is no development in this supposed development round. It also shows the massive resistance the peoples movements showed in Hong Kong and how we can still stop this round from being concluded.

THE DERAILER'S GUIDE TO THE WTO, Thursday, 24 November 2005

Provides basic information about WTO agreements, what is on the negotiating table for Hong Kong and the remainder of the Doha Round (which will likely continue through 2006), and the main actors in these negotiations. It also offers ideas about how all those committed to social and economic justice can stalemate, or derail, this latest liberalization offensive through the WTO parading under the guise of "development".

Books 2003 - 2005

- *Dilemmas of Domination: The unmaking of the American Empire*, By Walden Bello, Metropolitan Books, Henry Holt and Company, New York (2005)
- *Deglobalisation: Ideas for new world economy*, By Walden Bello, Zed Books, London New York. (2004)
- *Anti-Development State: The Political Economy of Permanent Crisis in the Philippines*, by Walden Bello, coauthored By Mary Lou Malig, Herbert Docena and Marissa de Guzman, Department of Sociology, College of Social Sciences and Philosophy, University of the Philippines. (2004)
- *Behind the Scenes at the WTO: the Real World of International Trade Negotiations*, By Fatoumata Jawara and Aileen Kwa, Zed Books, London New york (2003)
- *The Struggle for Land: A summary of discussions and Strategies at the Asia Land Meeting*, focus on the Global South (2003)
- *Power Politics in the WTO*, By Aileen Kwa, Focus on the Global South (2003)

Multimedia

WTO: why is it Bad for You (2003)

WTO: why is it REALLY BAD for you (2005)

Focus on Trade 2005(regular electronic bulletin)

Occasional Papers

Third World Network

<http://www.twinside.org.sg>

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Malaysia.

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Mission

The Third World Network is an influential independent non-profit international network of organizations and individuals involved in issues relating to development, the Third World and North-South issues.

Its objectives are to conduct research on economic, social and environmental issues pertaining to the South; to publish books and magazines; to organize and participate in seminars; and to provide a platform representing broadly Southern interests and perspectives at international fora such as the UN conferences and processes.

The TWN's international secretariat is based in Penang, Malaysia. It has offices in Delhi, India; Montevideo, Uruguay (for South America); Geneva; and Accra, Ghana. The Third World Network has affiliated organizations in several Third World countries, including India, the Philippines, Thailand, Brazil, Bangladesh, Malaysia, Peru, Ethiopia, Uruguay, Mexico, Ghana, South Africa and Senegal. It also cooperates with several organizations in the North.

Issues of interest

| | |
|---|--------------------------------|
| UN and UN Reform | Women's Rights & Gender Issues |
| Latest News and Papers on WTO | Human Rights |
| Trade Issues/Rules and WTO | Health |
| Intellectual Property Rights | UN, Peace & Security |
| Global Financial and Economic Crisis | Tourism |
| Trade Developments (incl. UNCTAD) | Climate Change |
| Economics | WSSD/Rio+10 |
| Biotechnology/Biosafety | TNCs |
| Biodiversity, Access, Indigenous Knowledge and IPRs | Free Trade Agreements |
| Environment | |

IPRs: Position and Arguments

On drugs:

TWN Briefing Papers No. 23: [Patents and Access to Medicines: What Can be Done at National Level](#). In other words, whilst in recent years the goal for access to medicines had been significantly fought at the international level, action is now equally or even more important at the national level, where policy makers should focus on policy and practical measures to get medicines to poor patients.

Patents can and often do affect the access of patients (especially the poor) to medicines, and the TRIPS Agreement also does affect the space available to developing country Members of WTO to formulate the drug patent policies of their choice. However, despite these problems, developing countries can and should take full advantage of the measures that are permitted by the TRIPS Agreement in pursuit of the goal of promoting access to medicines for all.

In order to exercise their right to “use to the full” these flexibilities in the TRIPS Agreement (in the words of the Doha Declaration), developing countries can study the policy options available to them, and introduce the appropriate laws and concrete measures. In the longer term, revisions to

the TRIPS Agreement may also be desirable, in order that the existing flexibilities be expanded to meet the needs of patients and consumers. As millions of lives are at stake, both the shorter and longer term tasks are urgent.⁴⁴

On biodiversity

TWN has a whole website dedicated to biosafety : Biosafety Information Center (<http://www.biosafety-info.net/>)

Biosafety Science • Agriculture / Organisms • Traits in Agriculture • Biomedical Applications
• Assessment & Impacts • Trends in Industry • Global Agreements and Fora • Policy and Regulation • Key Regulatory Issues • Sustainable Systems

The goals are to:

- Increase knowledge on, and deepen understanding of, (w)holistic approaches for a comprehensive assessment of technologies and techniques that involve genetic engineering
- Contribute to a wider public discussion and critical understanding of the scientific, ecological, social, economic and ethical dimensions of genetic engineering under the rubric of biosafety
- Contribute to the enhancement of the biosafety capacity of policy makers and regulators in developing countries
- Promote research (including the identification of gaps in knowledge) on biosafety
- Promote research on, and implementation of, sustainable systems for agriculture, health and ecological integrity
- Promote understanding of, and respect for, the rights, knowledge and practices of indigenous peoples and local communities

“From genetically modified crops and pharmaceutical drugs to health genomics, the hazards are often not known. However, where something can cause irreversible harm, it is right and proper for society, and scientists in particular, to seek evidence that it is safe beyond reasonable doubt. Hence the precautionary principle or approach is crucial.

Unfortunately the quest to ensure safety is often faced with obstacles of denial, and even repression, of knowledge of potential and actual hazards. If we do not seek to ask the necessary questions, if science is not allowed to play its role with integrity and responsibility, then GE will lead to considerable ecological harm and human suffering. At the same time, precious resources needed to support all our societies, especially those in the developing and vulnerable parts of the world, will be wasted.

To ensure biosafety, we need to develop science policies that appreciate the centrality of nature, and connect science with society. Identifying gaps in knowledge, supporting research in holistic sciences and putting the precautionary principle into practice are among the key challenges before us.”

Type of Activities

Its recent and current activities include: the publication of the daily SUNS (South - North Development Monitor) bulletin from Geneva, Switzerland, the fortnightly Third World Economics and the monthly Third World Resurgence; the publication of Third World Network Features; the publication of books on environment and economic issues; the organizing of various seminars and workshops; and participation in international processes such as UNCED and the World Bank - NGO Committee.

⁴⁴ TWN Briefing Papers No. 23:
[Patents and Access to Medicines: What Can be Done at National Level](#)

Third World Resurgence Magazine. This monthly magazine is published by the Third World Network which has its international secretariat based in Penang. The aim of the magazine is to give a Third World perspective to the whole range of issues confronting the Third World namely, the environment, health and basic needs, international affairs, politics, economics, culture, and so on. Thus, a team of Third World journalists and researchers have been assembled to contribute to Third World Resurgence.

Staff

Martin Khor, Director General

Publications

- Intellectual Property Rights, the WTO and Developing Countries: The TRIPS Agreement and Policy Options, by Carlos M. Correa
- Resurgence Magazine: Pharmaceuticals, Patents & Profits: South deprived of life-saving drugs, TWR No. 120/121
- Third World Resurgence: Regulating access to the South's biological resources, #186 (FEBRUARY 2006)
 - Global rules on access and benefit-sharing of biodiversity take shape in Granada meeting By Chee Yoke Ling
 - The biodiversity-IPRs debate By Elpidio Peria
 - New report points to widespread biopiracy in Africa By Chee Yoke Heong
 - Renewed calls to ban 'Terminator Technology' By Lim Li Ching
 - CBD's Terminator Technology moratorium reaffirmed, but weakened. Is there space for indigenous peoples in the negotiations on access and benefit-sharing? By Jennifer Tauli Corpuz
- TWN Briefing Papers No. 23: Patents and Access to Medicines: What Can be Done at National Level
- TWN Briefing Papers No. 17: The New "Deal" on TRIPS and Drugs: What Does it Mean for Access to Medicines?
- TWN Briefing Papers No. 9: Pills, Patents and Profits: The Fight for Affordable Medicines for All
- TWN Briefing Papers No. 7: IPRs and Biodiversity: Stop the Theft of Indigenous Knowledge
- Is there space for indigenous peoples in the negotiations on access and benefit-sharing?, by Jennifer Tauli Corpuz
- The Biodiversity-IPRs Debate (24 Mar 06), by Elpidio Peria
- Biotechnology and indigenous peoples (V.T. Corpuz), Examines the position and struggles of indigenous peoples vis-a-vis biotechnology.

International Centre for Trade and Sustainable Development

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Mission

The International Centre for Trade and Sustainable Development (ICTSD) was established in Geneva in September 1996 to contribute to a better understanding of development and environment concerns in the context of international trade.

As an independent non-profit and non-governmental organisation, ICTSD engages a broad range of actors in ongoing dialogue about trade and sustainable development. With a wide network of governmental, non-governmental and inter-governmental partners, ICTSD plays a unique systemic role as a provider of non-partisan reporting and facilitation services at the intersection of international trade and sustainable development.

ICTSD facilitates interaction between policy-makers and those outside the system to help trade policy become more supportive of sustainable development. By helping parties increase capacity and become better informed about each other, ICTSD builds bridges between groups with seemingly disparate agendas. It seeks to enable these actors to discover the many places where their interests and priorities coincide, for ultimately sustainable development is their common objective.

ICTSD's Mission: By empowering stakeholders in trade policy through information, networking, dialogue, well-targeted research, and capacity building, to influence the international trade system such that it advances the goal of sustainable development.

ICTSD is accredited by the United Nations. In this context it enjoys Consultative Status with the United Nations Economic and Social Council (ECOSOC); Observer Status at the United Nations Conference on Trade and Development (UNCTAD), the Codex Alimentarius Commission and at the World Intellectual Property Organization (WIPO). The Centre has also been granted accreditation since 1996 by the World Trade Organization (WTO) to participate in all its Ministerial Conferences and other ad hoc activities. ICTSD is further accredited to the Convention on Biodiversity (CBD), the Convention on International Trade in Endangered Species (CITES) and the UN Framework Convention on Climate Change (UNFCCC). Since July 2005, ICTSD is an accredited member of the Governing Council of United Nations Environment Programme (UNEP).

ICTSD is a principal member of the Trade Knowledge Network (TKN); and the Frati Initiative on Intellectual Property and Development; and a founding member of the Geneva Environment Network (GEN); Concerted Action on Trade and Environment (CAT&E) and the Grupo Zapallar (GZ).

IPRs: Position and Arguments

IPRsonline.org is an internet portal on Intellectual Property Rights (IPRs) and Sustainable Development.

It contains a selection of relevant online documents and resources related to IPRs and sustainable development including a [guide to IPRs](#), [proposals](#) submitted to the WTO, discussion papers classified by topics, a [calendar](#) of IPRs related events, latest [news](#) on IPRs, and [links](#) to listservs and relevant institutions working on IPRs.

For example: The Doha Gains Threatened

Five years later, the struggle to improve countries' access to medicines continues.

It took WTO Members until August 2003 – long after the 2002 deadline in the Doha declaration – to reach an accord on helping countries lacking manufacturing capacity to make use of compulsory licenses. The so-called '30 August 2003 decision' was effectively a temporary waiver of the requirement that medicines produced under compulsory licence be restricted to the domestic market, pending an amendment of the TRIPS agreement. Even at the time, critics charged that its numerous requirements set an impracticably high bar for the legal importation of drugs produced under compulsory licences.

So far, not a single country has used the waiver. Nevertheless, in December 2005, WTO Members agreed to make the 30 August 2003 decision a permanent amendment to the TRIPS agreement. The amendment will enter into force when two-thirds of the WTO's 150 Members ratify it. To date, three countries have ratified the amendment: the US, Switzerland, and El Salvador. In the meantime, the waiver decision remains in effect.

Some have explained that since developing countries were allowed to delay patent protection for pharmaceutical products until January 2005, the full effect of the agreement has not been realised. The mechanism "hasn't been used because it's too early," clarified one WTO official. "It will come up when there is a single supplier in the market," which will be the case once developing countries and LDCs fully implement their TRIPS commitments.

At a 14 November meeting in Geneva to commemorate the fifth anniversary of the declaration, Ellen 't Hoen of the Campaign for Access to Essential Medicines suggested that since some major generics producers such as India are now providing patent protection for newer medicines, their prices are being driven up. "It should alarm us," she said. "We're getting back to where we were five years ago."

Third World Network's Sangeeta Shashikant said that five years after Doha, WTO rules were far from the only trade-related threat to access to medicine. She pointed to the impact of bilateral and regional free trade agreements (FTAs) on "limiting the grounds on which governments can issue compulsory licences," for example, to cases of national emergency, government non-commercial use, and to address anti-competitive practices. She also warned that new protections for clinical test data in FTAs delay generics from coming to market. Added Oxfam's Jennifer Brant, "What's the point in having the Doha declaration if it's being chipped away?"⁴⁵

Types of Activities

ICTSD leads the [Trade and Development Symposium](#), an informal consortium of international organisations, research institutes and NGOs active around major trade and development events, and has served as a principal convener of the [Global Biodiversity Forum](#) (GBF) on Trade. Through its Executive Director, the Centre participates in the [UN Millennium Project's Task Force on Trade](#); the WTO Director General's NGO Advisory Group and the [Commission on Environmental, Economic and Social Policy](#) (CEESP) of the World Conservation Union (IUCN).

⁴⁵ [The Doha Declaration on TRIPS and Public Health, Five Years On](#) (BRIDGES Weekly , 15 November 2006) (on line) <http://www.ictsd.org/weekly/06-11-15/story4.htm>

CONSUMERS GROUPS

Consumer International

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On drugs patents:

<http://www.consumersinternational.org/Templates/Internal.asp?NodeID=95352&int1stParentNodeID=89650>

Mission

Consumers International (CI) supports, links and represents consumer groups and agencies all over the world. It has a membership of over 230 organisations in 113 countries. It strives to promote a fairer society through defending the rights of all consumers, especially the poor, marginalised and disadvantaged, by:

- supporting and strengthening member organisations and the consumer movement in general
- campaigning at the international level for policies which respect consumer concerns.

Consumers International was founded in 1960 as the International Organisation of Consumers Unions (IOCU) by a group of national consumer organisations. The group recognised that they could build upon their individual strengths by working across national borders. The organisation rapidly grew and soon became established as the voice of the international consumer movement on issues such as product and food standards, health and patients' rights, the environment and sustainable consumption, and the regulation of international trade and public utilities.

Consumers International is an independent, non-profit organisation. It is not aligned with or supported by any political party or industry. It is funded by fees from member organisations and by grants from foundations, governments and multilateral agencies. Consumers International has four office worldwide in Accra (Ghana), Kuala Lumpur (Malaysia), London (UK) and Santiago (Chile).

Issues of interest

Consumers also have responsibilities to use their power in the market to drive out abuses, to encourage ethical practices and to support sustainable consumption and production.

Developing and protecting consumers' rights and their awareness of their responsibilities are integral to:

- eradication of poverty
- good governance
- social justice and respect for human rights
- fair and effective market economies
- protection of the environment

IPRs: Position and Arguments

Intellectual Property

Consumers International works to promote more balanced Intellectual Property (IP) rules. This means exploring the creation of public goods and enhancing the public domain, and fostering a

fairer system of managing intellectual property in international and bilateral trade agreements and regimes

GM campaign

Consumers have a right to choice and this right will be jeopardised unless governments develop strong measures to prevent contamination of GM-free food.

How contamination occurs

GM pollen can blow into fields of GM-free crops or insects can carry it. Contamination of GM-free crops can also happen during processing of seeds or in transportation. In countries where governments plan to grow GM crops strict co-existence measures, allowing for GM-free zones, need to be established.

GM-free food must not become a luxury

In most countries GM-free producers pay the costs of GMO contamination. Instead polluters must be made liable for GMO contamination of GM-free fields and crops. GM-free food must not become a luxury good, but must remain widely available to all consumers.

Pharmaceutical

Transparent marketing practices are an essential element of Corporate Social Responsibility (CSR). This is particularly so in the pharmaceutical industry where international drug companies plough billions of dollars into convincing doctors, pharmacists and consumers to buy their products.

By sponsoring patient pressure groups, funding disease awareness campaigns and offering hospitality to medical experts, drug companies have found new and effective ways to influence consumer opinion. Transparent, easily available information about drug company involvement in such schemes would allow consumers to make an informed choice about the pharmaceutical products they buy.

Consumers have a right to know how doctors prescribing patterns are influenced by relationships with drug companies. Without consumer journalists making this issue public, consumers would be in the dark about poor CSR practices. Such information is absent from glowing annual company sustainability reports and lofty CSR statements on company websites.

As a new Consumers International report has found, the pharmaceutical industry would rather keep this information to itself. “ *Pharmaceutical companies are violating the principles of CSR and putting consumer health at risk* “

Branding the Cure: a Consumer Perspective on Social Responsibility, Drug Promotion and the Pharmaceutical Industry looks at the marketing practices of the top-twenty drug companies Europe.

Type of Activities

Regional & international representation

Consumers International has official representation on many global bodies, including:

- United Nations Economic and Social Council (ECOSOC) and related United Nations agencies and commissions
- World Health Organisation (WHO)
- Codex Alimentarius Commission
- International Organisation for Standardisation (ISO)
- United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- United Nations Children's Fund (UNICEF)
- International Electrotechnical Commission (IEC)
- United Nations Conference on Trade and Development (UNCTAD)

Board of Directors

- Marilena Lazzarini - CI President, Instituto de Defesa do Consumidor (IDEC), Brasil
- Felix Cohen - CI Vice President, Consumentenbond, The Netherlands
- Breda Kutin- CI Treasurer, ZPS- Slovene Consumers' Association, Slovenia
- Samuel Ochieng - CI Hon. Secretary, Consumer Information Network, Kenya
- Indrani Thuraisingham, Federation of Malaysian Consumer Association (FOMCA), Malaysia
- James Guest, Consumers Union of United States (CU), USA
- Nick Stace, Which?, United Kingdom
- Pamela Chan, Hong Kong Consumers Council (HKCC), China

Publications

Biotechnology, Food Security, Trade and the Environment: A Synthesis of Issues Impacting on Consumers Rights in Africa, April 2006

Summary: The controversy around GMOs intensified in Africa following the 2002/3 drought experienced in a number of Southern African countries. This synthesis paper is based on two papers produced for Consumers International entitled "Biotechnology, Food Security and International Trade in Africa" and "Environmental and Socio-Economic Impacts of GMOs in Africa".

Branding the Cure, 23 Jun 2006

Summary: A consumer perspective on Corporate Social Responsibility, Drug Promotion and the Pharmaceutical industry in Europe

Corporate Citizenship in the Global Market: Accountability and the Consumer Perspective, 5 Mar 2001

Summary: Publication for World Consumer Rights Day kit 2001 on the ways that consumer can advance corporate social responsibility in the global marketplace.

From bean to cup: how consumer choice impacts upon coffee producers and the environment, 28 Dec 2005

Summary: Consumers International, in collaboration with IIED and member organisations in Latin America, Asia, Europe and North America has produced a report that examines consumer awareness of the impact of sustainable certified coffees on producers and the environment. The report is targeted primarily at stakeholders who can influence consumption patterns in developed countries, as this is where the growth in demand is expected in the near future.

Biosafety legislation in selected countries: a comparative analysis, 15 Nov 2005

Summary: This is a comparative analysis of modern biotechnology/biosafety legislation in selected countries from a consumer perspective. It aims to ensure that consumers understand biosafety issues, particularly the key components necessary in any biosafety law. The study includes a review of some of the arguments on the risks and benefits of biotechnology and an analysis of the legislation of South Africa, Australia, Brazil, Norway, USA, Japan and the European Union. It also analyses the African Model law on safety in biotechnology, the Third World Network Network's model biosafety law, the Cartagena Protocol on Biosafety, the Codex Alimentarius Commission and the UN Guidelines for Consumer Protection.

Biotechnology and Biosafety, :5 Jul 2004

Summary: Consumers International Accra Office has compiled and published a series of 'Fact Sheets on Biotechnology and Biosafety' which aim to make reader-friendly information available to all actors at national, regional and global levels - such as policymakers, civil society organisations and development partners - in view of informing them so as to yield policies and practices that are sustainable, pro-poor, pro-consumer and oriented towards the small farmers' perspective.

Biotechnology in Africa - Which choice?, :12 Nov 2003

Summary: This document is a publication of research findings on biotechnology in Africa. It is targeted for reference by consumer organisations, policy makers and the public at large, and is intended to facilitate decision makers into taking more rational on biotechnology products and processes bearing in mind that African consumers, being the ultimate targets of biotechnology products, would experience the greatest impact of biotechnology be they negative or positive.

Value of Consuming Indigenous Foods in Africa, May 2002

Summary: This paper explores the potential for Africans to feed themselves using their own resources. It highlighted the importance of indigenous African foods as possessing high nutritional and economic value. The promotion of these indigenous foods can, therefore, contribute to the solution to the African Food crisis and lead to sustained food security in Africa.

GM Foods: The facts and the fiction, 30 Mar 2000

Summary: A comprehensive book that is part of a worldwide programme to ensure that consumers are fully informed about how GM foods may affect their lives and to ensure that their rights and interests are represented to government, business and international agencies.

Our Food, Whose Choice? Consumers Take Action on Genetically Modified Food, 15 Mar 2000

Summary: The 2000 World Consumer Rights Day Kit. An educational and campaign kit to enable consumers to participate fully in the GM food debate and assert their rights more vigorously.

Consumers and the future work of the WTO - where do we want to go from here?, 31 Jan 2006

Summary: This paper by Phil Evans is a commentary on his manual, 'Unwrapping the WTO: what consumers need to know'. The paper looks at the progress to date, the barriers that have to be removed and the policies that need to be put into place to enable the WTO to act on behalf of consumers and developing country interests.

Unwrapping the WTO: what consumers need to know, 19 Jan 2006

Summary: A revised and updated version of 'Unpacking the GATT', published in 1994, it analyses the structure, functions and work of the World Trade Organization in the decade since it came into being in 1995 in the context of developments in world trade. It analyses the benefits and potential benefits the WTO can bring to consumers and the drawbacks and dangers.

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Mission

The Consumer Project on Technology was started in 1995. Currently CPTech is focusing on issues concerning the production of and access to knowledge, including medical inventions, information and cultural goods, and other knowledge goods. Much of this work concerns intellectual property policy and practices, but some of it concerns different approaches to the production of knowledge goods, including for example new business models that support creative individuals and communities, and new incentive systems for investments in medical and agricultural inventions, such as those involving prizes and/or competitive Intermediaries. They also do some work on electronic commerce and competition policy.

Issues of interest

Access to Knowledge
Health Care and Intellectual Property

IPRs: Position and Arguments

Drug development incentives to improve access to essential medicines: The Prize Fund Concept
The medical innovation prize fund is a creative proposal to lower the price of medicines while promoting the development of future cures.

How it works: Patents are issued for the development of new medicines just as they are now. However, instead of preventing competing manufacturers from producing the new medicine, patents make the patent holder eligible to receive payment from a large public fund for each of the next ten years. The amount of payment drug developers receive from the fund is based upon the level of medical benefit the new medicine provides. Basing payment on the amount of medical benefit will encourage more real medical breakthroughs and provide incentive for drug developers to ensure their discoveries get to the people who need them. By rewarding drug developers with direct payments rather than monopoly prices, competition will drive down the price of medicines. The medical innovation prize fund means society doesn't have to choose between developing cures for the future and making treatments affordable for the patients who need them today.

Type of Activities

Information Dissemination
Blog
The medical innovation prize fund
WIPO Broadcasting Treaty
OpenDocument format
Internet Governance Forum
Listserves

Staff

- James Love, Director.
- Manon Ress, Director, Information Society Projects.
- Ruth Trombka, Director, Development and Management.
- Jon Merz, Senior Fellow in International IP Law, Trade and Policy.
- Judit Rius Sanjuan Staff Attorney.
- Julie Patel, Researcher on Access to Medicine and IP issues and CPTech Website Designer & Manager.
- Ben Krohmal, Coordinator, Medical Innovation Prize Initiative.
- Malini Aisola, Research Assistant and Event Planner.
- Michelle Childs is CPTech's London Representative and Head of European Affairs.
- Thiru Balasubramaniam is CPTech's Geneva Representative.

Publications

- *Use of competition rules to address abuses of intellectual property rights*, James Love, October 26, 2006.
- *The WHO IGWG process and new paradigms for supporting R&D.*, James Love, October 25, 2006
- *IRS Data Show Increasing Pharma Income from Royalties*, Ben Krohmal, August 30, 2006
- *Korean A-7 Prices Compared to U.S. Prices*, Julie Patel, July 31, 2006
- *PhRMA says industry wide R&D outlays on medicines were \$51.3 billion in 2005*, James Love, July 17, 2006
- *Size of trials by status (S or P) - Some 2004 FDA and Parexel data compared*, James Love, July 14, 2006
- *Korea FTA negotiations on medicines will harm us too*, James Love in the Huffington Post, July 12, 2006

NGOs WORKING ON DRUGS

DEVELOPMENT ORGANIZATIONS

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Mission

ActionAid are an international development agency whose aim is to fight poverty worldwide. Formed in 1972, for over 30 years they have been growing and expanding to where they are today - helping over 13 million of the world's poorest and most disadvantaged people in 42 countries worldwide.

Issues of interest

They have prioritised five areas of work where they can make the most difference: education, HIV/AIDS, food, emergencies, women and girls.

IPRs: Position and Arguments

ActionAid has been working on HIV/AIDS since 1987, giving practical support to people living with the disease in 23 countries, as well as campaigning and lobbying rich governments and international institutions to make access to drugs, care and treatment fair and unbiased.

Treatment of positive people is linked to governance issues of neo-liberal reforms implemented by states under guidance of international monetary organisations like the IMF, World Bank and WTO. Conditions imposed by them require national governments to invest a large proportion of the budget towards repayments of debt. Added to this is a microeconomic policy focused on containing even minor inflation and setting rigid spending ceiling for the social sectors. Thus efforts by the state to increase expenditure on health are severely constrained.

Essential medicines, which fall under the patent regime of TRIPS, and the high costs involved ensure that the treatment is rendered inaccessible for the positive people, most of who are poor. Even the WTO provision to produce generic drugs in developing countries in order to reduce cost of treatment, will help only in the first stage of infection. Governments in Asia have to develop further plans to ensure availability of medicines and accessibility of treatment for those who have crossed the first level of infection.⁴⁶

Type of Activities

In Africa, 60 million people have been directly affected by the epidemic. ActionAid are working with the governments of Ethiopia, Rwanda, Burundi and Ghana to establish National AIDS Commissions and community support groups that act as lifelines in hard-hit regions.

In Asia, the virus is now spreading even faster than in Africa, with 7.2 million people infected. ActionAid have expanded their work across the region to help vulnerable people, such as

⁴⁶ *Positive Voices*, new report on HIV & AIDS in Asia

trafficked women and girls forced into prostitution, to fight for affordable treatment and access to AIDS prevention information.

ActionAid also helped develop Stepping Stones, a training programme that helps people explore their own sexual health needs, discuss the changes that they want, and find ways of making those changes. Stepping Stones programmes are currently used by 2,000 organisations in 100 countries worldwide.

Board of directors (31 December 2004)

Noerine Kaleeba Chair
Mary Kaphweleza Banda
Karen Brown
Patrick Dowling
Cândido Grzybowski
Roberto Kishinami
Janie Ligon (Vice Chair)
Diego Masi
Alexandra Mitsotakis
Sriprapha Petcharamesree
M. Ramaswami (Ramu)

Publications

Press releases:

[World Trade talks collapse](#), July 2006

[ActionAid condemns G8 for taking a year off from fighting global poverty](#), July 2006

[ActionAid's Get on Board bus asks Africa's poor to grade G8 progress on poverty](#), July 2006

[Aid should target the poor and not the rich, says ActionAid](#), July 2006

CARE International (UK)

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Mission

CARE International is one of the world's top three aid agencies, fighting poverty and injustice in 70 countries around the world and helping 48 million people each year

They believe passionately in the dignity of all people and make a long-term commitment to stay with the communities they work with until the job gets done. That's because they deal with challenging and complex issues - like HIV and AIDS or conflict - that do not have quick-fix solutions. They know the sticking plaster approach to aid does not work.

When disaster strikes, they are also one of the first to respond, ensuring that aid gets to where it is needed most. They can do this because they have often been working in countries for many years, and they stay to help communities rebuild their lives long after the tv cameras have gone.

Issues of interest

- Conflict and peace
- Emergencies
- HIV and AIDS
- Health
- Water and sanitation
- Food and farming
- Education
- Business partnerships
- Microfinance and markets
- Community organisation
- Gender
- Urban poverty

IPRs: Position and Arguments

CARE is calling for policy makers and governments to focus on helping people living with or affected by HIV and AIDS to earn money and live more secure lives.

AIDS and Economical Status: Stop fighting the HIV epidemic with medicine

“Anti-retroviral drugs on their own will never stop the spread of the HIV epidemic”, a report by CARE International said. Policy makers must start helping those affected by the disease to earn a stable income in order to actively halt its spread, the report claims.

Imaya Ephraim, CARE International UK's HIV and AIDS advisor, said: “Looking at HIV as a purely medical phenomenon is a massive simplification - and one that will cost lives. If we are to win the fight against the spread of HIV and AIDS around the world we must start giving people the opportunity to earn money, as well as supporting them with the medication they need.” (...)

CARE is fully supportive of campaigns for universal access to treatment for people living with HIV and AIDS and the belief that treatment will save lives. But they know that meeting people's

economic needs is just as important, and must be taken into account. Doing anything else is a serious oversight.”⁴⁷

Type of Activities

CARE’s work focuses on the most vulnerable and marginalised people in society and those most at risk from HIV and AIDS, in particular:

Orphans and vulnerable children. By 2010 17 million children are expected to have lost one or both parents to AIDS.

Mobile populations such as truck drivers or migrant workers.

Undocumented immigrants who are without legal rights, often uprooted from traditional support structures and excluded from healthcare.

Commercial sex workers who are at great risk of HIV and AIDS, but have no other way to make a living.

Those fighting stigma - people with HIV and AIDS and their families are often the subject of discrimination and exclusion.

CARE is a member of the Stop AIDS campaign

Staff

Geoffrey Denis, Chief Executive

Publications

- *CARE International UK & DFID Programme Partnership Agreement - Annual Report*, October 2006
- *Food, Nutrition and HIV: what next?*, August 2006. This briefing paper, which responds to Article 28 of UNGASS 2006, highlights the importance of adequate food and nutrition in mitigating against the impacts of HIV and AIDS. Author(s):CARE International and the Overseas Development Institute (ODI)
- *Analyzing Civil Society Participation in Country Level HIV/AIDS UNGASS 2006 Reviews* In consultation with other organizations working on HIV globally. CARE International commissioned a climate survey covering six countries (Cambodia, Kenya, Malawi, Thailand, United Kingdom, and Vietnam) to explore civil society experiences and document lessons learned in the country-level UNGASS 2006 national review process. Author(s):Kristin Kalla (Ed Amanda Costa and Sara Simon), May 2006

⁴⁷ Stop fighting the HIV epidemic with medicine alone, says CARE International
<http://www.careinternational.org.uk/?lid=7119&bid=27>

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Mission

CGD is an independent, not-for-profit think tank that works to reduce global poverty and inequality by encouraging policy change in the U.S. and other rich countries through rigorous research and active engagement with the policy community.

CGD was founded in November 2001 by Edward W. Scott, Jr., C. Fred Bergsten and Nancy Birdsall. A technology entrepreneur, philanthropist, and former senior U.S. government official, Ed provided the vision and a significant financial commitment that made the creation of the Center possible. Fred, the director of the Institute for International Economics (IIE), lent his reputation in academic and policy circles as well as providing the fledgling Center with a roof and logistical support within IIE for its initial months of operation. Nancy, a former head of the World Bank research department and executive vice president of the Inter-American Development Bank, became CGD's first president.

CGD's three founders perceived a growing need for independent research to generate practical, creative solutions to the challenges that global interdependence poses to the developing countries, starting with debt. *Delivering on Debt Relief: From IMF Gold to a New Aid Architecture* (April 2004), by Birdsall and John Williamson, a senior fellow at IIE, was the Center's first book.

Issues of interest

Policy-based Research. The Center undertakes independent, high-quality research in economics and other areas. Selected projects are conducted jointly with the Institute for International Economics, with which the Center has formed an alliance. The Center also strives to collaborate with developing country research institutions and specialists.

The Center's research addresses pivotal issues of development policy:

- Development Aid Effectiveness
- Global Health and Education
- Global Inclusion
- Migration
- Trade

Strategic Communications. One of the Center's key functions is to ensure that its research products and policy recommendations reach policy makers, advocates, and the general public. The Center has developed strategic communications tools including: policy briefs that synthesize its research and policy recommendations; issue briefs that offer short and timely analysis of key issues of immediate policy importance; strategically-timed events that draw current and former policy makers, academics, analysts and advocates from both developing and rich countries, and members of the media; and a website that features the experts, work and outreach activities of the Center.

Targeted Outreach. To maximize its impact on policy-making and advocacy, the Center has designed programs, products and an outreach strategy tailored to each of its key target audiences: U.S. executive and legislative branch officials and their counterparts in other rich

nations; development scholars from around the world; print, radio and television media outlets; and the general public. The Center is unique among research institutions in its active engagement with non-governmental organizations and advocacy groups, and is looking to expand its strategic partnerships with organizations that have broad-based U.S public constituencies.

IPRs: Position and Arguments

Examines the links between trade policy and global poverty reduction, the politics and policy of agricultural subsidies, bilateral vs. multilateral trade negotiations, and intellectual property rights.

HIV/AIDS Monitor: Tracking Aid Effectiveness

Billions of dollars in aid are flowing to developing countries to confront HIV/AIDS but relatively little is known yet about the effectiveness of this aid. The HIV/AIDS Monitor is designed to help fill this knowledge gap by tracking and analyzing key features of the way aid for HIV/AIDS is allocated and disbursed, while identifying lessons relevant to broader questions about the effectiveness of development assistance.

The analysis centers on the three major HIV/AIDS aid initiatives: The Global Fund to Fight AIDS, Tuberculosis and Malaria; The President's Emergency Plan for AIDS Relief (PEPFAR); and the World Bank's Multi-Country HIV/AIDS Program (MAP). Despite a common commitment to fighting the epidemic, each donor implements programs in different ways with different targets. Based on global-level analysis and case studies from four African nations, the HIV/AIDS Monitor hopes to contribute to improvements in the efficiency and effectiveness of the major aid initiatives.

Type of Activities

Today CGD conducts research and analysis on a wide range of topics related to how rich country policies impact people in the developing world. These include, for example, aid effectiveness, education, globalization, health, migration, and trade. Research and analysis that is related to proposals for specific, practical improvements in rich country policies is organized into initiatives, such as an advance market commitment for vaccines or debt relief for Nigeria.

Their Commitment to Development Index, conceived in partnership with Foreign Policy Magazine, quantifies the full range of rich country policies that have an impact on poor people in developing countries. The Index's annual rankings have become a tool for discussions not only of aid, debt and trade, but also of environmental, security, and immigration policies.

In the short time since its founding, CGD has rapidly earned a reputation as a unique "think and do" tank, where independent research is channeled into practical policy proposals that help to shape decisions in Washington and other rich country capitals.

The Center's research and analysis have contributed to a growing recognition of the need for deeper and faster debt relief, and for more and better quality development assistance. Their trade policy research captured the world's attention, with the oft-cited finding that liberalization could liberate from poverty 500 million people.

They have put on the global agenda proposals to use the market to develop a malaria vaccine; to allow more temporary labor migration; to sell IMF gold to write down poor countries' debt; to give the World Bank a strong mandate for addressing global warming; and to create a club for independent evaluation of development investments.

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Mission

Oxfam International was founded in 1995, formed by the group of like-minded independent non-government organizations, who wanted to work together internationally to achieve greater impact in reducing poverty by their collective efforts. The name "Oxfam" comes from the Oxford Committee for Famine Relief, founded in Britain during the second world war in 1942. This group of Oxford citizens campaigned for grain ships to be sent through the allied naval blockade to provide relief for women and children in enemy-occupied Greece.

Oxfam International is an international confederation, comprised of 12 independent non-governmental organizations dedicated to fighting poverty and related injustice around the world. Their mission is a just world without poverty and their goal is to enable people to exercise their rights and manage their own lives.

Issues of interest

Development: They work on diverse issues such as gender, HIV/AIDS and human rights both internationally and domestically.

Emergencies: Oxfam's humanitarian work is not limited to crisis response, but covers a full range of activities including, advocacy, prevention, preparedness, direct response and rehabilitation. They work in situations created by war, drought, floods, earthquakes and famine.

Campaigning: Oxfam International has campaigning staff in the following locations:

[Washington, DC](#) - World Bank, IMF

[New York](#) - United Nations

[Geneva](#) - WTO

[Brussels](#) - European Commission

IPRs: Position and Arguments

(<http://www.maketrade-fair.com/en/index.php?file=05092003140550.htm>)

Trans-national drug companies helped to set up, and will benefit directly from, TRIPs. The companies hold more than 90 per cent of drugs patents and, thanks to these patents, are able to charge high prices for their drugs and prevent the sale of cheaper versions (called generics).

In a nutshell patents keep medicine prices high, so poor people can't afford them.

Drug companies argue that the protection of patents enables them to recoup the costs of the research and development that went into their production. This is true but it's rich country markets that generate super profits for the drug companies - poor people should not pay the penalty for protecting those markets.

Until recently, cheaper copies of life-saving medicines (generics) have been produced by some companies, many of which are based in poor countries. These have offered poor people an affordable alternative to expensive brand-name medicines. The new patent rules threaten this practice because drug companies will be able to use TRIPs to rigidly enforce their patents in poor as well as rich countries. A recent - much publicised - deal by the World Trade Organisation on TRIPs and access to medicines does little to help poor people access affordable medicines when they are sick.

Type of Activities

Oxfam is calling for the World Trade Organisation to reform TRIPs so that poor country governments have the unambiguous right to obtain the cheapest possible life-saving medicines, without facing the threats of legal challenges or trade sanctions. Oxfam is also calling on the pharmaceutical industry, including GlaxoSmithKline and Pfizer, to support reforms to TRIPs, not to block developing countries from getting access to affordable generics medicines, and to set realistic prices for their medicines so that people who need them in poor countries can afford them.

Together with poor country governments and organisations such as Medecins sans Frontieres, Voluntary Services Overseas and the Treatment Action Campaign they claimed they have achieved real change - both in the rules that govern patents and in the attitudes of companies.

Publications

TRIPs and public health: the next battle, March 2002

Policy paper arguing to lift TRIPs restrictions on exports of public health related products

This Oxfam policy paper looks at how the Trade-Related Aspects of Intellectual Property Rights (TRIPs) agreement may prevent many developing countries from finding affordable sources of vital new medicines. This is because as soon as India and other developing-country generic producers comply with TRIPs, which they must do by January 2005, these cheaper supplies of medicines will begin to dry up.

Fatal side effects: medicine patents under the microscope, February 2001

Oxfam argues that governments must amend global patent rules to ensure that impoverished people have access to the medicines at prices they can afford.

Beyond Philanthropy (Oxfam, VSO and Save the Children)

In this report, Oxfam, Save the Children, and VSO challenge the pharmaceutical industry to improve its efforts to tackle the health crisis affecting children and adults in developing countries.

Press releases

Oxfam warns of threat of regional trade deals for poor countries, 04 August 2006

Rich countries not off the hook after breakdown of WTO talks, 26 July 2006

Oxfam says EU must change its mindset at WTO, 25 July 2006

Suspending WTO talks resolves nothing, 24 July 2006

Voluntary Service Overseas (VSO)

<http://www.vso.org.uk/index.asp>

317 Putney Bridge Road
LONDON, SW15 2PN
United Kingdom

Phone. +44 (0)20 8780 7200

Mission

The approach to volunteering has changed dramatically over the years. They no longer send school-leavers - today the average age of a volunteer is 38 and most placements are for two years. They are a leading development charity with almost 2,000 skilled professionals currently working in over 40 countries. They respond to requests from governments and community organisations throughout Asia and Africa.

The volunteers aim to pass on their expertise to local people so that when they return home their skills remain. Volunteers can be aged between 20 and 75 years old and must have a formal qualification and some work experience. Regular postings are for two years and volunteers are provided with accommodation and a local level allowance as well as air fares and insurance.

Issues of interest

These services may include:

- International Volunteering VSO recruits skilled volunteers with professional qualifications and experience from a range of disciplines from around the world to live and work in local communities, sharing skills and changing lives.
- Business Partner exchanges These are opportunities for VSO's partners to visit other countries to experience different ways of working, including study tours, work placements and exchanges.
- Support with National Volunteering National volunteering aims to promote active citizenship and empower people to contribute to the development of their own communities.
- Support with Diaspora Volunteering Diaspora volunteering aims to encourage people interested in using their skills and commitment in their countries of heritage.
- Youth Volunteering VSO's Youth for Development programme provides an opportunity for young people to work with our overseas partners and contribute towards the achievement of VSO's development goals.
- Global Xchange These programmes are team-based exchanges for young people aged 18-25. Each team comprises nine from the UK and nine from the partner country. The teams spend three months in a host community in the partner country working together on community placements.
- Partnership opportunities VSO's 'Find a Volunteer' programme enables a wide range of agencies to access skilled professionals from a register of 3,700 volunteers to support their international development programmes.

IPRs: Position and Arguments

HIV & AIDS

They work alongside their partner organisations to combat stigma, raise awareness and increase the availability of treatment, care and support for those infected and affected by the HIV & AIDS pandemic.

Type of Activities

Taking action and campaigning for change

Campaign with VSO to challenge the policies and practices of governments, international institutions and corporations that affect the lives of people in poor.

- VSO's Education Campaigns
- VSO's HIV & AIDS Campaigns
- Other campaigns VSO supports

Despite the fact that treatment is now available, there are still only 1.3 million people receiving it (out of an estimated 6.5 million people in need). This is one of the things VSO is campaigning to change through the Stop AIDS Campaign.

Staff

Mark Goldring, Chief Executive

Publications

Position Papers

- *Reducing the burden of HIV & AIDS care on women and girls*, March 2006
- *Drug Deals: Medicines, development and HIV/AIDS* , 2000
- *Street Price: Making medicines affordable for poor countries* , 2001

NGOS WORKING ON HEALTH AND HIV/AIDS

Act Up (AIDS Coalition to Unleash Power)

ACT UP New York : www.actupny.org

ACT UP Paris : www.actupparis.org

ACT UP Philadelphia : www.critpath.org/actup

ACT UP San Francisco : www.actupsf.org

Mission

ACT UP New York in March of 1987.

ACT UP is a diverse, non-partisan group of individuals united in anger and committed to direct action to end the AIDS crisis. ACT UP groups exist in France and in United States.

Means of Action

- “We meet with government and health officials; we research and distribute the latest medical information. We protest and demonstrate; we are not silent.
- We challenge anyone who, by their actions or inaction, hinders the fight against AIDS.
- We challenge anyone who doesn't work for adequate funding or leadership for AIDS research, health care, or housing for people with AIDS;
- We challenge anyone who blocks the dissemination of life-saving information about safer sex, clean needles, and other AIDS prevention;
- We challenge anyone who encourages discrimination against people who **are** living with AIDS.”

IPRs: Position and Arguments

Dossier de presse d'Act Up-Paris : [Cinq ans après, l'accord OMC sur l'accès aux médicaments est un échec](#)

« Les candidatEs à la présidence de la République doivent s'engager

Le 14 novembre 2001, la conférence ministérielle de l'Organisation Mondiale du Commerce (OMC), réunie à Doha (Qatar), adoptait une « Déclaration sur la propriété intellectuelle et la santé ». Selon les termes de cette déclaration, les pays en développement étaient autorisés à contourner les monopoles liés aux brevets, lorsque cela est nécessaire pour assurer l'accès aux médicaments pour l'ensemble de leurs populations.

Cinq ans après, selon des chiffres de l'Organisation Mondiale de la Santé (OMS), 74% des médicaments anti-sida sont sous monopole et 77% des AfricainEs n'ont toujours pas accès aux traitements antirétroviraux. »⁴⁸

Type of Activities

Direct Action

Production and dissemination of information on AIDS, prevention and drugs

Advocacy

Examples:

AIDS Cure Project Papers

Board of directors

There is no president or Board of Directors in ACT UP.

⁴⁸ ACT UP Paris. “Cinq ans après, l'accord OMC sur l'accès aux médicaments est un échec” [Online] www.actupparis.org (November 2006)

AIDS Vaccine Advocacy Coalition (AVAC)

<http://www.avac.org/>

101 West 23rd St. #2227

NEW YORK, NY 10011

USA

Phone: +1 212.367.1279

Fax: +1 646.365.3452

Mission

Founded in 1995, the AIDS Vaccine Advocacy Coalition's (AVAC) mission is to speed the ethical development and global delivery of preventive HIV vaccines. AVAC is a watchdog, educator and advocate. They address ethical issues, critique the work of industry and government, provide education and mobilization services, and speak on behalf of affected communities with a credible, impartial, and objective voice. AVAC is a coalition of volunteer advocates and paid staff.

AVAC is dedicated to accelerating the ethical development and global delivery of vaccines for AIDS. AVAC does not accept funding from government or the pharmaceutical industry.

Issues of interest

As AVAC continues its work towards accelerating research and global delivery of a safe and effective AIDS vaccine, its work is part of the comprehensive response to the epidemic that includes other prevention technologies and treatments.

IPRs: Position and Arguments

Small Patents as a Limitation of Cross-Experimentation

As of September 2001, AVAC legal advisors were able to identify over 1000 issued patents in thirteen selected HIV-specific vaccine component categories. These are held by numerous assignees including government, academic, and industry holders. Many more related specific compounds, methods, and processes are known to exist. Every one of these patents holds some potential for limiting cross-experimentation and for their owners to pursue claims for royalties—as complex vaccine approaches move forward. A vision of this potential impact was seen last year in a public glimpse into the rights connected with the Merck approach of DNA vaccine with adenoviral boost. Basic DNA gene-delivery technology is licensed from Vical Incorporated in the United States by Merck but many other groups are developing DNA vaccines without such licenses. Vical's European patent for its core naked DNA technology to deliver nonviral genetic material, including use as part of a vaccine, was successfully opposed by six other companies and found to be not valid for European applications. Merck's adjuvant technology is licensed from CytRx Corporation. Their product also uses an adenoviral vector boost, the validity of which appears so far unchallenged. However, last year when Introgen Therapeutic was issued a broad patent for producing adenovirus vectors (U.S. Patent No. 6,194,191), its Vice President for Intellectual Property was quoted as saying, "We expect that companies will have an interest in talking to us once they have picked themselves up off the floor." Everyday, these news items impact the business decisions of companies and investigators with interesting scientific ideas. They must continually assess whether they can afford to go forward with their ideas and whom they will have to pay if they're successful.

Although many vaccine candidates are in progress, the complex arrangements involving cross-licensing and other means to secure required intellectual property from a large number of entities—each seeking royalty shares—may increase development costs significantly and slow innovation and research. The proliferation of patent applications for small, perhaps trivial, improvements to existing technologies and the issuance of patents covering broad biotech applications garnered the scrutiny of the Chairman of the Federal Trade Commission. In a speech last November, the Chairman expressed grave concerns about the permissiveness of the U.S. patent system and its potential to block use and extension of technologies.

“Patent Pools”

In addition, patent infringement risks and challenges rise with the number and complexity of rights needed for HIV vaccines—products that require a higher degree of property right assignment and licensing than many other complex technologies. Some of the increased cost-and-risk impacts attributable to complex intellectual property arrangements for HIV vaccines may be mitigated by carefully constructed “patent pools” or consortia open to the broad class of government, university, and private owners of the numerous elements required for HIV vaccine research. Patent pools for biotechnology research have received encouragement recently from the U.S. Patent Office. There are several considerations in constructing a pool that enhances research potential, minimizes risk, and optimizes reward for participants while helping to lower costs of a final efficacious vaccine. AVAC invites interested parties to discuss these possibilities with us in more detail as we strive for viable means to initiate patent pooling for HIV vaccines.⁴⁹

Type of Activities

AVAC currently focuses on four priority areas:

- Develop and advocate for policy options to facilitate the expeditious and ethical development, introduction and use of AIDS vaccines and other new prevention technologies.
- Ensure that rights and interests of trial participants, eventual users and communities are fully represented and respected in the scientific, product development, clinical trial and access processes.
- Monitor the AIDS vaccine field and mobilize political, financial and community support for AIDS vaccine research as part of a comprehensive response.
- Build an informed, action-oriented global coalition of civil society and community-based organizations exchanging information and experiences.

Board of directors

- Mike Powell, San Francisco, CA, President
- Dana Cappiello, Woodside, CA, Treasurer
- Sam Avrett, New York, NY
- Maureen Baehr, New York, NY
- Chris Collins, New York, NY
- Pontiano Kaleebu, Entebbe, Uganda
- Alex Menezes, New York, NY (Brazil)
- Robert Reinhard, San Francisco, CA
- Luis Santiago, New York, NY
- Jim Thomas, St. Louis, MO
- Steve Wakefield, Seattle, WA

Emeritus Board Member Bill Snow, Berkeley, CA . Bill Snow has been an advocate for HIV vaccines since 1990, first through ACT UP New York and then through ACT UP Golden Gate (now called Survive AIDS).

Advisors Patricia Fast, New York, NY, Margaret Liu, San Francisco, CA

Staff

Mitchell Warren, Executive Director
Emily Bass, Senior Publications and Program Advisor
Kevin Fisher, Senior Policy, Strategy and Research Associate
Edd Lee, Director of Community Education and Outreach
Deirdre Grant, Project Assistant

Publications

5 Years and Counting: 2002, Science, Urgency, and Courage (May 2002)

⁴⁹ AVAC (2002). *5 Years and Counting: 2002. Science, Urgency, and Courage.*

African Aids Action

<http://www.africanaidaction.org/>

P.O. Box 942326,
ATLANTA, GA 31141
U.S.A.

Mission

To set up a manufacturing facility for producing life-saving anti-retroviral drugs and other basic medicines on a not-for-profit basis in Africa and make them universally affordable and accessible to all Africans by 2008. To empower Africans to combat those killer diseases that are threatening their existence, by transferring technology and knowledge to their continent.

African AIDS Action was founded by Eyob Ghebre-Sellassie, an African-British citizen, in 2001. The idea to set up this organization came after his childhood friend, who was dying from HIV/AIDS-related disease in Africa, asked Eyob to send him HIV/AIDS drug treatments to save his life. When Eyob went to his local chemist to obtain one year's supply of HIV/AIDS drug treatments for his friend, the pharmacist told him that the cost was £12,000 (without hospital fees). Eyob was utterly shocked and felt helpless at not being able to help his dying friend in Africa. He questioned the justice in losing a friend because the HIV/AIDS drug treatments were too expensive.

Issues of interest

Strategy and Implementation Plan for Establishing an Anti-Retroviral Drug Manufacturing Base in Africa and its Implications (2004)

IPRs: Position and Arguments

It is widely acknowledged that high drug price stands in the way of the universal treatment for ordinary Africans to access to HAART (Highly Active Anti-Retroviral Treatment). The multinational pharmaceuticals that are patent holders have claimed since the beginning that the high drug price results from two facts: 1) tremendous cost in R&D (Research and Development); 2) the difficulty in making the drugs. However, these two long-held, almost clichéd 'facts', which have been used to justify the exorbitant drug price charged by the big pharmaceuticals, are ruthlessly challenged.

Myth 1: Tremendous Cost in Research & Development (R&D)

R&D only occupies a small proportion (less than one ninth) of big pharmaceuticals' turnover, and it also relies on heavy financial support from the government.

Myth 2: Production Complexity

For years, the multinationals claimed it cost so much to make their AIDS drugs, and they were so hard to make. Now we know it's simply not true. The generics make these drugs for pennies, and they make other drugs too. So the secret is finally out. The truth is the profits in this industry have been just staggering.⁵⁰

Type of Activities (project)

Producing the Drug

"We want to save our young people dying from HIV/AIDS by providing them with necessary treatment. This will improve their quality of life and enable them to look after themselves, their families and their communities. In addition, provision of medicines will create hope where there is despair and reduce further spread of the HIV pandemic.

To achieve our objectives, we want to provide AIDS drug treatments by producing them on a not-for-profit basis and in large volume so that they can be affordable, accessible and available to

⁵⁰ Strategy and Implementation Plan for Establishing an Anti-Retroviral Drug Manufacturing Base in Africa and its Implications (2004), p.

everyone who needs them. These medications must be available for every African regardless of gender, age, faith and social status.”

Consultation

A robust consulting service will target some core issues that the clients will face in the after-sales period and allow the drug treatments to seamlessly and smoothly reach the patients without delay. Equally importantly, such a service will foresee the potential difficulties that the clients will encounter and offer tailor-made solutions to pre-empt these difficulties as part of the package of the drug treatments sales. This will dramatically increase the capacity to distribute and sell. The core issues include: legal advice regarding compulsory licensing & parallel import, distribution system, devising & implementation of an AIDS programme and campaigning.

Distribution

They will set up distribution centres throughout Africa to make sure the HIV/AIDS medicines are readily available and within reach of those who need them before their expiry dates.

Research and Development

Monitoring the effect of treatment on patients. Acting as an information centre collecting field data in Africa and disseminating to other world medical research centres. Contributing to the most cutting-edge research in AIDS, tuberculosis & malaria.

Board of directors

Chair: Eyob Ghebre-Sellassie, Founder

President: Fletcher M Phiri MD

Secretary: Erimais Misgna

Treasurer: Samuel Berhane

Members

Yared Alem

Eskindr Habte

Publication

Strategy and Implementation Plan for Establishing an Anti-Retroviral Drug Manufacturing Base in Africa and its Implications, Eyob Ghebre-Sellassie (2004).

Copy=right

<http://www.genericsnow.org/>

c/o Act Up-Paris

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Mission

International association for access to generics HIV drugs

First international summit for access to generic HIV drugs. Date will be known soon

Issues of interest

Access to treatment

Pressure against the South

Promote access to generics

IPRs: Position and Arguments

Treatments are still too expensive, and beyond reach for countries in the South, which are yet the most devastated by the pandemic.

To promote access to generics is not only to speak about access to treatments, but also to pose the question of how policies inform the struggle against AIDS at the international level. It is also to allow the diffusion of reliable quality information on generic drugs and copies.

Brazil and India's manufacturing of copies of these drugs, which were developed by Western companies, is entirely legal. Indeed, these products have never been under any patent, neither in Brazil nor in India. The reason for this is that at the time when these medicines were invented, drugs were on the list of non-patentable products in both Brazil and India. Therefore there were no restrictions on manufacturing copycat versions of drugs. A consequence of this is that antiretrovirals are on average 80% cheaper there than in countries where there are patents.

However, due to the standardization of intellectual property systems imposed by globalization and the WTO (created on January 1, 1995) Brazil has been forced to grant 20-year long pharmaceutical patents, and India must do the same, before 2005.

Commercial Pressure :

The American "Special 301" list was introduced in 1988 and was used by the United States Trade Representative against more than thirty countries, to secure the interests of American companies and to inflict commercial penalties on the countries whose laws on intellectual property put companies at a disadvantage. India, Brazil, Argentina and Egypt were the first targets.

The organisers

- *Act Up-Paris* : > www.actupp.org French association fighting AIDS, originating from the Gay and Lesbian community, created in 1989. The North/South Committee has been working for some time on the problem of access to AIDS treatments in the countries of the South.
- *ReMeD* : > www.remed.org Réseau Médicaments et Développement / Drugs and Development Network. International network of professionals (pharmacians, doctors, managers, economists etc.). Its activities have a goal to improve the availability, the quality and the good use of drugs, especially in Africa.
- *Planet Africa* : > www.planeta.online.fr People Living with Aids NETWORK, Africa. Association aiming to facilitate and develop exchanges between associations of people affected with HIV/AIDS in various countries of Africa on the one hand, and between those associations and Western activist groups on the other hand. It acts to strengthen the autonomy and capacity for action of the people affected and to work out and promote

common requirements by setting up electronic means of communication and a policy of construction and exchange of information within this network.

- *RAP+* : African Network of People with HIV/AIDS, network of associations of people affected, which provides a means of mutual support for its members and an exchange of ideas, experiences and resources.
- *WOFAK* : Women Fighting Aids in Kenya, a coalition of associations of women affected by HIV, associations focusing on HIV disease treatment, and of activists working primarily from a social perspective, whose action is directed towards support for those affected and orphans.
- *ANSS* : National Association of People Affected of Burundi, working primarily from a point of view of assumption of community responsibility outside of hospitals. It also ensures the functions of reception, screening, advice and the assumption of medical, psychosocial and material responsibility.
- *TAC* : > www.tac.org.za Treatment Action Campaign, association of people affected in South Africa, created in 1998. Its action focuses on access to treatment, by the diffusion of information and knowledge of the stakes of quality, cost and use of treatments for HIV, while fighting against the idea that AIDS constitutes a death sentence.
- *RSB* : Health Renaissance Bouake, association of people affected in the Ivory Coast, ensuring a major activity in the field of the prevention as well as assumption of responsibility for AIDS patients, by means, among others, of home help and a transit center for AIDS patients.
- *ICW* : > www.icw.org International Community of Women living with HIV/AIDS. International association of women affected, fighting against isolation of HIV-seropositive women by controlling the stakes and self-sufficiency within the framework of exchange of information and mutual support. It is aimed at allowing seropositive women to be involved in the making of local, national and international decisions that have an impact on their lives.
- *ACT UP PHILADELPHIA* : > www.critpath.org/actup The Aids Coalition to Unleash Power is an American association of HIV positive people and their allies fighting for the rights of all persons living with AIDS. Their action is international in scope.
- *The Burkinian Committee* : formed in Burkina Faso to participate at the summit. It includes members of national institutions, doctors engaged in the fight against AIDS and representatives of associations, such as Association African Solidarité (AAS) and CIC DOC.
- *HAI* : > www.haiweb.org Health Action International is a network made up of more than 180 health associations, which promote the rational and ethical use of medicines.
- *Health GAP* : <http://www.healthgap.org> An American coalition of associations fighting against the inequalities of health access to treatment between North and South.
- *MSF* : > www.paris.msf.org Médecins Sans Frontières/Doctors Without Borders. International network created in 1971. Its objective is to bring medical aid to afflicted populations in crisis situations and to act as a witness in these crises. The association relies on its own professional experience as well as on volunteers found in local populations.
- *Oxfam GB* : > www.oxfam.org.uk a development, relief, and campaigning organization dedicated to finding lasting solutions to poverty and suffering around the world. Oxfam GB believes that every human being is entitled to a life of dignity and opportunity; and works with poor communities, local partners, volunteers, and supporters to help this become a reality.
- *CPT* : > www.cptech.org Consumer Project on Technology, American consumers association, specialised on questions of intellectual property concerning drugs.

Global Network of People Living with HIV/AIDS

<http://www.gnpplus.net/>

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Mission

The Global Network of People living with HIV/AIDS (GNP+) is a global network for and by people with HIV/AIDS. The mission of GNP+ is to work to improve the quality of life of people living with HIV/AIDS. The central secretariat of GNP+ is based in Amsterdam, The Netherlands

IPRs: Position and Arguments

GNP+ advocates for: access for primary care, including HIV testing, counselling, and support, development of health infrastructures, and development and equitable distribution of affordable anti-retrovirals and medications for opportunistic infections for all the millions infected worldwide. Within the scope of the component of the Global Advocacy Agenda, GNP+ supports a number of strategies including parallel importing, compulsory licensing, and lobbying for lower drug pricing and a massive increase in money pledged to the Global Fund to Fight AIDS, TB, and Malaria

The Global Fund

From originally participating in the Transitional Working Group established to set-up the Global Fund to Fight AIDS, Tuberculosis, and Malaria GNP+ continues to take an active role in Global Fund leadership. GNP+ provides HIV+ positive representation to the Board of the Global Fund, and the International Coordinator of GNP+ is Co-chair of the Resource Mobilization Committee. In addition, GNP+ is the communications focal point for the delegation of people infected and affected by HIV/AIDS, Tuberculosis and Malaria. As part of this role, GNP+ recently completed a study on PLWHA involvement in the Country Coordinating Mechanisms of the Global Fund.

Type of Activities

Advocacy
Capacity Building
Communication

Publications

Voice and Visibility: Frontline perspectives on how the global news media reports on HIV/AIDS (November 2006)

CCM Handbook and Guidelines, POLICY, GNP+ and GTZ produced this tool to increase involvement of people living with HIV/AIDS in the Global Fund to Fight AIDS, TB and Malaria (GFATM Country Coordinating Mechanisms (CCMs).

“Challenging, Changing and Mobilising: A Guide to PLHIV Involvement in Country Coordinating Mechanisms”. The handbook includes suggested policies and processes

Health GAP (Global Access Project)

<http://www.healthgap.org/>

| | | |
|-------------------------|------------------------|-------------------------|
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| | | Fax +1 (415) 863-4740 |

Mission

Health GAP is an organization of U.S.-based AIDS and human rights activists, people living with HIV/AIDS, public health experts, fair trade advocates and concerned individuals who campaign against policies of neglect and avarice that deny treatment to millions and fuel the spread of HIV. It is dedicated to eliminating barriers to global access to affordable life-sustaining medicines for people living with HIV/AIDS as key to a comprehensive strategy to confront and ultimately stop the AIDS pandemic. They believe that the human right to life and to health must prevail over the pharmaceutical industry's excessive profits and expanding patent rights.

Issues of interest

Advocating for funding of AIDS treatment programs and the Global Fund to Fight AIDS, TB, and Malaria

This fund, first called for by U.N. Secretary General Kofi Annan, holds the promise of funding AIDS treatment programs in developing countries if adequately funded and operated on a policy which prioritizes filling the gaps. Much more needs to be done in order to address the historical and deadly neglect of multilateral and bilateral assistance in caring for those already infected with HIV. Since the beginning of the epidemic and, still to this day, a single U.S. government donated dollar has yet to be spent on antiretroviral treatment in Sub-Saharan Africa.

Reforming US and world trade policies:

Health GAP has led a successful campaign to change U.S. trade policies that punished African countries that attempted to produce or import affordable generic AIDS drugs. In addition to targeting threatened use of trade sanctions, Health GAP has campaigned against the international intellectual property regime (the WTO TRIPS Agreement) and national patent laws that have restricted access to high quality affordable medicines. However, the US government continues to prioritize pharmaceutical profits and oppose generic competition through its influence over the WTO, United Nations institutions, as well as through bilateral trade agreements with poor countries: including the Chile Trade Agreement, Central America Free Trade Agreement (CAFTA), and Free Trade of the Americas (FTAA). The World Trade Organization, while recently reaffirming the primacy of public health over profits of pharmaceuticals, in its Doha Declaration, still needs to acknowledge and protect the rights of countries to manufacture and export generic versions of patented drugs into developing countries with limited production or market capacity whether they have patents or not.

Challenging Multinational Corporations to provide HIV/AIDS treatment to workers:

While Health GAP believes the onus of protecting public health is upon the public sector, the private sector has much to bear on the continued spread and neglect of HIV among communities in which they operate in developing countries. Corporations, such as Coca-Cola and the huge mining concern, Anglo-America, continue to flout the most fundamental need among HIV positive workers in the developing world: the urgent need for access to affordable, life-extending HIV treatment and care. Working with international and domestic allies Health GAP challenges multinational corporations to fulfill an obligation to implement comprehensive HIV/AIDS workplace policies that include a provision for AIDS treatment for workers and their dependents.

Fighting for debt cancellation:

Foreign debt handicaps the ability of the most affected countries to confront the AIDS epidemic. They work with global allies to win full cancellation of debt owed the IMF and World Bank by poor countries, using the resources of those financial institutions. We oppose structural adjustment programs and similar requirements that weaken public health systems, obstruct treatment access, and accelerate the spread of HIV.

Pressuring drug companies:

The pharmaceutical industry maintains its extraordinary profits in rich countries, and sabotages poor countries' efforts to produce or import affordable generic drugs—although drug companies generate little-to-no profit in poor countries. They expose and actively oppose these efforts and will build support for poor countries' right and responsibility to care for their people.

IPRs: Position and Arguments

No charity

Sustained access cannot result from industry-controlled charity programs. Multiple strategies are needed to lower drug prices to affordable levels. These strategies include generic production, voluntary and compulsory licensing and parallel importing. A system of global bulk procurement at lowest world prices is crucial if people living with HIV in the poorest countries are to have access to treatment. They reject efforts by industry or governments to deny or restrict the right of countries to exercise these and other strategies to protect the health of their people.

CAMPAIGNS > Patents and Medicine

“Pills Cost Pennies—Greed Cost Lives”

There is a crisis in prices of second-generation antiretrovirals (ARVs), most of which are patent protection and are not available in easy to take fixed-dose combinations.

The attack on access to affordable treatment has manifested itself in the U.S. Congress narrow approval Central American Free Trade Agreement (CAFTA). This agreement severely limits the ability of generic companies to maintain their important role in manufacturing and distributing essential medicines to the hundreds of thousands of individuals with HIV in the region.

And some countries who have been at the forefront of producing drugs for their own population or for sale abroad are now struggling to continue treatment or producing medicines critically needed around the world; second-generation ARVs. Brazil is receiving animosity from the U.S. as it works to negotiate a lower price for key medicines in its national treatment program.

India and Brazil, as well as other countries; must make full use of the flexibilities in the Doha Declaration such as compulsory licensing and fend off attempts by the US government and their corporate backers to undermine efforts to provide life-saving treatment which are only exacerbating the spread of the AIDS pandemic.

Breaking Down Intellectual Property and other Legal Barriers to Affordable Medications

A key goal that has guided Health GAP's actions since its founding is the need for countries to be able to legally produce and/or import the most affordable quality drugs possible, most often generics. This ideal has been repeatedly blocked by intellectual property rules (patent rights and data protection rules) in so-called free trade agreements. Thus, a defining role of Health GAP has been to advocate against global, regional, and bilateral trade agreements that elevate intellectual property protections over public health needs.

Beginning in 1999, they targeted the WTO multilateral Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS), as well as the bilateral pressure the US government and pharmaceutical companies were placing on South Africa and other developing countries. By 2000, they were also protesting the US unilateral threats of sanctions against the Dominican Republic, the Philippines, Thailand and Argentina and in 2001 they protested a U.S. WTO

complaint against Brazil. Later in 2001, Health GAP was an important member of the broad civil society coalition that won a key victory at the WTO Ministerial Meeting held in Doha, Qatar. The resulting "Doha Declaration" was a critical interpretation of TRIPS that explicitly prioritized public health over intellectual property, and that emphasized the obligation of governments to provide access to medicines for all.

The struggle between pharmaceutical companies seeking to extend intellectual property protections for their products and developing countries seeking to provide affordable and universal treatments for their citizens is ongoing. The strategies of the pharmaceuticals and the governments that support them take many forms in international, regional and bilateral trade agreements. The U.S. Trade Representative has sought heightened intellectual property protections and elimination of existing lawful flexibilities for accessing more affordable medicines in multiple venues including the Free Trade Agreement of the Americas, the Central American Free Trade Agreement (pending), the Andean Free Trade Agreement, the Southern African Custom Union Free Trade Agreement and many, many others. In these agreements, the U.S. seeks not only to extend patent rights and reduce TRIPS-compliant flexibilities, it is also seeking to erect a new barrier called data exclusivity that will delay or prevent registration/marketing approval of bioequivalent generic medicines. In each of these contexts, Health GAP has worked in alliance with civil society and activist communities in a wide variety of countries to oppose the expansion of drug companies' monopoly rights.

Type of Activities

They campaign for drug access and the resources necessary to sustain access for people with HIV/AIDS across the globe.

They work with allies in the global South and in the G-7 countries to formulate policies that promote access,

Mobilize grassroots support for those policies, and

Confront governmental policy makers, the pharmaceutical industry and international agencies when their policies or practices block access.

Their first work was devoted to calling attention to the plight of millions of people without access to treatment, and to the reasons why access to affordable medications was blocked. Later, they worked to influence policies and resource allocations of the United States and other developed countries at the same time that they advocated policy reforms by international bodies including the World Health Organization, the Joint United Nations Program on HIV/AIDS (UNAIDS), the World Trade Organization, the International Monetary Fund (IMF) and World Bank, and the Global Fund for AIDS, Tuberculosis and Malaria (Global Fund). At all times, they have sought to do this work in solidarity and in alliance with people living with HIV/AIDS and treatment activists in the Global South and throughout the world.

This work has been accomplished over a five-year period through a variety of campaigns. Below is a summary and discussion of six interrelated goals:

- Raising the profile of global HIV/AIDS on the agendas of international organizations and, especially, the United States government; mobilizing resources in support of treatment and related activities;
- Expanding treatment access;
- Breaking down legal barriers and intellectual property rules that interfere with developing countries' production and procurement of affordable generic medications;
- Supporting activist and PLWHA groups in developing countries; and
- Serving a catalyst, "change agent" role within the advocacy community of the Global North.

Health Alliance International

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Mission

Health Alliance International supports the development of equity-oriented policies & public-sector health systems. Their vision is a just world with universal access to quality health care.

Issues of interest

- Raise awareness of the links between economic and political equity and health;
- Promote policy and structural changes that address widespread poverty and the systemic inequalities of opportunity that perpetuate it;
- Increase access to quality health care among disadvantaged populations, including the right to effective care and treatment for HIV/AIDS, with a focus on strengthening public sector programs.

Type of Activities

In collaboration with local Ministries of Health, HAI administers a variety of health-related projects in Mozambique and Timor-Leste (East Timor). HAI programs are based on a model of public partnership and sector-wide support of health-systems.

Board of Directors

- Executive Director: Stephen Gloyd, MD, MPH
- Director of Timor-Leste Operations: Mary Anne Mercer, DrPH
- Director of Mozambique Operations: James Pfeiffer, MPH, PhD
- Director of New Initiatives: Wendy Johnson, MD, MPH
- Technical Advisor, HIV/AIDS Treatment & Operations Research: Mark Micek, MD, MPH
- Timor-Leste Program Advisor: Susan Thompson, MPH

Staff

Director of Headquarter Operations : Daniel Chang, MPA

Publications

- *"Sickness and Wealth - The Corporate Assault on Global Health"* Edited by Meredith Fort, Mary Anne Mercer, Oscar Gish. Published by South End Press, Boston. 2004. ISBN #0-89608-716-6
- *Economic Equality is Best Medicine*. The Seattle Post-Intelligencer. Stephen Bezruchka (2006).
- *World Bank, International Monetary Fund must not block AIDS Funding.*, The Plain Dealer. Wendy Johnson, James Pfeiffer (2005)

International Community of Women Living with HIV/AIDS

<http://www.icw.org/>

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Mission

The International Community of Women Living with HIV/AIDS (ICW), a registered UK charity, is the only international network run for and by HIV positive women. ICW was founded in response to the desperate lack of support, information and services available to women living with HIV worldwide and the need for these women to have influence and input on policy development. ICW was formed by a group of HIV positive women from many different countries attending the 8th International Conference on AIDS held in Amsterdam in July 1992. HIV positive women shared stories and strategies for coping and devised action plans for the future. An important achievement at this first ICW pre-conference was drawing up the "Twelve Statements". These statements relate to the issues and needs facing all women living with HIV worldwide and form the basis of the organisation's philosophy. During this meeting, the women agreed that they did not want to lose this momentum and ICW was created.

Issues of interest

Encouragement and support for the development of self-help groups and networks.

- *"The media to realistically portray us, not to stigmatise us.*
- *Accessible and affordable health care (conventional and complementary) and research into how the virus affects women.*
- *Funding for services to lessen our isolation and meet our basic needs. All funds directed to us need to be supervised to make sure we receive them.*
- *The right to be respected and supported in our choices about reproduction, including the right to have, or not to have, children.*
- *Recognition of the right of our children and orphans to be cared for and of the importance of our role as parents.*
- *Education and training of health care providers and the community about women's risk and our needs. Up-to-date and accurate information about all the issues for women living with HIV/AIDS should be easily and freely available.*
- *Recognition of the fundamental human rights of all women living with HIV/AIDS, particularly women in prison, drug users and sex workers. These fundamental rights should include employment, travel without restriction and housing.*
- *Research into female infectivity, including woman-to-woman transmission, and recognition of and support for lesbians living with HIV/AIDS.*
- *Decision making power and consultation at all levels of policy and programmes affecting us.*
- *Economic support for women living with HIV/AIDS in developing countries to help them to be self-sufficient and independent.*
- *Any definition of AIDS to include symptoms and clinical manifestations specific to women."*

Type of Activities

Their Organisational Achievements:

- Creating a sense of solidarity between women living with HIV/AIDS
- Giving HIV positive women a unified voice in policy forums by working with them on issues of concern before and during conferences

- Ensuring HIV positive women speak at major HIV/AIDS conferences by co-organising such events and ensuring women have the opportunity to speak
- Providing training for positive women's empowerment in Africa and Latin America that is inspired, planned and run by positive women for positive women
- Providing skills building workshops at conferences for instance in sexual and reproductive rights and microbicides
- Completing participatory research into HIV positive women's concerns and needs around reproductive and sexual health
- Producing written resources inspired by HIV positive women, incorporating their voices, for other HIV positive women
- Establishing an organisational structure and relationships between HIV positive women that reach out to HIV positive women at local levels.

Their current strategy seeks to build on these achievements and address the key challenges we face.

Centre for the Management of Intellectual Property in Health Research and Development (MIHR)

<http://www.mihhr.org/index.php/?q=node/view/2>

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Mission

“To contribute to a world in which the ethical stewardship and creative management of intellectual property leads to better health for the poorest.”

MIHR was established in 2002 by The Rockefeller Foundation as a not-for-profit global organization headquartered in Oxford, UK. The founders believed that improved management of innovation and IP by the public sector is one way to achieve the goal of improving availability of health products needed by the poorest in developing countries.

The organisation works to improve the processes of innovation management in the biomedical arena by i) building skills, know-how and awareness in developing countries and ii) contributing to the understanding of sustainable innovation and IP policies that impact health research.

MIHR also works to ensure that holders and managers of technology worldwide are aware of the need for and potential value of their technology holdings to the improvement of health in developing countries. MIHR helps facilitate transfer of those technologies to relevant institutions through building a common understanding of different stakeholders' needs, interests, capabilities and short-falls.

Issues of interest

1. Raise the stature of technology managers, and build IP management and technology transfer capacity in developing country institutions to improve access to medicines and related technologies;
2. Influence the IP management and licensing practices of public and private sector R&D institutions in developed countries to ensure better utilisation of existing technologies;
3. Develop supporting infrastructures for Global Health Initiatives, and undertake research to influence and persuade a change in attitudes toward the good stewardship of new technologies for global health.

IPRs: Position and Arguments

MIHR and its Committee of Interested Parties (CIP) believes that creative Intellectual Property (IP) management can be an effective and appropriate way for developing countries to facilitate access to health products. A holistic approach involving government, research institutions, the private sector, non-profit organizations and community groups has been developed.

Type of Activities

- Publish a Handbook of best practices for management of intellectual property in health research and development.
- Administer an evolving curriculum for building capabilities in technology transfer and IP in developing country institutions.
- Provide technical assistance to groups undertaking R&D who require assistance on IP management. Coordinate research on innovation, IP and public health.

- Provide unique fora for stakeholder dialogue that are conducive to enhancing knowledge and policies in the area of IP and health innovation and identify best practices that can be of practical use for developing essential health technologies for the poor.
- Disseminate information about IP and innovation management in health R&D in developing countries and contribute to the diffusion of the latest knowledge and policies related to these areas.

Staff

Mr. Robert Eiss, Chief Executive Officer

ReMed

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Mission

ReMeD (Network for medicines and development) is a French association focusing its thinking and action on problems existing in the field of medicines in the developing countries.

ReMeD gathers and uses the skills and experiences of its members who come from different professional fields (pharmacists, doctors, nurses, managers, economists, ...), both in France and in the developing countries : 900 members live in Francophone Africa and 400 in Europe.

ReMeD is an interactive tool of information, education and evaluation working for different organizations in France or in the developing countries.

Issues of interest

Drug trade between developed and developing countries : efficacy of regulation systems, problems and perspective

Quality of selected drugs in Cambodia (1995)

Quality of generic anti tuberculosis drugs in Chad (1995)

qualité des médicaments

approvisionnement

financement des médicaments "indigents"

bon usage du médicament

pharmacie hospitalière

dons de médicaments

analyses biomédicales

traitement des malades du sida

pharmacopée traditionnelle

IPRs: Position and Arguments

Le développement durable en matière de santé passe par la disponibilité, l'accessibilité, la qualité et le bon usage des médicaments.

Generic

Depuis la dévaluation du franc CFA en janvier 1994, l'utilisation des médicaments essentiels génériques fait partie de la politique de santé de la plupart des pays africains pour améliorer l'accès de la population aux médicaments essentiels. Malgré les mesures prises pour développer cette politique (en particulier sur la marge bénéficiaire des distributeurs) le volume de médicaments génériques commercialisés reste faible, surtout dans le secteur privé. Dans ce contexte, l'association ReMeD a organisé en 1995, avec le soutien du ministère de la Coopération et de l'association Pimed, un concours pour la promotion des médicaments génériques dans les pays d'Afrique francophone.

Type of Activities

Formations de professionnels de santé dans les pays en développement

Forum santé E-MED

Organisation de conférences

Chaque année, ReMeD organise une Grande Table Ronde franco-africaine dans le cadre des Journées Pharmaceutiques Internationales de Paris

Avec l'appui du MAE et de l'OMS

2006 : “Mieux s’engager dans la lutte contre les maladies chroniques dans les pays en développement”

Evaluations à la demande

Board of Directors

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Tresorier Adjoint: Mme Hélène Degui, pharmacien

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Staff

Deleguee Generale : Mme Carinne Bruneton, pharmacien

Chargee De Communication & De Developpement : Melle Mathilde Chosseler :

Charge De La Gestion & De La Comptabilite : M. Francis Adogli

Publications

La Revue ReMeD

Publication trimestrielle présentant à chaque numéro un dossier d’actualité dans le domaine pharmaceutique qui concerne les pays en développement. Elle est considéré par les professionnels comme un outil de formation continue.

Brochure : “Dons de médicaments : des principes pour une action efficace” 2001

Optimiser les activités de la pharmacie - Guide en organisation de la pharmacie hospitalière

Plantes Médicinales d’Afrique : Comment les reconnaître et les utiliser ?

Médicaments à problèmes

Les échanges de médicaments entre pays européens et pays en développement : efficacité des systèmes de régulation, problèmes et perspective

Améliorer l’hygiène hospitalière dans les PED

Le secteur pharmaceutique privé en Afrique

Evaluer la viabilité des centres de santé,: Guide méthodologique et Manuel pour l’utilisation des médicaments essentiels génériques en Afrique: matériel d’information et de promotion

Contrôle de qualité des médicaments essentiels dans les pays en développement : méthodes standardisées

Patients not Patents

<http://www.patientsnotpatents.org/index.html>

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Mission

Patients not Patents, Inc. founder and Executive Director, Jeffrey Light holds a law degree from Georgetown University Law Center and Master's and Bachelor's of Science degrees from Brandeis University in Biochemistry. He is licensed as a Registered Attorney by the United States Patent and Trademark Office and licensed to practice law in Washington, DC.

A committed activist, Light has been active in the National Lawyers Guild, has worked on political campaigns for progressive politicians, and has extensive experience advocating for Gay, Lesbian, Bisexual and Transgender equality. (The National Lawyers Guild is an organization of lawyers, law students, legal workers and jailhouse lawyers that acts as a "political and social force in the service of the people, to the end that human rights shall be regarded as more sacred than property interests.")

IPRs: Position and Arguments

Patents on drugs, biologics and medical devices increase the cost of healthcare. For many individuals, in the U.S. and worldwide, the price of drugs is prohibitively expensive, leaving patients without adequate treatment. Patients Not Patents is committed to ensuring access to healthcare through litigation, advocacy, and education. Patients not Patents challenges the validity of medical patents before the United States Patent and Trademark Office.

Type of Activities

In carrying out its mission to reduce the barriers to affordable healthcare and to educate the public about the effects of intellectual property laws on the availability of healthcare for all, Patients not Patents has four ongoing projects.

The University Licensing Project seeks to obtain copies of state universities' license agreements with pharmaceutical and biotech companies, through each state's Freedom of Information Act. The purpose is to determine when university-industry agreements substantially harm the public by keeping prices at monopoly levels.

The Patent Busting Project directly challenges the validity of U.S. patents on medical and pharmaceutical products, devices and methods. Patents are challenged by presenting evidence to the US Patent Office demonstrating that the "invention" claimed in the patent was already in the public domain.

The Consumer Litigation Project focuses on false or misleading advertisements by nutritional supplement makers.

Education and advocacy efforts include testimony before public bodies on the relationship between health care and patent rights, public demonstrations, workshops, and dissemination of information through pamphlets and their web site.

Testimony and Comments Before Government Bodies

Petitions and Letters

Board of Trustees

Jeffrey Light, Chairman
Robert Schmid, Secretary and co-VP
Roxana Orrell, co-VP

Publication

Costly Drugs Cost Lives. An information sheet for lawyers, judges and policy makers.

Treatment Action Campaign

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Mission

The Treatment Action Campaign (TAC) was founded on 10 December 1998 in Cape Town, South Africa by Zackie Achmat. They campaign for treatment for people with HIV and to reduce new HIV infections. Their efforts have resulted in many life-saving interventions, including the implementation of country-wide mother-to-child transmission prevention and antiretroviral treatment programmes.

The TAC also runs a treatment literacy campaign: this is a training programme on the science of HIV treatment and prevention. TAC combines direct action tactics of ACT UP to the culture organization of South Africa Trade unions and anti-apartheid movements.

Issues of interest

The TAC's objectives are described in the organisation's Constitution and are as follows:

- Campaign for equitable access to affordable treatment for all people with HIV/AIDS.
- Campaign for and support the prevention and elimination of all new HIV infections.
- Promote and sponsor legislation to ensure equal access to social services for and equal treatment of all people with HIV/AIDS.
- Challenge by means of litigation, lobbying, advocacy and all forms of legitimate social mobilisation, any barrier or obstacle, including unfair discrimination, that limits access to treatment for HIV/AIDS in the private and public sector.
- Educate, promote and develop an understanding and commitment within all communities of developments in HIV/AIDS treatment.
- Campaign for access to affordable and quality health care for all people in South Africa.
- Train and develop a representative and effective leadership of people living with HIV/AIDS on the basis of equality and non-discrimination irrespective of race, gender, sexual orientation, disability, religion, sex, socio-economic status, nationality, marital status or any other ground.
- Campaign for an effective regional and global network comprising of organisations with similar aims and objectives.

Type of Activities

Contest South African AIDS Denial:

Offering services

The TAC Treatment Project works with public healthcare facilities where possible. If necessary, private doctors and laboratories are used.

Services offered:

- Antiretroviral medicines;
- Treatment counselling and patient education;
- Monitoring of medicine safety and adherence to treatment regimes;
- Assistance with training of healthcare professionals.

Poorly implemented treatment and mother-to-child transmission prevention programme

The Actuarial Society of South Africa (ASSA) estimates that about half-a-million people have AIDS but are not on antiretroviral treatment. The Operational Plan set several targets for the number of people on treatment in the public sector. Everyone of these has been missed - by far. The target for the year ending March 2006 was over 381,000. Even by government's own estimate, they have only reached 40% of the target.

Civil disobedience for public treatment of HIV/AIDS : Catalysts for TAC's decision to return to mass protest

The above problems have been ongoing. But there are two further problems which have compelled TAC to return to mass action: (1) the Westville prison case and (2) the continued support of AIDS denialism by the Minister of Health.

State supported AIDS denialism and the abundance of charlatans

Sue Pharmaceutical Companies

“Tout le monde a encore en tête l'épilogue heureux du fameux procès de 39 entreprises pharmaceutiques contre le gouvernement sud-africain en 2001. Depuis lors d'autres procédures ont été nécessaires pour assouplir la position des fabricants de médicaments contre le sida

En septembre 2002, quatre personnes porteuses du VIH, quatre professionnels de la santé, deux associations (dont la TAC) et deux syndicats déposent une plainte auprès de la Commission de la concurrence sud-africaine. Ils reprochent à deux multinationales pharmaceutiques, la britannique GlaxoSmithKline (GSK) et l'allemande Boehringer Ingelheim (BI), de vendre en Afrique du Sud leurs médicaments anti-sida à des prix excessifs. Les plaignants rendent ces prix élevés “directement responsables du décès précoce, prévisible et évitable de personnes vivant avec le VIH”. (...)

Réagissant à la plainte, les deux entreprises accordent chacune une licence volontaire au producteur de générique (génériqueur) sud-africain Aspen. En clair, elles autorisent cette entreprise à produire les médicaments incriminés sous certaines conditions. Celles-ci sont toutefois très restrictives: la production ne doit être destinée qu'au secteur public, les royalties demandées sont élevées (15% et 30% du prix de vente), etc.

Le 16 octobre 2003, après un an d'enquête, la commission de la concurrence rend son rapport: GSK et BI ont abusé de leur position dominante. Les deux entreprises ont pratiqué des prix excessifs et mené des politiques anticoncurrentielles avec leurs licences volontaires. La commission décide de transférer le cas au tribunal de la concurrence pour jugement.⁵¹

Staff

General Secretary : Ms Siphon Mthathi

Publications

AIDS denialism dealt an irreversible blow, 29 September 2006

Letter from scientists to Mbeki, 6 September 2006

Why TAC is protesting, 23 August 2006:

Women and HIV, 16 February 2006 (two newsletters)

TAC Manifesto on Health and Accountable Local Government

⁵¹ “Entrevue avec Denis Matwa, de la Treatment Action Campaign”, *Déclaration de Berne*, [On line] <http://www.evb.ch/fr/p25003272.html> (November, 2006)

INTERNATIONAL CAMPAIGNS

Global Treatment Campaign

Mission

MAKE AIDS HISTORY (2005)

While governments acted quickly to pledge large amounts to respond to the tsunami in south Asia, there has been less political will regarding AIDS and debt. In terms of the death toll, AIDS, Tb and malaria equal the impact of the tsunami every two weeks.

Every year, many impoverished countries spend more on debt service than they pay on social services like health care and education. Yet, negotiations among the G8 over debt cancellation have reached an impasse, and the G8 meeting in July may fail to agree on full cancellation for debts owed to the IMF and World Bank. Protestors are demanding an agreement on 100% multilateral debt cancellation without harmful conditions.

The Global Fund is a critical part of the fight against AIDS, TB and malaria, yet it faced a \$900 million shortfall in 2005. It lacks the necessary funds to move forward with the renewal of prior grants and the issuing of new grants in 2006. This is a matter of life and death for millions around the world. The pledged contributions to the Fund from France, Germany and United Kingdom for 2006 are the same as for 2005, even though the Fund's needs increase dramatically in 2006. Japan has failed to pledge any contribution whatsoever for 2005 or 2006. These governments, as well as the US, should give their fair share according to their proportion of global wealth.

Issues of interest

Global AIDS activist coalition demands Accountability and action on AIDS from G7 heads of state:

Drop the Debt

Fund the Fund

Treat the People

Pay the Nurses

IPRs: Position and Arguments

HIV/AIDS TREATMENT AND ACCESS TO MEDICINES

G8 leaders must:

At minimum, change existing and pending bilateral and regional Free Trade Agreements to comply with the Doha Declaration on the TRIPS Agreement and Public Health to ensure that such agreements protect public health and promote access to medicines for all.

Urge developing countries to use all available flexibilities to protect public health and promote access to medicines for all as reaffirmed by the Doha Declaration on the TRIPS Agreement and Public Health.

Signed by:

ACAM African Communities against Malaria, USA

ACT UP Cleveland, USA

ACT UP Philadelphia, USA

Act Up-Paris, France

Action Against AIDS, Germany

ActionAid International

Action for Southern Africa (ACTSA), UK

Africa Action, USA

Africa Japan Forum, Japan

African Communities Against Malaria (ACAM), USA

African Services Committee, USA

Agua Buena Human Rights Association, Costa Rica

AIDES, France

AIDS and Rights Alliance of Southern Africa, Namibia

AIDS Empowerment and Treatment International (AIDSETI), USA

AIDS Foundation of Chicago, USA

AIDS Saint John, Canada

AIDS Vaccine Advocacy Coalition (AVAC), USA

AIDS-Hilfe Baden-Württemberg e.V., Germany

Alliance Rights, Nigeria

American Jewish World Service (AJWS), USA

Archdiocese of Mombasa CBHC and AIDS Relief Project, Kenya

Aerzte für die Dritte Welt (German Doctors for Developing Countries), Germany
 Association de Lutte Contre le Sida (ALCS), Morocco
 Association of Churches and Missions in Southwest Germany, Germany
 Association of Protestant Churches and Missions (EMW), Germany
 Association SunAids, Cameroon
 Better Africa Foundation, USA
 Canadian AIDS Treatment Information Exchange (CATIE), Canada
 Canadian HIV/AIDS Legal Network, Canada
 CARE International
 Christian Aid, UK
 Community HIV/AIDS Mobilization Project (CHAMP), USA
 Deutsche AIDS-Hilfe e.V., Germany
 European AIDS Treatment Group, Belgium
 Evangelical Lutheran Church in Bavaria, Division for World Mission
 Evangelisch-methodistische Kirche Mission und internationale kirchliche Zusammenarbeit, Germany
 Foreign Policy In Focus, USA
 Global AIDS Alliance, USA
 Global Exchange, USA
 Global Network of People with HIV/AIDS (GNP+), Europe
 Grupo de Incentivo a Vida (GIV), Brazil
 Grupo de Trabajo sobre Tratamientos del VIH, Spain
 Grupo Portugues de Activistas sobre Tratamientos de VIH/SIDA (GAT), Portugal
 Harm Reduction Coalition, USA
 Health & Development Networks, Ireland/Thailand
 Health Action International, Africa
 Health Alliance International
 Health Equity Project, USA
 Health GAP (Global Access Project), USA
 Healthpartners, Kenya
 Help the Hospices, UK
 HIV i-Base, UK
 Hope for Children, UK
 Ikonzo Musanda Self Help Group, Kenya
 Institute for International Health and Development, UK
 Interagency Coalition on AIDS and Development, Canada
 International Community of Women Living with HIV/AIDS (ICW)
 International Council of AIDS Service Organizations (ICASO), USA

Kindernothilfe e.V., Germany
 Lifelong AIDS Alliance, USA
 Marie Stopes International
 Massive Effort Campaign, Switzerland
 missio Aachen, Germany
 Missionary Sisters of Our Lady of Africa, Justice and Peace Desk
 National AIDS Trust (NAT), UK
 Network of Ivorian Associations Living with HIV (RIP+), Cote D'Ivoire
 Organization for Social Development of Unemployed Youth (OSDUY), Bangladesh
 Orphelins-sida-international, France
 Osservatorio Italiano sull'Azione Globale contro l'AIDS, Italy
 Oxfam International
 People and Planet, UK
 Physicians for Human Rights, USA
 Progressive Organization of Gays in the Philippines, Philippines
 Public Personalities Against AIDS Trust, Zimbabwe
 RESULTS Canada
 Russian Harm Reduction Network, Russia
 Save the Children, UK
 Shepherd University Student Global AIDS Campaign, USA
 Solidarité Sida, France
 Stop AIDS Campaign, UK
 Student Campaign for Child Survival, USA
 Student Global AIDS Campaign, USA
 Students Against Global AIDS, Canada
 Students Partnership Worldwide, UK
 Tanzania NGOs Alliance Against Malaria (TaNAAM) Tanzania
 Tanzania Treatment Access Movement (TATAM), Tanzania
 TBTV.org
 Tearfund, UK
 The AIDS Institute, USA
 Treatment Action Campaign (TAC), South Africa
 UK Coalition of People Living with HIV and AIDS, UK
 Union Aid Abroad - APHEDA, Australia
 Vivat International, USA and Germany
 VSO Regional AIDS Initiative of Southern Africa (RAISA)
 VSO. UK
 Washington Office on Africa, USA
 Women Empowerment Literacy and Development Organization, Pakistan
 WTO Watch Qld, Australia
 Youth Empowered to Succeed (YES), Kenya
 Zambia Malaria Foundation Zambia

International Council of AIDS Service organisations (ICASO)

<http://www.icaso.org/>

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CANADA

Mission

ICASO is the International Council of AIDS Service Organizations, a global network of non-governmental and community-based organizations. ICASO was formed in 1991 with secretariats in five geographic regions, and a central secretariat based in Canada. In 1995 ICASO was incorporated under Canadian law.

ICASO is a non-governmental organization accredited to the United Nations Economic and Social Council (ECOSOC).

- Mobilize communities and their organizations to participate in the response to HIV/AIDS;
- Articulate and advocate the needs and concerns of communities and their organizations;
- Ensure that community-based organizations, particularly those with fewer resources and within affected communities, are strengthened in their work to prevent HIV infection, and to provide treatment, care and support for people living with and affected by HIV/AIDS;
- Promote the greater involvement of people living with, and affected by, HIV/AIDS in all aspects of prevention, treatment, care and support, and research; and
- Promote human rights in the development and implementation of policies and programs responding to all aspects of HIV/AIDS.

Issues of interest

Stigma and discrimination

Vaccines

Prevention

Burden of care

Access to better treatment

Allocation of resources

IPRs: Position and Arguments

Economic obstacles to ensure access to better treatments must be overcome.

Communities call on the international community to:

- Make more grants and fewer loans;
- Explore more mechanisms to make medicines affordable and accessible;
- Set guidelines on the cost-effective purchasing of essential drugs;
- Set guidelines on building and improving more reliable and effective distribution networks;
- Eliminate taxes and barriers on essential drugs;
- Improve and implement and fund a global essential drugs list. ICASO calls upon UNAIDS and WHO to promote and update such a list.

ICASO and other international non-governmental organizations (NGOs) acknowledge that effective patent protection is a prerequisite for a successful, innovative pharmaceutical industry. But effective patent legislation should balance all interests and provide protection against abuse by the patent holder. The present international trade rules, which permit compulsory licensing, offer sensible ways of doing this.

The Indian drug industry is a good example of what happens when companies are given the authority to produce drugs for the local market without paying exorbitant licensing fees. India operates under an unregulated system (at time of writing). Lariam, a treatment for Malaria costs \$37 in the United States, but only \$4 in India. AZT, an AIDS treatment, costs \$239 per month in

the United States, but only \$48 in India. The lower prices in India still deliver a very high return to the Indian pharmaceutical company (CIPLA) and its stockholders. Under TRIPS, compulsory licenses could be granted to produce essential medicines to treat life-threatening diseases. This would produce results that are similar to the unregulated system in India.

There is no doubt that research and development (R&D) for new drugs is expensive. R&D costs should be recovered during the initial years of marketing. Currently, most of the R&D costs are recovered from sales in industrialised countries where most of the patients have health insurance. The main question is whether patients in poor countries should also pay for these costs.

Although the majority of the world's population live in developing countries, these countries represent only a small proportion of the global pharmaceutical market. Africa, for example, accounts for only 1.3 percent of that market. Consequently, lower prices for essential drug therapies in developing countries should not be a serious threat to R&D funding. The very small size of the global pharmaceutical market represented by developing countries is the reason why only extremely limited investments are made into the diseases that mainly or solely affect people in developing countries.

IFPMA states that the risks with R&D are largely borne by the research-based pharmaceutical, biotechnology and vaccine industries, which invest tens of billions of dollars annually in research and development. Thus, IFPMA argues, the only feasible model for promoting innovation in the high-risk and resource-intensive pharmaceutical industry is to guarantee the companies that invest in research an adequate period of exclusive rights for their products.

IFPMA also states that research-based pharmaceutical companies are socially responsible, and that Merck, Pfizer, Glaxo-Wellcome, SmithKline Beecham and other companies have made major financial and corporate commitments to addressing diseases that affect developing countries through product donation programmes and price concessions.

Some support for the position that drug prices are not related to replacement of R&D costs is provided by the current price for Pentamidine. Pentamidine was a cheap treatment developed to treat sleeping sickness. However, when it was found to be effective in the treatment of AIDS-related PCP (pneumocystis carinii pneumonia), the price of Pentamidine increased 500%. A recent survey of 20 African and Southeast Asian Countries conducted by UNAIDS found that Pentamidine is now available in only one of these countries.

ICASO encourages all NGOs and PWA groups to inquire about the status of their domestic law provisions covering compulsory licensing and parallel importing, and to lobby for changes in these laws if they are more restrictive than the requirements of the TRIPS Agreement. If domestic governments request it, technical assistance to frame their laws to meet the requirements of TRIPS is available from the World Intellectual Property Organization.

Similarly, the ICASO document Stories from the Frontlines which may provide ideas on how to mobilise interest and support among key decision-makers in improving treatment access.

Type of Activities

Post-conference Reports
Policy Development and Advocacy

Staff

Richard Burzynski , Executive Director
Natalia Ciausova, Executive Assistant

Publications

Stories from the Frontlines - Lessons Learned in the First Two Years of Advocacy around the Declaration of Commitment (DoC) , September 2003

Update on the UNGASS Declaration of Commitment on HIV/AIDS, June 2001

Advocacy Guide to the Declaration of Commitment on HIV/AIDS, June 2001

An Advocate's Guide to the International Guidelines on HIV/AIDS and Human Rights
NGO Summary of the International Guidelines on HIV/AIDS and Human Rights
Adding Infrastructure to the Advocacy Agenda / Summary Adding Infrastructure to the Advocacy Agenda: A Project of the International Council of AIDS Service Organizations

Report on HIV/AIDS and Human Rights Research (May 2000)

Six Position Statements on Key Issues

Compulsory Licensing and Parallel Importing: What do They Mean? Will They Improve Access to Drugs for People Living with HIV/AIDS? (July 1999)

ICASO Statement to the World Health Assembly (May 1999)

Statement of ICASO to the United Nations Commission on Human Rights (April 1999)

ICASO contribution to the U.N. Sub-Commission on the Promotion and Protection of Human Rights (August 1999)

ICASO written Statement to the Commission on Human Rights 57th session (March - April 2001)

ICASO statement to the Ministerial Council of HIV/AIDS in Canada - (April 2001)

The International HIV/AIDS Alliance

<http://www.aidsalliance.org>

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Mission

The International HIV/AIDS Alliance is an initiative of people, organisations and communities working towards a shared vision by supporting effective community responses to HIV and AIDS. They believe that those at the forefront of the HIV/AIDS response need to have the resources to take on the challenges that the epidemic presents.

Established in 1993, they are the European Union's largest HIV/AIDS-focused development organisation. With over twelve years' experience, they have a good track record in a significant number of countries, and an increasing international profile through their global activities. By working with partners and drawing strength from one another, they have become established as a leading player in the global response to the epidemic.

The Alliance is an international development non-governmental organisation which was set up in 1993 by a consortium of international donors. The Alliance was established to respond to the need for a specialist, professional intermediary organisation which would work in effective partnership with non-governmental and community-based organisations in developing countries, as well as with national governments, private and public donors and the UN system. The Alliance's mission is to support communities in developing countries to play a full and effective role in the global response to AIDS.

Issues of interest

Their four strategic aims are to:

Reach more people, in more areas, with more comprehensive community-focused responses.

They will prioritise expansion in those countries and areas that are particularly hard hit, working with populations that are most likely to affect, or be affected by, the spread of HIV/AIDS. Positive prevention and community-driven treatment schemes are among the new areas of intervention that they plan to advance. They will pay special attention to the younger generation to be affected by AIDS, especially children orphaned by AIDS.

Continue to strengthen the leadership of civil society organisations and their organisational and programmatic capacity to take action on HIV/AIDS.

They will do this by providing them with technical and financial resources, such as practical assistance, skills building and organisational development. As well as their core work enabling communities to take action on HIV/AIDS, they will put particular emphasis on supporting non-governmental organisations to participate effectively in national HIV/AIDS co-ordination mechanisms. They will act as a catalyst to enable them to participate meaningfully in public-private partnerships, work with health systems to develop creative interventions for community-driven HIV/AIDS treatment, and make use of new technologies – while remaining accountable to the communities they represent.

Influence the national and international policy and financial environment to enable more effective civil society responses to HIV/AIDS.

They are well placed to link global policy institutions to the work that local organisations are carrying out across the world.

They believe that a stronger alliance of national linking organisations best fits the demands of the current HIV/AIDS response. The combination of their United Kingdom secretariat, which has strong international links, and a shared vision, mission, values and strategic framework, will ensure cross-country learning, quicker responses and economies of scale

IPRs: Position and Arguments

Safe and effective anti-retroviral treatment

Even where anti-retroviral treatment becomes available, safe and effective roll out requires the active engagement of communities affected by HIV/AIDS and people living with HIV/AIDS. For people to believe that treatment is effective and to understand how it works and why adherence and prevention are important, community structures and community leadership, especially from people living with HIV and AIDS, must support and endorse the introduction and use of these powerful medical technologies.

Current thematic policy work

Sexual and reproductive health rights and HIV/AIDS

Development mainstreaming and HIV/AIDS

Financing systems

HIV/AIDS and governance

Type of Activities

HIV prevention

Care and support

Civil society and HIV/AIDS

Policy and advocacy

Research and evaluation

Frontiers

Staff

Alvaro Bermejo, Executive Director

Publication

www.ngosupport.net

This on line toolkit brings together over 500 resources for people who are establishing, managing or studying support programmes or systems for supporting NGOs and CBOs. Full of practical information, tools and guidance, this toolkit covers a range of subject areas about supporting NGOs and CBOs working in HIV/AIDS.

Medecins Sans Frontieres : Access to Essential Medicines Campaign

<http://www.accessmed-msf.org/>

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Fax : +41 22 849 84 04

Mission

Médecins Sans Frontières (MSF) is an international humanitarian aid organisation that provides emergency medical assistance to populations in danger in more than 70 countries.

When MSF was awarded the Nobel Peace Prize in 1999, it announced that the money would go towards raising awareness of and fighting against neglected diseases.

A "Neglected Diseases Fund" was established and MSF programmes were invited to submit proposals for projects to be supported by the fund. Several of these were selected on the basis of their potential for improving access to essential drugs for populations in danger.

Since 1999, MSF has been campaigning internationally to find long-term, sustainable solutions to this crisis. The Campaign is pushing to lower the prices of existing medicines, to bring abandoned drugs back into production, to stimulate research and development for diseases that primarily affect the poor, and to overcome other barriers to access.

Issues of interest

MSF is advocating for a combination of policies to lower drug prices on a sustainable basis; these strategies include encouraging generic competition, voluntary discounts on branded drugs, global procurement, and local production.

MSF is also pushing for increased research into neglected diseases – such as tuberculosis, malaria, sleeping sickness, and leishmaniasis – through increased funding, investing in R&D capability in developing countries, and supporting alternative models for R&D. To address the issue of abandoned drugs, MSF is calling on companies and governments to find solutions to bring unprofitable but medically necessary drugs back into production. MSF is also supporting developing countries in codifying into law the "safeguards" that are allowed under international trade rules in order to protect access to medicines.

But they are deeply concerned that because donors and some in the international health community traditionally favour prevention at the expense of treatment, patients already infected could be written off as not sufficiently "cost-effective" to treat.

IPRs: Position and Arguments

TRIPS

How do international trade policies impact access to medicines? What is TRIPS and why does it matter? TRIPS treats medicines in the same way as any other patented product – such as compact discs or video games. It is a threat to public health in poor countries because it gives patents on medicines for a minimum of 20 years, which grants a monopoly to patent-holders during that time. This will lead to further increases in drug prices and negatively impact the developing world's ability to produce affordable generic alternatives to branded drugs. Nonetheless, there are safeguards within TRIPS that developing countries can write into their

national laws in order to protect public health. These safeguards include compulsory licences, parallel imports, and strategies to accelerate the introduction of generics

Monopoly

When medicines are under patent in a country, the patent-holder has a monopoly on the drug for a minimum of 20 years and can charge whatever price will maximise profit. Too often in developing countries, this translates into prices that are not affordable for the patient. When generic competition is introduced, prices will fall. For example, after the Brazilian government began producing AIDS drugs generically, prices dropped by 82%. In contrast, the prices of drugs with no generic competitor dropped by only 9%. Likewise, generic competition reduced the price of a triple-combination of antiretrovirals from \$10,000 to \$300 in one year.

When patent protection is too strict in a developing country, and does not balance the rights of the patent holder with the public interest, patents can block access to medicines. Governments can help counter the negative effects of patents by building legal safeguards into their national legislation.

Impacts on Research and Development

Will lowering drug prices for poor countries hurt research and development (R&D) for new medicines? No. Developing countries make up such a small part of drug industry revenue, that it is unlikely that lowering prices for developing countries will hurt R&D. 77% of the \$406 billion worldwide drug market projected for 2002 will be in North America, Europe, and Japan. All of Africa accounts for just over 1%

Legal Arguments

Aren't generic manufacturers stealing intellectual property and breaking the law? No. Patents are granted on a national basis – there is no such thing as an international patent. Therefore, if a drug is not patented in a country, it is perfectly legal for a generic company to produce or import a version of that drug in that country. Companies can also export generics to other countries where that drug is not under patent.

Types of Actions

I. Overcoming access barriers

Many drugs are too expensive for those in the developing world to buy. Other life-saving treatments are not available because manufacturers have abandoned their production because they were not considered profitable enough. To conduct global price analyses of selected essential drugs that are too expensive such as fluconazole, azithromycin, ciprofloxacin and cycloserine. This pricing information can be used to negotiate better prices and demonstrate price differences from different manufacturers around the world. To study the quality of all sources of select expensive essential drugs to identify high-quality low-cost producers. To support health ministries fighting to increase access to essential drugs. To work with WHO and industry to restart the manufacture of abandoned drugs.

II. Globalization

The patenting of medicines confers a market monopoly to pharmaceutical companies who often charge the same high price world-wide. The result is that people in the developing world cannot afford the medicines that could extend, improve, or save their lives.

Provide evidence of the detrimental effects of overly strong patent protection on medicines in poor countries. Raise awareness on all levels of the fact that some patented drugs are more expensive in poor countries than in Europe and North America.

Organise events that bring together advocacy groups, industry, international organisations, and government representatives to help poor countries use legal measures available to them, such as compulsory licensing and parallel imports.

Provide information and evidence to influence EU and US policy regarding interpretation of trade agreements and their impact on access to essential medicines.

III. *Stimulating research and development for neglected diseases*

Between 1975 and 1999 out of 1,393 new drugs developed only 13 (1%) were to treat tropical diseases, which together account for over 9% of the worldwide disease burden. The reason is clear: drugs for tropical diseases are not profitable for drug companies. Instead, the pharmaceutical industry is focusing Research & Development (R&D) to meet the needs of people living in wealthy countries, and is increasingly dedicating research to address “lifestyle” diseases. To communicate through our medical experiences the ineffectiveness of using treatments that were developed 30 or 40 years ago.

To raise awareness about the lack of resources being allocated to tropical diseases.

To bring together academic and industry researchers from North and South to help analyse the reasons underlying the chronic crisis in R&D, set needs-driven priorities and create appropriate R&D partnerships.

To convince policy-makers at the EU, US, international organisations and foundations that a paradigm shift is needed to address this crisis, involving increased funding, to set a needs-driven global R&D agenda, and create new mechanisms for financing sufficient and adapted R&D for neglected diseases.

Staff

Daniel Berman, International Coordinator

Publication <http://www.accessmed-msf.org/prod/view.asp?catid=1&>

[Untangling the Web \(8th edition\)-Simplified Chinese version](#) 5 September 2006

[Untangling the Web \(8th edition\)-Chinese version](#) 5 September 2006

[TOO LITTLE FOR TOO FEW](#) 12 August 2006

[Global Workshop Series- XVI Toronto AIDS Conference 2006](#) 11 August 2006

[The WTO August Decision is unworkable](#) 10 August 2006

[MSF's response to Abbott \(23.05.06\)](#) 24 March 2006

[Briefing Note:GILEAD'S TENOFOVIR 'ACCESS PROGRAM'](#) 7 February 2006

[WORLD HEALTH ORGANIZATION EXECUTIVE BOARD MOVES AHEAD WITH PROMISING PROPOSAL THAT RE-EXAMINES HEALTH R&D PRIORITIES AND FINANCING](#) 30 January 2006

NATIONAL AND REGIONAL CAMPAIGNS

Stop AIDS Campaign

<http://www.stopaidscampaign.org.uk/>

UK Consortium on AIDS & International Development

Grayston Centre

28 Charles Square

LONDON N1 6HT

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Phone: + 44 (0)20 7324 4785

Mission

The Stop AIDS Campaign is an unprecedented initiative of the UK Consortium on AIDS and International Development, bringing together more than 80 of the UK's leading development and HIV/AIDS groups. Launched on World AIDS Day 2001, the campaign works to raise awareness in the UK about global HIV/AIDS epidemic and to campaign for urgently scaled up international action.

The 'Stop AIDS Campaign' is the campaigning arm of the UK Consortium on AIDS & International Development, a network of more than 80 UK-based organisations working together on issues of HIV and AIDS issues

Issues of interest

They are campaigning for Access to Care and Treatment.

Why...? Treatment is a basic right and it is an essential part of the strategy to defeat the global HIV/AIDS pandemic. It is crucial to prevention efforts and to improving overall delivery of care. Treatment and care allows people living with HIV/AIDS to protect their health, raise their children, and continue to live productive lives.

If universal access to treatment by 2010 is to be achieved, production and distribution of affordable medicines in developing countries must be rapidly expanded. They have identified three key areas for action by the UK government.

1. Ensuring new generic versions of key drugs become rapidly available
2. Supporting developing countries in ensuring access to essential medicines
3. Following through on existing commitments

Their recommendations are divided into three key priority areas :

- Health infrastructures
- Sustainable financing
- Drug pricing.

IPRs: Position and Arguments

The TRIPS agreement does recognize the risk of limiting access to medicines and as such allows for the inclusion of public health safeguards in national legislation to address this. The Doha Declaration in 2001 confirmed the primacy of public health concerns over corporate rights, and reaffirmed the rights of governments to over-ride patents in order to protect public health. The Doha Declaration also increased focus on the so-called flexibilities in the agreement, designed to ensure governments could over-ride patents. These are compulsory licensing and parallel importing. Compulsory licensing allows a government to authorize production of a cheaper generic version of a patented product on public interest grounds without the permission of the patent holder. Parallel importing allows a government to enact legislation allowing importation of patented products from a country where it is sold cheaper.

External trade pressures have substantially impaired the ability of developing countries to use these flexibilities, as has limited technical capacity to fully exploit the flexibilities sanctioned by the Doha Declaration.

Health Action International

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Mission

HAI Europe is a regional network composed of members from Europe and North America (and sometimes beyond) and a core staff in the regional coordinating office based in Amsterdam, The Netherlands. Importantly, HAI Europe is part of the global HAI network.

Founded in Geneva in 1981, HAI adheres to the essential medicines concept (that fewer than 350 medicines are necessary to treat more than 90 per cent of health problems requiring medicines).

Issues of interest

The rational use of medicines: that all medicines marketed should meet real medical needs; have therapeutic advantages; be acceptably safe and offer value for money.

- Access to these essential medicines to ensure that they are available at affordable prices when treatment is needed, especially for the poorest.
- Greater transparency in all aspects of decision making around pharmaceuticals, for example by reducing industry secrecy and control over important clinical data.
- Better controls on drug promotion and the provision of balanced, independent information for prescribers and consumers.
- Network development. As a membership based organisation which defends the right to health, HAI welcomes collaboration with like-minded organisations, and considers network development an important strategy for the advancement of its work.

Type of Activities

Whether working locally, nationally, regionally or internationally, HAI Europe uses various methods to reach its goals. This includes campaigning, information sharing, action-oriented research, workshops and training, development of tools and new evidence, and advocacy.

Medicine Prices

One third of the world's population lacks reliable access to the medicines they need – primarily because they cannot afford to buy them. In the poorest countries of Africa and Asia this figure rises to 50%. HAI and WHO have developed a method to survey the prices people pay for a selection of needed medicines, assess the affordability of some standard treatments and assess price components (mark ups, taxes etc).

Essential Innovation : Research and Development to meet public needs

The pharmaceutical sector is failing the public. It is widely recognized that in pharmaceuticals, private sector research and development (R&D) is market driven. The Essential Innovation project seeks to examine the evidence of the success of the current global framework of financing R&D as a mechanism for delivery of drugs, diagnostic tools and other instruments to meet public needs.

Drug Promotion

Another area in which HAI Europe and WHO collaborate is around the issue of drug promotion to empower health care professionals to critically assess drug promotion.

database of how prescribers and others are influenced by drug promotion and is involved in the production of a manual on educational initiatives. HAI Europe has long fought against direct-to-consumer advertising (DTCA) of prescription-only medicines

WHO/HAI Drug Promotion Database

Promotion to Consumers

WHO/HAI Drug Promotion Project: Educating to Improve Critical Appraisal Skills

Public Private Interactions : Enhancing equitable access to HIV/AIDS medicines : Benefits and risks of public

Growing recognition of the depths and costs of the AIDS crisis have produced at the transnational level, a shift away from a largely public production of health care policy to an institutional framework involving a mix of actors. Private Public Interactions (PPIs) are proposed as a win-win solution to the AIDS pandemic. In practice this method is proving to be difficult. HAI will assess the impact of PPIs on access to medicines at the community and country levels, and contribute to global data collection and policy formulation.

Essential Innovation Project

The project explored policy adjustments necessary to improve R&D, and it will document best practices for achieving essential innovation. The project also intends to develop tools for measuring the returns to the public from R&D, and test this method in a number of contexts.

Private Public Interactions (PPIs) are proposed as win-win solutions to the AIDS pandemic. Through working with academic institutions and NGOs providing care and support and community based organizations of people living with AIDS, HAI is developing a methodology to conduct country situation analyses in a number of pilot study countries. The resulting information will be used to assess the impact of PPIs on access to medicines at the community and country levels, and to inform global data collection and policy.

Drug Donations

The treatment needs of people need sustainable, equitable and cost-effective solutions. Medicines donations, however appealing they may seem at first glance, offer none of these advantages. The problem is that donations are not free. In fact, studies have shown that donations are actually more costly to donor countries (because of tax breaks given to the donating company) and to recipient countries that bear the higher administrative and other transaction costs of implementing a separate donations program. Restrictions often required by companies add unnecessary hurdles for recipient countries. For example, companies restrict where the medicine can be used, limit treatment indications, time and quantity and add reporting requirements that further diminish the value of the donation and drive up actual costs. Currently, one of the most cost-effective ways to access affordable essential medicines is by buying generics.

Staff

Mr Tim Reed, director

Publication (non exhaustive list)

Sustaining Access to medicines in Europe: the Coming Crisis

Report of the HAI Europe/Medico International Seminar held 2 November 2001. The meeting emphasised access issues affecting Europe now and in the near future. (HAI Europe 2002)

Public-Private 'Partnerships'

Addressing Public health Needs or Corporate Agendas? Report on the HAI Europe/BUKO Pharma-Kampagne Seminar held 3 November 2000. The publication highlights risks related to WHO's and others' involvement in public-private partnerships (HAI Europe)

Developing Essential Drugs Policies

A Guide for NGOs

Essential drugs policies based on the WHO concept enable NGOs to use their limited resources to manage drugs effectively and meet priority needs. An essential drugs policy can help NGOs provide improved information, education and training, as well as more efficient supply, storage and distribution of drugs. While many NGOs have advocated the adoption of the WHO essential drugs concept by governments, only a few have integrated it into their own practice. This booklet aims to help change that. It offers practical advice for NGOs interested in developing and implementing essential drugs policies for their organisation. (HAI Europe 1998)

Fragile Economies, Flooded Markets - Networking for Rational Drug Use in Africa

Report on the HAI Eastern Africa training workshop "Promoting Rational Drug Use in the Community" which was held in Nairobi, Kenya from 14-19 March, 1997. While pharmaceuticals can play a key role in improving health, their benefits remain largely unknown to millions of African consumers. Instead, drugs often contribute to serious health problems on the continent due to misdiagnosis, incorrect self-medication and poor quality of drugs. Many Africans lack access to the most essential drugs and scarce resources are often spent on ineffective and expensive treatments. This report summarises the participants' presentations, conclusions and plans for the future. (HAI Africa/HAI Europe 1997)

Power, Patents and Pills Seminar Report on the consequences of GATT/WTO for public health and access to essential drugs.

A number of international trade agreements have strong implications for public health. Health Action International (HAI) Europe and BUKO Pharma-Kampagne held a seminar on the GATT/World Trade Organization, Pharmaceutical Policies and Essential Drugs. This seminar explored the consequences of the GATT (General Agreement on Tariffs and Trade) and the newly created World Trade Organization (WTO) for public health and access to pharmaceuticals, especially essential drugs. The publication summarises the seminar's presentations and discussion. It aims to provide a better understanding of the GATT and WTO and their effects on pharmaceutical policies and essential drugs. (HAI Europe 1997)

ImpactAids

<http://www.impactaids.org.uk/>

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The conference, in Lilongwe in October 2007, is aimed at helping people in central African countries.

Mission

To promote serious consideration of the economic, public health and moral arguments in favour of improving access to treatment for **AIDS** in resource poor countries.

To press for well-funded, large-scale, multi-centre treatment trials to work out the practicalities of implementing **AIDS** treatment programmes in different regions of the world and to develop simple and flexible models for treatment provision, appropriate to local needs and resources.

To complement the work of other organisations striving to address the combined effects of poverty and **AIDS** in the developing world.

Issues of interest

To promote serious consideration of the economic, public health and moral arguments in favour of improving access to treatment for **AIDS** in resource poor countries.

To press for well-funded, large-scale, multi-centre treatment trials to work out the practicalities of implementing **AIDS** treatment programmes in different regions of the world and to develop simple and flexible models for treatment provision, appropriate to local needs and resources.

To complement the work of other organisations striving to address the combined effects of poverty and **AIDS** in the developing world.

IPRs: Position and Arguments

Directly observed therapy with highly-active antiretroviral therapy (HAART) is a very contentious issue. The main objections have been their high cost and the lack of health infrastructure necessary to use them. They try to answer some of the most common arguments against the use of this therapy in resource poor countries.

" It would simply be too expensive."

" Patents and Western drug companies are the main obstacle..."

" Clinical monitoring of HAART is too complicated.."

" There are too many side effects.."

" Poor compliance would mean that widespread drug resistance would inevitably follow."

" The Infrastructure is not there.."

" Education and prevention would be a better use of the money.."

Staff

Dr Jim Bond

Publications

- [DOT-HAART](#) Explained
- [Infectious diseases high on agenda under new WHO leadership](#) : Khabir Ahmad : **Lancet** Infectious Diseases 01 September 2003
- [President Clinton signs Global Call for Action for AIDS Vaccines](#)
- Speaking in London 13 December 2002 at the annual Diana, Princess of Wales, Memorial Lecture on AIDS
- [African patients adhere well to anti-HIV regimens](#) The **Lancet**: Volume 362, Number 9387 13 September 2003

- [ACCESS TO ANTIRETROVIRAL THERAPY IN RESOURCE-POOR SETTING](#)
- [Scaling up access to HAART in Haiti](#) The **Lancet** September 20, 2003 In Health and Human
- [HIV Report Sept 2002](#) - Antiretroviral Treatment in Developing Countries By Jean Nachega, M.D., M.P.H.
- [Too little, too late? Burning to the ground](#)
- 2003 Retrovirus Conference Report - International Treatment Policy to change therapy
- [WHO Draft Guidelines for Antiretroviral Therapy in Resource Limited Settings](#)
- .By Lisa A. Spacek, M.D., Ph.D. July 2002

FUNDS

Clinton Foundation

<http://www.clintonfoundation.org/index.htm>

55 West 125th St.
NEW YORK, NY 10027
U.S.A.

Mission

The mission of the William J. Clinton Foundation is to strengthen the capacity of people in the United States and throughout the world to meet the challenges of global interdependence.

Issues of interest

To advance this mission, the Clinton Foundation has developed programs and partnerships in the following areas:

- Health Security
- Economic Empowerment
- Leadership Development and Citizen Service
- Racial, Ethnic and Religious Reconciliation

IPRs: Position and Arguments

The Clinton Foundation HIV/AIDS Initiative (CHAI) strives to make treatment for HIV/AIDS more affordable and to implement large-scale integrated care, treatment, and prevention programs. Since its inception, CHAI has helped bring AIDS care and treatment to over 415,000 people living with HIV/AIDS around the world.

During President Clinton's recent trip to Africa, CHAI signed agreements with several new countries. Over the course of the past year, CHAI increased the number of partner countries and members of the Procurement Consortium, which can purchase AIDS medicines and diagnostic equipment at CHAI's reduced prices to 58. CHAI launched the Pediatric and Rural Initiatives in 2005 to focus on bringing AIDS care and treatment to those most often marginalized— children and those living in rural areas. Finally, CHAI negotiated agreements that reduce the prices of second-line drugs and rapid diagnostic tests.

Incentives for Generic Drugs

For generic manufacturers, the market for ARVs just a few years ago was small and fragmented. Economies of scale common to pharmaceutical production could not be realized, sales volumes were unpredictable, and purchasers often paid late or defaulted altogether. Disorganization in the market made it impossible for companies to plan for efficient production, and payment risk contributed to unnecessarily high costs.

In 2002, CHAI began working with governments in Africa and the Caribbean to scale up access to ARV treatment. Based on the plans they helped them to develop— and would help to implement— they were confident that ARV sales volumes would increase quickly. This insight gave them credibility with manufacturers. Together with these high-quality suppliers, they set out to map the manufacturing process and its component costs.

The majority of final formulation costs are in the purchase or in-house production of active pharmaceutical ingredients (API). Production costs of API – in addition to the smaller cost to manufacture formulations— are scale dependent. Larger orders of chemical intermediates yield better prices; direct expenses like power and labor are minimized when chemical reaction chambers are larger and filled to capacity, and when production lines are run continuously rather

than on a batch-to-batch basis; and indirect expenses add up to less per unit when more units share them. Thus the increased volumes they anticipated as treatment programs rolled out were directly linked with significant savings in the per person per year cost of ARVs.

More savings were possible. Recognizing HIV/AIDS as a global health emergency, manufacturers took a bold step by committing to cross-subsidize most standard overheads by sales of other products and to retain only nominal margins for ARVs. Their ongoing sale would be a low-margin but high-volume business (which would remain sustainable so long as prices covered all direct costs plus depreciation and cost of capital while providing for a margin).

The third source of savings came from “forward pricing” – pricing based on costs associated with volumes that they knew would not be realized for up to three years. API suppliers, in particular, were able to do this because they had confidence that in addition to the volume-based manufacturing savings they assumed, they would be able to achieve higher yields over time (as they gained experience) and therefore require fewer raw materials. Knowing that costs would fall, suppliers agreed to forward pricing to help stimulate demand and to gain market share.

On the basis of these savings, CHAI signed agreements in October 2003 with five suppliers specifying prices for nine formulations of the most common ARVs.⁵²

Type of Activities

Procurement Consortium for procuring high-quality medicines and supplies at affordable prices. CSHOR develops computer-based, quantitative tools to help governments in low and middle-income countries accelerate the implementation of high-quality HIV care and treatment.

⁵² "Getting More for the Money", a November 2005 Global AIDSLink article about CHAI's work to lower ARV prices.

Gates Foundation

<http://www.gatesfoundation.org/default.htm>

PO Box 23350

SEATTLE, WA 98102

U.S.A.

Phone: +1 (206) 709-3100

Mission

Bill and Melinda Gates believe every life has equal value. In 2000, they created the Bill & Melinda Gates Foundation to help reduce inequities in the United States and around the world.

Issues of interest

Guided by the belief that every life has equal value, the Bill & Melinda Gates Foundation works to reduce inequities and improve lives around the world. In developing countries, it focuses on improving health, reducing extreme poverty, and increasing access to technology in public libraries. In the United States, the foundation seeks to ensure that all people have access to a great education and to technology in public libraries. In its local region, it focuses on improving the lives of low-income families.

Based in Seattle, the foundation is led by CEO Patty Stonesifer and Co-chairs William H. Gates Sr., Bill Gates, and Melinda French Gates.

Type of Activities

The mission of the Global Health program is to encourage the development of lifesaving medical advances and to help ensure they reach the people who are disproportionately affected. They focus their funding in two main areas:

- Access to existing vaccines, drugs, and other tools to fight diseases common in developing countries
- Research to develop health solutions that are effective, affordable, and practical

Global Fund to Fight AIDS, Tuberculosis and Malaria

<http://www.theglobalfund.org/en/>

Chemin de Blandonnet 8
1214 Vernier
GENEVA,
Switzerland
Tel: +41 22 791 17 00
Fax: +41 22 791 17 01

Mission

The Global Fund was created to finance a dramatic turn-around in the fight against AIDS, tuberculosis and malaria. These diseases kill over 6 million people each year, and the numbers are growing.

To date, the Global Fund has committed US\$ 6.8 billion in 136 countries to support aggressive interventions against all three diseases.

As a partnership between governments, civil society, the private sector and affected communities, the Global Fund represents an innovative approach to international health financing.

Global Fund's General Principles

Operate as a financial instrument, not an implementing entity.

The Global Fund's purpose is to attract, manage and disburse resources to fight AIDS, TB and malaria. They do not implement programs directly, relying instead on the knowledge of local experts.

As a financing mechanism, the Global Fund works closely with other multilateral and bilateral organizations involved in health and development issues to ensure that newly funded programs are coordinated with existing ones.

Foundations that have supported the work of the Global Fund to date include:

- Bill and Melinda Gates Foundation
- Glaser Progress Foundation
- Kaiser Family Foundation
- Open Society Foundation
- United Nations Foundation
- William and Flora Hewlett Foundation

Make available and leverage additional financial resources.

The Global Fund only finances programs when it is assured that its assistance does not replace or reduce other sources of funding, either those for the fight against AIDS, tuberculosis and malaria or those that support public health more broadly.

Support programs that reflect national ownership.

The Global Fund encourages new and innovative alliances among partners within recipient countries and seeks the active participation of local representatives of civil society and the private sector.

By focusing upon the technical quality of proposals, while leaving the design of programs and priorities to partners reflected by the [Country Coordinating Mechanism](#), the Global Fund also encourages local ownership.

This approach serves not only to drive effective disease-specific strategies but also to support efforts to strengthen underlying health systems in recipient countries, consistent with national

strategic plans. Programs underwritten by the Global Fund build upon existing poverty-reduction strategies and sector-wide approaches that have been developed to improve public health.

Operate in a balanced manner in terms of different regions, diseases and interventions.

In awarding grants, the Global Fund gives priority to effective proposals from countries and regions with the greatest need, based on the highest burden of disease and the fewest financial resources available to fight these epidemics. The Global Fund also supports grants in areas of the world with emerging epidemics, in an effort to avert further disaster.

Pursue an integrated and balanced approach to prevention and treatment.

The Global Fund takes a comprehensive approach to AIDS, TB and malaria, funding both prevention and treatment based on locally determined needs. Three-quarters of countries awarded HIV/AIDS funds will use at least a portion of their grants to provide antiretroviral treatment.

Evaluate proposals through independent review processes.

The Global Fund's use of an independent Technical Review Panel ensures that limited resources are targeted to technically sound programs with the greatest chances of success.

Establish a simplified, rapid and innovative grant-making process and operate transparently, with accountability.

While the concept of performance-based grant-making is not new, the Global Fund is pioneering practical systems to implement this approach that balance the need for accountability and efficiency. This includes working with recipient countries to identify a small number of key indicators to be used to measure progress, and ensuring that, where possible, Global Fund reporting requirements rely on existing processes.

Type of Activities

The following process used by the Global Fund to approve and administer grant awards is designed to maximize the participation of local stakeholders, ensure accountability and provide transparency with respect to both decision-making and operations:

The governments of developing countries work with civil society organizations and partners through CCMs to prepare proposals that fill financing gaps in local HIV, TB and/or malaria programs. Eligible proposals submitted to the Fund are reviewed for technical merit by the TRP; recommended proposals are considered by the Global Fund Board and approved based on available funds.

The Global Fund Secretariat appoints an LFA in countries with approved grants. The LFA assesses the capacity and systems of the PR that has been nominated by the CCM. The Secretariat negotiates a two-year grant agreement with the PR, after which the PR receives its first disbursement. The PR in turn makes disbursements to local implementing organizations. The PR periodically requests additional disbursements from the Secretariat, based on evidence of progress achieved, verified by the LFA.

Based on verified disbursement requests, the Secretariat instructs the World Bank (as trustee) to make disbursements throughout the two-year period. The flow of funds is linked to continued progress. Overall two-year program performance is evaluated by the Global Fund to determine whether to renew grants through to their full term (typically 5 years in total), depending on availability of funds. If the grant is approved for continued funding, the Secretariat negotiates a grant agreement to cover the remaining years of the grant lifespan.

Board of Trustees

In April 2005, [Dr. Carol Jacobs](#), Chairman of the National HIV/AIDS Commission in the Office of the Prime Minister in Barbados, was elected to succeed the Global Fund's second Chair, Tommy G. Thompson. In March 2006, [Dr Lieve Franssen](#) was elected Vice Chair of the Board.

NGOS WORKING ON BIODIVERSITY

AGRICULTURE

Ban Terminator Campaign

<http://www.banterminator.org/>

431 Gilmour Street, Second Floor
OTTAWA, Ontario
Canada K2P 0R5

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Fax: + 1 613 241 2506

Mission

Purpose: The Ban Terminator Campaign seeks to promote government bans on Terminator technology at the national and international levels, and supports the efforts of civil society, farmers, Indigenous peoples and social movements to campaign against it.

Origins: The Ban Terminator Campaign was initiated in response to recent efforts by governments and corporations to push for Terminator field trials and commercialization. Despite widespread opposition, in February 2005, the Canadian government attempted to overturn the CBD's international de facto moratorium on Terminator technology. The Ban Terminator Campaign was formed in response, following discussions initiated by Canadian-based civil society organizations (ETC group, Inter Pares, National Farmers Union, and USC Canada). In March 2006 at the CBD COP8 meeting, Governments upheld the global moratorium on Terminator. Some governments continue to support Terminator however and some corporations continue to develop and push the technology. Patent offices around the world continue to approve patents on Terminator technologies

History: In 1998, ETC group (then RAFI) discovered Terminator patents. In 1999, in response to the avalanche of public opposition, two of the world's largest seed and agrochemical corporations, Monsanto and AstraZeneca (now Syngenta), publicly vowed not to commercialize Terminator seeds. In 2000, the United Nations Convention on Biological Diversity adopted a de facto moratorium on Terminator seeds. As a result, many people believed that the crisis had passed, and the issue faded from public view. Unfortunately, Terminator is still being developed and is now being heavily promoted. See Statements Against Terminator or see documents at www.etcgroup.org

Issues of interest

Biosafety
Peasants and Small-Scale Farmers
Indigenous Peoples, Traditional Knowledge and Biodiversity
Governments and Inter- governmental Bodies
The Industry

IPRs: Position and Arguments

"Terminator is a direct assault on farmers and indigenous cultures and on food sovereignty. It threatens the well-being of all rural people, primarily the very poorest."

Type of Activities

Join the campaign for a national ban in your country
News & Updates
Events Schedule
Glossary

E-mail alerts

Steering Committee

The Ban Terminator Campaign's steering committee:

- ETC Group (Action group on Erosion, Technology and Concentration) www.etcgroup.org
- Genetic Resources Action International Network - GRAIN www.grain.org
- Indigenous Peoples Council on Biocolonialism www.ipcb.org
- Intermediate Technology Development Group - ITDG www.itdg.org
- Pesticide Action Network – Asia and the Pacific www.panap.net
- Third World Network www.twinside.org.sgwww.biosafety-info.net
- Via Campesina www.viacampesina.org

Publication

Glossary

ETC Group

(formerly RAFI - Rural Advancement Foundation International, now action group on Erosion, Technology and Concentration - ETC)

<http://www.etcgroup.org/>

ETC Group Headquarters,
431 Gilmour St, Second Floor,
OTTAWA, ON Canada K2P 0R5
Tel: 1(613)241-2267,
Fax: 1(613)241-2506

Mission

ETC group is dedicated to the conservation and sustainable advancement of cultural and ecological diversity and human rights. To this end, ETC group supports socially responsible developments of technologies useful to the poor and marginalized and it addresses international governance issues and corporate power.

“Formerly known as RAFI (Rural Advancement Foundation International), The ETC Group traces its history back to the National Sharecroppers Fund that was established in the 1930's by, amongst others, Eleanor Roosevelt to help support the plight of poor, mostly black, tenant farmers in the US. Then Pat Mooney, Hope Shand and Cary Fowler began working on the Seeds Issue through The Rural Advancement Foundation and in time set up an international arm concerned with the rights of farmers in the global south.

RAFI pioneered civil society research, critiques and advocacy on Farmers rights, seed monopoly laws, genetic engineering in agriculture, patents on life and biopiracy (a term that RAFI coined) and new life science technologies such as terminator technology, genomic technologies and nanotechnology. RAFI played a key role in pushing for and shaping UN recognition of Farmers Rights and the International Treaty on Plant Genetic Resources for Food and Agriculture. By 2000 there was becoming some confusion with the original Rural Advancement Foundation (now called RAFI-USA) so RAFI changed its name to ETC Group to reflect its wider scope of concern beyond just rural concerns.”⁵³

Issues of interest

ETC group's strength is in the research and analysis of technological information (particularly but not exclusively plant genetic resources, biotechnologies, and [in general] biological diversity), and in the development of strategic options related to the socioeconomic ramifications of new technologies. As specified in its name, ETC's interests are Erosion, Technology, and Concentration.

IPRs: Position and Arguments

EROSION

This category includes, among others:

Biopiracy: ETC group believes that intellectual property is predatory on the rights and knowledge of farming communities and indigenous peoples.

Biodiversity and Genetic Resources: Genetic diversity within a species permits it to adapt to new pests and diseases, and to changes in environment, climate, and agricultural methods. Biological diversity is the cornerstone of sustainable agriculture and world food security.

⁵³ http://en.wikipedia.org/wiki/ETC_Group

ETC group is engaged in ongoing work related to the science, governance and patent policies of the Consultative Group on International Agricultural Research (CGIAR). The CGIAR is an informal network of 16 international agricultural research centres, which manages approximately 600,000 agricultural seed samples. In 1994, most of the crop germplasm held in CGIAR gene banks was placed under the auspices of the FAO, to be held in trust for the world community.

Especially social movements and marginalized peoples - must be fully engaged in designing and directing societal dialogue on every aspect of synthetic biology research and products. Because of the extraordinary power and scope of synthetic biology technologies, this discussion must take place globally, nationally and locally

Scientific self-governance doesn't work and is anti-democratic. It is not for scientists to have the determinant voice in regulating their research or their products

Cultural Diversity: Indigenous peoples and farming communities are the creators, custodians and continuing innovators of biological knowledge and resources.

Human Rights / Farmers' Rights: The ETC group believes that Farmers' Rights must be recognized at the international level, and that its definition should be expanded by the human rights community as part of the Right to Food.

TECHNOLOGY

This category includes, among others:

Terminator & Traitor: The development of chemically-dependent plants and genetic seed sterilization threatens farmers, food security and the environment. ETC discovered terminator patents, leading to the campaign "Ban Terminator", initiated by Canadian NGOs against Canadian government attempt to overturn the CBD's international de facto moratorium on Terminator technology.

Biotechnology: the current social, economic and political context, genetic engineering is not safe, and involves unacceptable levels of risk to people and the environment. For ETC group, the fundamental issue is control over that process.

Biological Warfare: This topic includes military applications of biotechnology and its impact on democratic institutions.

Human Genomics: The ETC group's research on human genomics includes an emphasis on human performance enhancement (HyPEs) therapies and drugs, and on those members of society (the poor, the disabled, indigenous peoples, women, workers) who are most vulnerable to exploitation by genomics technology.

While nanotechnology offers opportunities for society, it also involves profound social and environmental risks, not only because it is an enabling technology to the biotech industry, but also because it involves atomic manipulation and will make possible the fusing of the biological world and the mechanical. There is a critical need to evaluate the social implications of all nanotechnologies; in the meantime, the ETC group believes that a moratorium should be placed on research involving molecular self-assembly and self-replication.

CONCENTRATION

This category includes, among others:

Concentration in corporate power: The ETC group will monitor the control and ownership of emerging technologies

Intellectual Property & Patents: The ETC group opposes exclusive monopoly control over living organisms and biological processes.

"New Enclosures": The ETC group believes it is urgent to examine how non-patent technologies, such as genetic trait control, satellite surveillance, and the re-direction of biosafety regulations could impose monopolies that replace intellectual property as the major means of technology control in the 21st century.

Public / Private Relations: The ETC group is concerned about the neglect of the public good and the appropriation of public research for private profit.

Type of Activities

ETC provides information and analysis of socioeconomic and technological trends and alternatives. Its analysis mainly focuses on social impact of those new technologies. Its main activity is therefore publishing (see the list below). ETC group is also involved with follow-through on the 1996 Food Summit and negotiations related to the Right to Food.

With other CSOs, ETC is also participating to other activities:

BAN TERMINATOR Campaign

To this end, ETC Group supports socially responsible developments in technologies useful to the poor and marginalized and it addresses governance issues affecting the international community. They also monitor the ownership and control of technologies, and the consolidation of corporate power.

The Coalition Against Biopiracy is rewarding the most steadfast resisters at the Captain Hook Awards

Board of directors

Tim Brodhead, Montreal, Quebec, Canada , ETC Group's President

Staff (in 2005)

International Headquarters, Canada

Pat Roy Mooney, Executive Director (Ottawa, ON)

Erin O'Manique, Director of Operations (Ottawa, ON)

Charlie Shymko, Office Manager/Researcher (Ottawa, ON)

Jim Thomas, Research Programme Manager / Writer (Ottawa, ON)

USA Office

Hope Shand, Research Director (Carrboro, NC)

Kathy Jo Wetter, Byzantinist, Programme Manager (Carrboro, NC)

Mexico Office

Silvia Ribeiro, Researcher/Programme Manager (Mexico City, Mexico)

Verónica Villa, Part-time Research/Admin Assistant (Mexico City, Mexico)

Publication

- *Communiqué*, ETC group's principal publication, providing original, in-depth research on erosion, biodiversity, new technologies, corporate concentration and intellectual property. Published 4-6 times yearly.
- *Nanobrevets « de deuxième nature » : Implications pour les pays du Sud*, February 15, 2006
- *Oligopoly, Inc. - Concentration in Corporate Power*, December 16, 2005
- *Seed Industry Concentration* - September 6, 2005
- *Special Report - NanoGeoPolitics: ETC Group Surveys the Political Landscape*, July 28, 2005
- *Syngenta – The Genome Giant?*, January 10, 2005
- **Occasional Papers**, Irregular publications presenting independent ETC group research studies and information on our work in progress.
- *Size Matters! The Case for a Global Moratorium*, April 14, 2003
- *Groups in Africa, Latin America condemn World Bank biosafety projects*, Date: June 26, 2006
- *Monsanto Apologizes*, March 2, 2006

- Report Prepared for the South Centre - *The Potential Impacts of Nano-Scale Technologies on Commodity Markets: The Implications for Commodity Dependent Developing Countries*, November 15, 2005
- *A Tiny Primer on Nano-scale Technologies ...and The Little BANG Theory*, June 1, 2005

The Worldwatch Institute's State of the World 2006 includes a chapter on nanotechnology written by ETC Group. "Shrinking Science: An Introduction to Nanotechnology" provides an overview of tiny tech and its colossal societal impacts. ETC's chapter concludes: "In the coming decades, technologies converging at the nanoscale will revolutionize the design and manufacture of new materials, blur the distinction between living and non-living matter, and change the very definition of what it means to be human. The challenge is to go beyond the tired and familiar approach of technocratic regulations related to 'risk' and to gain an innovative capacity for democratic control and assessment of science and technology."

In November 2005 ETC Group prepared a report for the Geneva-based South Centre entitled, "The Potential Impacts of Nano-Scale Technologies on Commodity Markets: The Implications for Commodity Dependent Developing Countries."

Farmers' Link

<http://www.farmerslink.org.uk/>

Willow Farm,
Black Carr,
Besthorpe,
ATTLEBOROUGH, Norfolk, NR17 2LP
UK

Mission

Promoting awareness of sustainable agriculture and rural development in the UK and overseas. Their work is guided by the recommendations of Agenda 21, the outcome of the first earth summit in 1992. They believe that we live in an interdependent world. Food production is linked across the globe and farmers in all countries need to address issues of sustainability. They aim to stimulate debate on the social and environmental implications of food production and distribution; and they examine the changes needed in agricultural policies and practices to reflect the interests of farmers in the East of England and worldwide.

Farmers' Link began working on biotechnology issues back in 1989, when they formed an Agricultural Biotechnology Study Group. This group organised a conference on this issue at UEA, which featured speakers from GRAIN and ICI.

Issues of interest

Main issues of interest of Farmers' Link are:

- Natural resources conservation,
- sustainable food and farming,
- linking farmers worldwide.

IPRs: Position and Arguments

Intellectual Property rights concerns emerge in the "Natural resources conservation" program.

Biodiversity and low-input farming

Developing varieties that are locally appropriate is probably particularly important in low-input farming. Low-input crops are more reliant on plant genes to respond to problems like pest or disease attack, weed infestation or drought.

Does biotechnology have a place in sustainable agriculture?

In 2001 Farmers' Link, with the support of Action Aid, put together a briefing outlining why UK farmers have lost their role as plant breeders. The document examines the role of communally developed varieties in two food crops. It also looks at how current legislation could inhibit farmers from going back to breeding their own plants and contains a proposal that could give farmers a renewed role in cereal breeding. It explains the particular importance of the proposals to low-input farming.

As a follow-up to this, they initiated a regional debate on GM, holding a SARD Working Group which looked at :

- Farmers' current experiences of GM trials - trial hosts and neighbours and their impact on the community
- The market prospects for GM and non-GM crops (consumer reactions to GM);
- Whether GM and non-GM growers can work together to make sure that no one is disadvantaged.

In the debate over GM and farming, FL sees itself as a 'bridge' between farmers, scientists and consumers, attempting to address the question 'Does biotechnology have a place in sustainable agriculture?' They also contribute case studies from Southern countries' perspective to conferences and other events on the subject.

Linking farmers worldwide/Agricultural and Trade Policy

Nationally, Farmers' Link is a member of the UK Food Group, a coalition of UK organisations who share a common concern for food security and of SUSTAIN, the Alliance for Better Food and Farming in Britain. With members of the UK Food Group and SUSTAIN, they exchange expertise and information, develop common strategies and engage in joint lobbying. Two working groups focus on key institutions in the field of food security: the World Trade Organisation (WTO), the Common Agricultural Policy (CAP) and Transnational Corporations (TNCs) and the Food Industry.

In 2000, in collaboration with the Agricultural Christian Fellowship and Farmers' World Network, Farmers' Link produced and distributed *The WTO: What, Who, Why?*, a leaflet which explains why it is vital that farmers all over the world understand the on-going World Trade Organisation (WTO) negotiations on the Agreement of Agriculture

Type of Activities

They work to increase understanding of the links between farming and rural development through conferences, publications and international farmer exchanges.

Staff

Hetty Selwyn, Co-ordinator

The organisation has directors, two members of staff and an advisory panel called the SARD - Sustainable Agriculture and Rural Development - Working Group.

Publication

Biotechnologies will change the World, which included an interview with Professor Burke, vice-chancellor of UEA,

'Biotechnology: Wedge or Bridge?'

The WTO: What, Who, Why?, Linking Lives and Livelihoods

A collection of farmers' stories from around the world, illustrating the impacts of a global marketplace

Smart Plants: A farmers guide to genetically modified organisms in arable agriculture.

A 24 page guide presenting farmers with the pros and cons of genetic engineering. It aims to enable farmers to form their own opinions about this new technology.

GRAIN

<http://www.grain.org/>

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Spain

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Fax: +34 933011627

Mission

GRAIN is an international non-governmental organisation (NGO), working on the issues of local and global management of genetic diversity and the impacts of biotechnology on world agriculture, particularly in developing countries.

René Vellvé and Henk Hobbelink founded GRAIN in 1990. They had met at the seed's campaign of the International Coalition for Development Action. Today, GRAIN counts thirteen staff in nine countries and spread across 5 continents.

Issues of interest

- Protecting and strengthening community control of agricultural biodiversity: GRAIN actively monitors, researches and lobbies against pressures that undermine the rights of farmers and other local communities to use, and benefit, from biodiversity. At the same time they work with national and local organisations across the world, who are advocating and building up mechanisms which enhance community control over local genetic resources and its associated knowledge.
- Promoting agriculture rich in biodiversity: All over the world there are farm and livelihood systems rich in biological and cultural diversity. Together with other NGOs, they work to support farmers and communities in strengthening sustainable agricultural approaches that are people-driven and serve food security first and foremost. GRAIN also explores how agricultural research programmes can better serve these approaches.
- Stopping the destruction of genetic diversity: Agricultural policies and trade liberalisation agreements have led to a more industrialised - and more vulnerable - food system. Through research, information and strategy work, they aim to help those involved in various activities to stop further privatisation and loss of agricultural biodiversity.

IPRs: Position and Arguments

GRAIN promotes the sustainable management and use of agricultural biodiversity based on people's control over genetic resources and local knowledge. It supports sustainable agricultural approaches that are people-driven and serve food security first and foremost.

Intellectual Property Rights, and especially genetically modified seeds, promote an industrial agriculture and monoculture. This food system leads to environmental problems like deforestation, soil degradation and genetic contamination, as well as to social and economic consequences: degradation of social fabric of solidarity, community traditions and value system, expulsion of rural population toward big cities, and dependency on the market to ensure food supply. Moreover, contrary to what we often hear, the strengthening of intellectual property rights in this context can lead to a 'freezing out' of technology importers in the South.

GRAIN works to meet its aims by protecting and strengthening community control of agricultural biodiversity, promoting agriculture rich in biodiversity, and stopping the destruction of genetic diversity.

Recent theme/campaign

Biosecurity

At their core is a long-standing strategy pursued by the World Bank and the US government to harmonise regulations for GM crops across regions in order to override national processes that are more susceptible to local opposition. The idea is to establish favourable regulations in a few countries whose governments are open to GM crops and then to use these regulations as a model that can be imposed on neighbouring countries by way of regional policy bodies. In this way, harmonisation side-steps any possible democratic debate and provides corporations with a large, one-stop shop for their GM crops.

Monoculture

Monocultures also, by definition, defy diversity—another critical element to sustainability. No matter how hard they try to regulate or “enhance” themselves, they will always have irreparable impacts on peoples, ecosystems and the soil. Globally, this narrowing down of the planet's food supply to a few monocultures, relying on an extremely narrow genetic base of genetically modified and patented seeds, raises dire and unpredictable risks for the global food system, especially for the world's poor.

Bilateral investment treaties and free trade agreements:

Include explicit obligations for the protection of intellectual property rights as “investments” and therefore “increase the scope and availability of IPR protection beyond current standards, reduce flexibilities available to developing countries under international treaties and can be used to expand the application in their territories of IPRs over biodiversity.”⁵⁴

Avian Flu

« La crise de la grippe aviaire et la réponse mondiale ne produisent pas que des tragédies. Certains en profitent. La destruction des volailles de races locales et la restructuration du secteur avicole s'orientant vers les secteurs des fermes industrielles et des supermarchés "biosécures" bénéficieront aux multinationales avicoles et aux détaillants. »⁵⁵

Type of Activities

GRAIN's activities are monitoring, researching, information sharing, advocating, and lobbying. It provides information on each of the four areas of GRAIN's multi-year programme plan: 'The fight for rights', 'Agricultural research for whom?', 'Cross-cutting information work', and 'Programme and organisational development'

'*The fight for rights*' focuses on the struggle to articulate, strengthen and implement rights of local communities in relation to biodiversity management and traditional knowledge. This goes hand in hand with the fight against patents on life and the misappropriation of traditional knowledge, be it by governments, scientists or multinational corporations. Activities in this area include: monitoring and research activities on intellectual property rights (IPR) in international fora and at the regional and national levels; a specialised electronic information service called BIO-IPR; the production of briefings on cutting edge issues in the fight for rights; and direct collaborative support to NGOs, farmers' groups and broader campaigns against IPRs and for community control over biodiversity and local knowledge.

'*Agricultural research for whom?*' focuses on the promotion of relevant research for farming communities to help further the development of locally adapted sustainable farming and livelihood systems. It also unveils and challenges the privatisation of scientific research, top-down, internationally imposed models of industrial agriculture with its need for uniformity, and new technologies such as genetic engineering which serve to undermine local agricultural

⁵⁴ *Bilateral investment agreements: Agents of new global standards for the protection of intellectual property rights?* Author: Carlos M. Correa Date: August 2004

⁵⁵ *Grippe aviaire: une réponse mondiale imposée d'en haut*, Auteur: GRAIN Date: mai 2006
<http://www.grain.org/articles/?id=15>

systems. Activities include providing analysis and research, the production of case studies and news services, participation and support to various campaigns, and capacity sharing efforts in partnership with NGOs and farmers organisations in the South. In the coming years, a special effort will be put on incorporating and supporting the perspectives and activities of groups and movements working to improve farmer-controlled agricultural research, anchored in the hands of small scale farmers, especially women farmers.

'*Cross-cutting information work*' brings together all of GRAIN's general information activities and outreach functions. It includes: the continued production of periodicals like *Seedling*, *Biodiversidad*, and *Semences de la Biodiversité*; the production of new information materials like *Against the Grain*; the running of a translation facility in Spanish and French; the continuous development of their website; more proactive work with the media and audio visual materials; and the production of ad hoc information tools and services.

'*Programme and organisational development*' focuses on the further consolidation of GRAIN's organisational development gains and processes, to allow them to address more efficiently and effectively the challenges posed by their programme. It incorporates: the strengthening and further feminisation of GRAIN's governance, and the improvement of cooperation and communication.⁵⁶

Examples of projects:

Tracking GM developments in Asia and the Pacific

The idea behind this monitoring tool draws on (past and present) requests mostly from groups in Asia who are campaigning against genetic engineering, genetically modified organisms or GM agriculture. It seemed that despite the existence of databases in other sites, there is still a need for a simple, easy to use matrix that summarises 'who is doing what where?' that can easily identify what transgenic crop is being developed, field tested or commercialised, and who are the institutions and companies involved.

Staff

Henk Hobbelink - Coordinator (Barcelona, Spain)

Renée Vellvé - Los Baños Coordinator (Los Baños, Philippines)

Publications

GRAIN publishes three types of documents: briefings, short opinion texts, periodicals (in English, French, and Spanish), and, as it calls it, a "Jargon Buster"

Briefings

GRAIN produces several briefings each year. They are substantial research reports, providing in-depth background information and analysis on a give topic. GRAIN briefings are usually written by GRAIN staff, often in collaboration with other organisations or individuals.

GRAIN in collaboration with Dr Silvia Rodríguez Cervantes. FTAs: Trading away traditional knowledge, March 2006.

GRAIN. USAID: Making the World Hungry for GM Crops, April 2005.

GRAIN. Fiasco in the field - An update on hybrid rice in Asia, March 2005.

Carlos M. Correa. *Bilateral investment agreements: Agents of new global standards for the protection of intellectual property rights?*, August 2004.

GAIA / GRAIN (1998). Intellectual Property Rights and Biodiversity: The Economic Myths. *Global Trade and Biodiversity in Conflict*, Issue no. 3, October 1998.

Opinion pieces

Against the grain is a series of short opinion pieces on recent trends and developments in the issues that GRAIN works on. Each one focuses on a specific and timely topic.

⁵⁶ GRAIN. « About the programme" <http://www.grain.org/about/?id=9>

Periodicals :

- *Seedling* is GRAIN's quarterly magazine and flagship publication. Each issue contains an editorial, 3-4 articles, book reviews, interviews and much more. *Seedling* is written both by GRAIN staff and outside collaborators.
- *Biodiversidad* is an independent Latin American quarterly magazine, produced jointly by GRAIN and REDES (Friends of the Earth - Uruguay). *Biodiversidad* is written in Spanish, with some articles translated from *Seedling* and other contributions from collaborators in the region.
- *Semences de la biodiversité* is a two-page monthly bulletin providing news & analysis on intellectual property rights and agricultural biodiversity relevant to Francophone Africa. Each issue focuses on one subject.

Jargon Buster

In this section, GRAIN takes a critical look at some such key concepts related to biodiversity, agricultural research, knowledge, and intellectual property rights. Many of these words and phrases look innocent enough at a first glance, but on deeper examination, “we can see how they have been twisted, manipulated, usurped, devalued and/or denatured.”

Institute for Agriculture and Trade Policy

<http://www.iatp.org/>

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Mission

The Institute for Agriculture and Trade Policy promotes resilient family farms, rural communities and ecosystems around the world through research and education, science and technology, and advocacy.

In the mid-1980s, family farmers across America were in the fight of their lives. Prices had dropped below the cost of production. Family farmers were told they were inefficient and they had to either get big or get out. A galvanizing effort to save the family farm helped spawn the Institute for Agriculture and Trade Policy (IATP). In 1986, IATP began documenting the underlying causes of America's rural crisis and proposing policies that would benefit farmers, consumers, rural communities and the environment.

Issues of interest

Facing Globalization

IATP works with organizations around the world to analyze how global trade agreements impact domestic farm and food policies. Alongside a global coalition, IATP advocates for fair trade policies that promote strong health standards, labor and human rights, the environment and, most fundamentally, democratic institutions.

Building Sustainability

They are developing alternative economic models that include clean sources of energy such as wind power and biofuel that would spur rural development. They are working with landowners to form cooperatives that promote sustainable forest management. They are advocating for green businesses and farms that reduce toxic runoff into the Great Lakes and Mississippi River.

Safe Food, Healthy Ecosystems

They are working to stop the overuse of antibiotics in agriculture and aquaculture, while limiting the release of mercury and other toxic pollutants that fall onto farmland and enter the food supply. IATP is also monitoring the impact of genetically engineered crops on the environment, human health and farmer income.

IPRs: Position and Arguments

Biopiracy and patent quality

Developing countries have proposed to amend the World Trade Organization (WTO)'s Agreement on Trade Related Intellectual Property Rights (TRIPs) by requiring patent applicants to disclose the origin of biological resources and traditional knowledge used in patented products. Disclosure would also require the patent applicant to show that the applicant had obtained Prior Informed Consent (PIC) and arranged for an Access and Benefit Sharing (ABS) plan, according to national legislation, before appropriating biological resources and traditional knowledge used in a patentable product. According to its proponents, a disclosure requirement would help ensure that TRIPs and the United Nations Convention on Biological Diversity (CBD) would be mutually supportive, particularly regarding ABS and PIC.

Crops and Animal Factories

Making a living these days is a challenge for the average U.S. farmer. Prices for major agricultural commodities have fallen over the last 20 years while input costs have risen, leaving farmers with declining net incomes even as government subsidies hit record highs. Many analysts believe that government subsidies are the culprit behind low prices. But this perspective overlooks dramatic

changes to U.S. agriculture policy that have occurred since the mid-1990s, which have deregulated agricultural markets, allowing for overproduction and leading to the collapse of market prices.

The consequences of low commodity prices are serious: farmers' bottom lines suffer, while multinational corporations that procure cheap commodities win big. Among the biggest buyers of U.S. agricultural commodities are industrial animal factories that now dominate the livestock industry. Feed costs make up a large percentage of the industry's total production costs. As a result, corporately owned, vertically integrated, industrial animal factories have reaped major gains at the expense of U.S. farmers and taxpayers.

Type of Activities

Trade and Global Governance

works with colleagues around the world to democratize the multilateral system of policymaking. Our primary strategy is to strengthen the voice of civil society by linking the social movements working on trade, finance, development, peace and security, human rights, labor, gender, the environment and corporate accountability.

Trade Observatory

Agribusiness center

Ag Observatory

Treaty database

Campaigns

Staff

Jim Harkness, President

Publication

Factsheets

- Amending WTO intellectual property rules to prevent biopiracy and improve patent quality (Jun. 30, 2006)
- Five danger signs: The GATS assault on sovereignty and democracy (Jun. 29, 2006)
- Price of Pollution - Fact Sheet (Jun. 29, 2006)
- Turning Pollution into Money: Environmental Services and GATS (Jun. 23, 2006)
- Below Cost Feed Crops: An Indirect Subsidy for Industrial Animal Factories (Jun. 15, 2006)
- The Price of Pollution: Cost Estimates of Environment-Related Childhood Disease in Minnesota (Jun. 29, 2006)
- Food Without Thought: How U.S. Farm Policy Contributes to Obesity (Apr. 18, 2006)
- Playing Chicken: Avoiding Arsenic in Your Meat (Apr. 5, 2006)
- Dead Birds Don't Fly: An Avian Flu Primer for Small-Scale Farmers (Mar. 27, 2006)
- Codex Standards and Consumer Rights (Jan. 31, 2006)
- The WTO Biotech Ruling vs the Biosafety Protocol

Northwest Resistance against Genetic Engineering

<http://www.nwrage.org/>

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PORTLAND, OR 97293 ·

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Phone: +1 503.239.6841



Mission

Northwest Resistance Against Genetic Engineering (NW RAGE) is a non-violent, grassroots organization dedicated to promoting the responsible, sustainable and just use of agriculture and science. They are working toward a ban on genetic engineering and patents on life. They are focusing on education, community building, advocacy and action.

Issues of interest

A ban on genetic engineering

A ban on patents on any life forms including animals, plants, cells, viruses, bacteria, genes, and proteins

A ban on biopiracy - the theft of indigenous people's genes and knowledge

A ban on cloning of humans and animals

A rescinding of all current FDA approvals for genetically engineered products on the market

An increase in the scale and scope of organic agriculture

An increase in funding for research into organic agriculture and chemical-free growing techniques

The cessation of factory farming

IPRs: Position and Arguments

10 Reasons to Oppose Genetic Engineering

Consumers' Choice Is At Stake

Health risks

Ecological risks

Biodiversity in danger

Genetic engineering is about corporate control of agriculture

Organic Agriculture is at Risk

Economic misjudgments

Increase in insecticide and herbicide use

Monopolization of food production

The myth of fighting world hunger

Type of Activities

Interactive articles

Campaigns

· rBGH Free Oregon (365 Reads)

· Biopharming Free Oregon (343 Reads)

· Creeping Bentgrass (551 Reads)

· GE Free Portland (210 Reads)

· Petitions We've Endorsed (195 Reads)

· Comment on FDA Food Contamination Guidelines

Practical Action

<http://www.practicalaction.org/>

The Schumacher Centre for Technology & Development

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United Kingdom

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Mission

“Is small still beautiful? We think it is. In an increasingly divided and fragile world, Practical Action aims to demonstrate and advocate the sustainable use of technology to reduce poverty in developing countries”.

Practical Action was founded in 1966, as ITDG (the Intermediate Technology Development Group), by the radical economist [Dr EF Schumacher](#) to prove that his philosophy of ‘Small is Beautiful’ could bring real and sustainable improvements to people’s lives.

Practical Action will play a key role in this search, drawing on its position within three overlapping international movements:

The non-governmental international development sector

The movement for environmental conservation and protection

The non-governmental sector that has emerged out of the tradition of appropriate technology

Issues of interest

Energy

Shelter

Transport

Water

Food production

Agroprocessing

Manufacturing

Disaster mitigation

ICTs

Technical information

Energy for the poor

Biodiversity

Climate change

Indoor air pollution

Technology democracy

African Voices

IPRs: Position and Arguments

Globalised trade regimes are reducing local choice and control over markets and production systems and are threatening the integrity of the global genetic commons through increasing pressures for their privatisation.

Threats to agricultural biodiversity are:

Changes in production systems

Sustainable agro ecology, the option that sustains agricultural biodiversity and food production, has been shown to be successful in restoring yields.

Genetic engineering

Genetic modification is a threat to both the genetic integrity of agricultural biodiversity and its ownership. The resultant location of an inserted gene, the impact of modification on the structure of the genome and the impact and location of promoters is unknown in most cases and could have long-term deleterious effects. It is not just that the new genetically modified organisms (GMOs) may produce unexpected proteins that could cause allergies in humans, nor that they

may behave in an erratic and unexpected way, it is also that the impacts they may have on other living organisms and the environment are unpredictable.

Genetic patents

Agricultural biodiversity and its component genetic resources for food and agriculture are therefore under threat from privatisation through patents and other intellectual property rights. This results in moving knowledge and genetic resources from the informal sector into the formal sector, and from public domain to private ownership, reducing benefits for the originators of that knowledge. These are usually people and communities in the informal sector. Agricultural biodiversity was developed through the free exchange of seeds and other genetic resources and is better conserved and utilised through common access arrangements and the realisation of community, farmers' and traditional rights.

Terminator technologies

The widespread use of GURTs will result, by definition, in reduced access to genetic resources. Farmers prefer a wide range of genetic materials available for local crop development. Increased use of GURTs may result in greater reliance on formal seed markets that are less efficient and accessible to cash-poor farmers. Finally the economic power of the corporations developing and marketing GURTs could induce a shift away from local germplasm sources and further erode local and traditional seed systems that lie at the heart of crop genetic diversity.

Type of Activities

Four international programmes:

Reducing vulnerability They help reduce the vulnerability of poor people affected by natural disasters, conflict and environmental degradation.

Making markets work for the poor They help poor people to make a better living – by enabling producers to improve their production, processing and marketing.

Improving access to services They help poor communities gain access to basic services – like safe, clean water, food, housing and electricity.

Responding to new technologie. They help poor communities respond to the challenges of new technologies, helping them to access simple effective technologies that can change lives forever.

Board of Trustees

Jenny Borden, Chair of the Board of Trustees

Staff

Chief Executive Simon Trace

International Director Nick Burn

Publication

Resources for Schools:

Sustainable Lifestyles?

Hands On Technology

In a Nutshell

Development @ IT

Source to Sale

Guidelines for Global Issues in Technology

Agricultural biodiversity

Sustaining agricultural biodiversity

The web of life

CBD/COP8

CBD/COP7
World Food Day
ITPGRFA Seed Treaty

Issues and Events

Recent papers
Commission for Africa
Public Good or Private Gain
Renewables 2004
Is Small Beautiful?
Sustaining Lives and Livelihoods
Earth Summit (WSSD)
Power to the People
Energy for Development
Issues and events 2000-3

Save Our Seeds (SOS)

<http://www.saveourseeds.org>

Mission

"Save our Seeds" is dedicated to keeping conventional and organically grown seeds free of genetically modified organisms. In a joint petition 300 organisations representing over 25 million members and 200.000 individual citizens of Europe demand a strict EU law to protect the purity of seeds. Seeds are the kernals of life, the foundation of our food supply and humanities oldest heritage.

Issues of interest

Save our Seeds, a campaign supported by many different organisations in Europe, is committed to the establishment of strict purity standards for seeds and the accurate labelling of contamination with genetically modified organisms. The initiative focuses on the legislation within the European Union and its member states, especially on the attempts of the European Commission to raise labelling thresholds for "GMO-free" seeds by proposing a new Seed Directive.

IPRs: Position and Arguments

The supporters of the "Save our Seeds" petition demand strict purity laws for non-GM seeds, irrespective of whether they deem the introduction of GMOs desirable or not. Non-GM seeds should stay free of GMOs also to maintain the integrity of humankind's oldest heritage, which has been developed and passed on from generation to generation for more than 8000 years.

Unlike chocolate or vegetable oil, seeds can reproduce and multiply and their offspring can fertilise other plants. Thus, if the seeds farmers use could contain substantial numbers of GMOs (e.g. every 200th maize plant on all maize fields in Europe), farmers could no longer guarantee that they do not use GMOs. The proposed levels of contamination could even cause their yield to exceed the labelling threshold for food and feed.

Farmers and food producers would have to test all their products for the presence of GMOs in order to comply with the labelling regulations. This would cause massive problems, costs and risks all along the food production chain. Also it would be virtually impossible to recall a GMO variety once it has been approved. If such a recall became necessary for health or environmental reasons, all seeds, which could contain these GMOs would have to be recalled. Should GMOs be planted commercially in Europe this would add to the seed contamination and make the so called co-existence between GM and non-GM farming and food production even more difficult.

Type of Activities : advocacy

Save our Seeds raises awareness about the problem of GM seed contamination and to alert the public as well as politicians and administrators and companies in countries and in the EU.

Examples:

Save Our Seeds petition

Staff

Benedikt (Benny) Haerlin, coordinator of the 'Save our Seeds' campaign

Publication

SOS Dossiers:

- US vs EU at the WTO - WTO found EU GMO moratorium violated trade rules
- Syngenta's illegal GM maize Bt10 - Syngenta's unapproved GM maize variety "bt10" distributed world wide since 2001

- Fact sheet on Monsanto's GM maize Mon863 Fact sheet on Monsanto's RR oilseed rape GT73 Mon 810 seed variety bans - Genetically modified seeds in the European Communities common seed catalogue
- List of GMO approvals - State of EU approvals of GMO since May 2004

Newsletter

ENVIRONMENT

Center for International Environmental Law (CIEL)

<http://www.ciel.org/>

CIEL (United States)

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Mission

Located in Washington, DC, CIEL is a public interest law organization founded in 1989 to use principles of ecology and justice to strengthen international environmental law and protect the global environment and human health.

The Center for International Environmental Law (CIEL) is a nonprofit organization working to use international law and institutions to protect the environment, promote human health, and ensure a just and sustainable society.

It aims to:

- Solve environmental problems and promote sustainable societies through the use of law,
- Incorporate fundamental principles of ecology and justice into international law,
- Strengthen national environmental law systems and support public interest movements around the world, and
- Educate and train public-interest-minded environmental lawyers.

CIEL's work covers more than sixty countries on six continents, with emphasis on the Western Hemisphere, Central and Eastern Europe and the Newly Independent States, Asia and Africa. CIEL also directs a joint research and teaching program with The American University Washington College of Law.

Issues of interest

Climate Change

Biodiversity and Wildlife

Biotechnology

Trade and Sustainable Development

International Financial Institutions

Law and Communities

Persistent Organic Pollutants

Human Rights and the Environment

IPRs: Position and Arguments

Intellectual property rights act should be a tool rather than an obstacle for sustainable development. International intellectual property rules, however, have shifted the balance in favor of private interests and diminished the flexibility of the intellectual property system.

Multilateral Rules

The World Trade Organization's (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) established a global framework of mandatory minimum intellectual property standards that expanded the scope of protection of intellectual property without consideration of the impacts to sustainable development. The World Intellectual Property Organization (WIPO) endeavors to develop new rules that build on the TRIPS Agreement's minimum standards and that continue shifting the balance in favor of intellectual property rights holders in developed countries.

Bilateral and Regional Rules

Bilateral and regional agreements and negotiations also aim for TRIPS-plus standards. The United States-Jordan Free Trade Agreement, for instance, narrows the grounds of exclusion from patentability. The draft Agreement for the Free Trade Area of the Americas, another example, extends the terms of protection of intellectual property and confines the use of compulsory licenses. In fact, bilateralism and regionalism are expanding intellectual property standards to such a degree that many fear they will render multilateral standards obsolete.

Type of Activities

CIEL provides a wide range of services including legal counsel, policy research, analysis, advocacy, education, training, and capacity building.

CIEL also helps its NGO partners worldwide by providing them with otherwise inaccessible information from Geneva, and by helping them understand and participate in shaping their governments' positions on trade and environment issues of national and global significance.

Example:

CIEL's Project on Intellectual Property

The centerpiece of CIEL's work on intellectual property is a joint project with the South Centre that seeks to improve and enhance the participation of developing countries in the on-going processes of intellectual property standard setting as well as to assist and support their efforts to include sustainable development concerns in current multilateral rules on intellectual property. In addition, CIEL tracks the development of intellectual property rules in selected regional and bilateral processes to ensure evolving intellectual property standards appropriately balance private and public interests and retain the necessary flexibility for countries to pursue sustainable development objectives. Finally, CIEL provides advice and support to individual civil society partners working on intellectual property issues.

Staff

Daniel B. Magraw is the current president.

Publications (2004-2006)

The South Centre and CIEL IP Quarterly Update is intended to facilitate a broader perspective of international intellectual property negotiations by providing a summary of relevant developments in multilateral, plurilateral, and bilateral fora.

Biodiversity & Wildlife

- Prior and Informed Consent and Access to Genetic Resources (Olvia & Perrault) (WTO Public Symposium, Geneva) (April 2005)
- Eco-Labeling Standards, Green Procurement, and the WTO: Significance for World Bank Borrowers (March, 2005)
- CBD Request to WIPO on the Interrelation of Access to Genetic Resources and Disclosure Requirements: Establishing an adequate framework for a WIPO Response (South Centre/CIEL) (Fall 2004)

Intellectual Property Quarterly Update

- First Quarter 2006 - Extension of the Transitional Period for LCDs: Flexibility to Create a Viable Technological Base or Simply (a Little) More Time?
- Fourth Quarter 2005 - The 6 December 2005 TRIPS Amendment and Public Health at the WTO
- Third Quarter 2005 - The Relationship between the TRIPS Agreement and the CBD: The Case for Disclosure Requirements
- Second Quarter 2005 - Moving Forward the WIPO Development Agenda Process: Proposals for Consideration at the Third Session of the IIM

- First Quarter 2005 - Limiting Access to Knowledge: Copyright Provisions in Bilateral Trade Agreements
- Fourth Quarter 2004 - The TRIPS Agreement at a Crossroads: Intellectual Property and Development Concerns in the Lead Up to the Hong Kong Ministerial
- Third Quarter 2004 - Access and Benefit Sharing under the FAO ITPGFRA - Intellectual Property Considerations
- Second Quarter 2004 - WIPO General Assembly: Discussion to be (and not to be) Made
- First Quarter 2004 - Non-violation Complaints in Regional and Bilateral Trade Agreements: Making the WTO Process Irrelevant

CIEL Trade & Sustainable Development Publications

- EC-Biotech: Overview and Analysis of the Panel's Interim Report (Bernasconi and Oliva) (March 2006)
- The Brazil - Retreaded Tires Case [Background paper] (Bernasconi and Orellana) (March 2006)

International Standards and Technical Barriers to Trade [R053 - Legal Opinion Summary] (ISEAL/CIEL) (January 2006)

Friends of the Earth International

<http://www.foei.org/>

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Mission

Friends of the Earth International (FoEI) was founded in 1971 by four organizations from France, Sweden, England and the USA. Friends of the Earth International is the world's largest grassroots environmental network, uniting 71 diverse national member groups and some 5,000 local activist groups on every continent.

Their vision is of a peaceful and sustainable world based on societies living in harmony with nature. They envision a society of interdependent people living in dignity, wholeness and fulfilment in which equity and human and peoples' rights are realized.

"This will be a society built upon peoples' sovereignty and participation. It will be founded on social, economic, gender and environmental justice and free from all forms of domination and exploitation, such as neoliberalism, corporate globalization, neo-colonialism and militarism."

Its mission is:

- To collectively ensure environmental and social justice, human dignity, and respect for human rights and peoples' rights so as to secure sustainable societies.
- To halt and reverse environmental degradation and depletion of natural resources, nurture the earth's ecological and cultural diversity, and secure sustainable livelihoods.
- To secure the empowerment of indigenous peoples, local communities, women, groups and individuals, and to ensure public participation in decision making.
- To bring about transformation towards sustainability and equity between and within societies with creative approaches and solutions.
- To engage in vibrant campaigns, raise awareness, mobilize people and build alliances with diverse movements, linking grassroots, national and global struggles.
- To inspire one another and to harness, strengthen and complement each other's capacities, living the change we wish to see and working together in solidarity.

Issues of interest

Core themes running through Friends of Earth's work are protecting human & environmental rights, protecting the planet's disappearing biodiversity, and the repayment of ecological debt owed by rich countries to those they have exploited for their own economic benefit.

Climate Change
Corporate
GM
Forests
Finance
Trade

IRPs: Position and Arguments

They support the right of countries to ban or restrict the introduction of Genetically-Modified Organisms (GMOs). They believe that countries have the right to decide what they want to eat, and they support sustainable agricultural practices & food sovereignty in order to avoid food

crises in the first place. They want local communities & indigenous peoples control to their forests in their traditional sustainable way.

Safety

Biotech companies promised that GM crops were safe, that they would provide better quality and cheaper food, that they were environmentally sustainable, that they would improve agricultural production, and that they would feed the developing world. After more than a decade, all the promises made have not materialized. The safety of GM crops is still highly questioned, biotech corporations have not provided any GM crop with consumer benefits, not better quality, not cheaper. As today, the experience with marketed GM crops shows that they will drive agriculture towards unsustainability and are by no means will be a meaningful tool to tackle the problems of hunger and malnutrition

Intellectual Property Rights

Since 2003, Monsanto has focused on implementing these intellectual property right practices at the global level. One important reason for this push is Monsanto's need to replace the reduction in revenues from its Roundup herbicide. Since Roundup went off-patent in 2000, the company has been forced to slash its prices to meet competition from generic makers of glyphosate (the active ingredient of Roundup) in Europe and China.⁵⁷

Human Health

Bacteria are able to absorb genetic information from their surroundings, raising concerns that antibiotic resistance genes will be transferred to bacteria (in the guts of animals or humans or the environment in general through soil), stripping us of our ability to use these antibiotics to save lives. Health officials are also concerned about direct effects from consuming GM plants, such as increased food allergies.

Biodiversity

Special herbicide resistant crops (such as maize, oilseed rape, sugar beet and fodder beet) are now being created so that weeds may be eradicated from fields without harming the product. Farmland is one of the last refuges for native fauna; many "weeds" have already been so successfully treated by herbicides that they are on the endangered species list (as are many of the birds and other wildlife they supported).

Biopiracy

Diversity agreed on an international regime on access to genetic resources and associated traditional knowledge and benefit sharing. However, the agreement had no safeguards for the rights of indigenous peoples and small farmers.

Through their traditional technologies and practices, farmers and indigenous peoples have been the main caretakers and breeders of seeds, medicinal plants and other forms of biodiversity. Companies and commercial research institutions are trying to buy these varieties and the associated traditional knowledge, in order to monopolize and profit from this valuable information through patents and other intellectual property rights. This is called biopiracy.

FOEI Recommendations

"We campaign to replace corporate globalization with fair & sustainable economies, based on democracy, diversity, reduced consumption, cooperation & caution. We work with others to curb the power & scope of the World Trade Organization & other regional & bilateral trade liberalization agreements."

A 5 year moratorium on GM commercial crops, pending rigorous scientific analysis

Strict and clear labeling of all GM products, including derivatives and additives to food processing
Segregation and labeling of imported GM foods from harvest; with clear tracking from the field to the supermarket shelf

An international ban on the use of antibiotic resistant gene markers

⁵⁷ *who benefits from gm crops? monsanto and the corporate-driven genetically modified crop revolution*, Executive summary, p.11.

Public participation in GM decisions, including when and where testing and trials may take place
Stricter regulation of the release of GMOs
A global ban on "Terminator" seed technology
Comprehensive and culturally sensitive review of patent laws to prevent biopiracy

Type of Activities

FoEI is highly decentralized: it is made up of autonomous organizations, many of which were established before joining the federation. Roughly half of the member organizations call themselves "Friends of the Earth" in their own languages; the others use different names.

Friends of the Earth groups are working on different GMO campaigns, usually because the company has local operations. Therefore, Friends of the Earth international's role is to show what its groups are doing. And producing information on the issue.

Examples:

They are actively involved with the World Social Forum & work with many other groups & partners who share many of their aims.

The Council of Patrons was created in 1996, as part of FoEI's 25th anniversary activities. The Council is currently composed of 12 individuals of high standing from around the world, including artists, authors and academics who care for the earth.

Executive Committee

Meena Raman, Chair of Friends of the Earth International
Tony Juniper, Vice-Chair of Friends of the Earth International

Staff:

Marijke Torfs, International Coordinator.

Publications

The news bulletin of the program on International Financial Institutions of Friends of the Earth International

Who benefits from gm crops? monsanto and the corporate-driven genetically modified crop revolution, January 2006

Tackling gmo contamination: making segregation and identity preservation a reality, May 2005

The tyranny of free trade. Wasted natural wealth and lost livelihoods

A handful of biodiversity, May 2003

Trade and people's food sovereignty, April 2003

Intellectual property rights and the biodiversity convention: the impact of gatt, Friends of the Earth England, Wales & Northern Ireland, 1999.

Friends of the Earth publishes report on use of nanotechnology in cosmetics

Greenpeace International

<http://www.greenpeace.org/>

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Mission

Greenpeace is a non-profit organisation, with a presence in 40 countries across Europe, the Americas, Asia and the Pacific.

Greenpeace has been campaigning against environmental degradation since 1971 when a small boat of volunteers and journalists sailed into Amchitka, an area north of Alaska where the US Government was conducting underground nuclear tests.

Issues of interest

Greenpeace campaigns to:

- Stop climate change
- Protect ancient forests
- Save the oceans
- Stop whaling
- Say no to genetic engineering
- Stop the nuclear threat
- Eliminate toxic chemicals
- Encourage sustainable trade

IPRs: Position and Arguments

Its interest for intellectual property is mainly present under its campaign "say no to genetic engineering". "They also oppose all patents on plants, animals and humans, as well as patents on their genes. Life is not an industrial commodity. When they force life forms and the world's food supply to conform to human economic models rather than their natural ones, they do so at their own peril." IPRs are also present in its campaign "Encourage sustainable trade" which contains a section on the WTO.

Unforeseen impacts

Because we know so little about how these novel organisms will act in the environment, and because these living organisms can multiply and spread, the potentially harmful effects of GE organisms may only be discovered when it is too late. For these reasons, GE organisms (or GMOs - genetically modified organisms) must not be released into the environment.

GMOs should not be released into the environment as there is not adequate scientific understanding of their impact on the environment and human health.

"We advocate immediate interim measures such as labelling of GE ingredients, and the segregation of genetically engineered crops and seeds from conventional ones."

Biological diversity

Biological diversity must be protected and respected as the global heritage of humankind, and one of our world's fundamental keys to survival.

Crop genetic diversity is critical to the continuing development of varieties resistant to new pests, diseases, and changing climatic and environmental conditions. In this way, diversity is essential for global food security.

For Greenpeace, the Biosafety Protocol is an important step in the protection of biodiversity. It explicitly recognizes a much needed precautionary approach to the environmental release of GE organisms.

The WTO threatens crucial environmental agreements, like the first legally binding global agreement that allows countries to reject genetically modified organisms, the Biosafety Protocol. Coexistence is the term used for measures to separate genetically engineered (GE) and non-GE crops and foods. But mounting evidence shows that coexistence is impossible and that GE organisms, which are living organisms, once released into the environment, cannot be controlled and will lead to genetic contamination.

Problem is food distribution, not production

Food security will not be achieved by technical fixes, like genetic engineering (GE). People who need to eat need access to land on which to grow food or money with which to buy food. Technological 'solutions' like GE mask the real social, political, economic and environmental problems responsible for hunger.

Biothechnologies and business

If threatening biodiversity wasn't enough, the biotech giants make farmers pay for the privilege of using these human-made organisms.

Genetic engineering companies and the agri-business. are behind the US attempt to use the WTO as a tool to force feed the world genetically engineered (GE) food.

Type of Activities

They use research, lobbying, and “*quiet diplomacy*” to pursue their goals, as well as high-profile, non-violent conflict to raise the level and quality of public debate. It encourages people to take actions and give some practical tips to do so. They promote open, informed debate about society's environmental choices.

Examples:

Greenpeace has a blog on Genetic engineering: “*Our question: GE or not GE?*” <http://weblog.greenpeace.org/ge/> -

This blog contains news on GE and gives access to :

- The Action Kit: Consumers have the power to make sure that our supermarkets and restaurants remain GE-free.
- Consumers inform consumers: information flyer
- Become a Gene Detective and join our Trolley Watch: Whenever you go shopping, have a close look at the ingredients list on the packaging. If you find a GE labelled product, note down the product details, ideally take a picture, inform the Greenpeace GE campaigner in your country.
- Return – Replace – Refund: If you unknowingly buy a GE labelled product, you should take it back to your retailer and ask for a non-GE replacement or a refund. Get all of your friends to do it as well.
- Speak out against GE food.

Board of directors

ANNE SUMMERS (Australian) Board Chair

Staff

Dr. Gerd Leipold, Executive Director

Publications

Greenpeace produces news, briefings, practical tools for activism (see above), press releases, and reports. Here some of the most recent publication on genetic engineering:

Press Releases (2006)

Global Alarm Over GE Papaya Grows as Hawaii Market Spirals Downward, 25 May 2006

Polish GE seed ban, 18 May 2006

Right to remain GE-free overrides WTO ruling, 10 May 2006

Massive police presence as activists occupy Monsanto GE facility, 13 April 2006

GE Contamination in Spain: a warning for Europe, 04 April 2006

DNA Briefings: This collection of documents was prepared for the DNA anniversary on April 25th 2003.

GE Crude and Old Fashioned:

This document is a scientific review of changes in the understanding of the complexity of gene expression over the last 50 years and how this complexity renders the fundamental paradigm of GE technology invalid. It also looks at how the latest DNA knowledge and gene functionality could be used in plant breeding without the use of GE.

GE Chronology:

A chronology of scientific developments and GE developments since 1953. Scientific progress reveals increasing complexity in the control of gene expression, but the GE industry neglects this complexity and instead moves rapidly towards commercialisation of GE products.

Illustrating the problems of genetic engineering:

An illustrated guide to the complexity of gene expression, the crudeness of the GE process and the unexpected effects revealed so far.

Biological complexity:

An insight into the extraordinary dynamic complexity displayed by biological systems. The more studies are produced on the interactions between components of organisms and between individual organisms, the more it is apparent that these interactions are complex and occur on widely varying scales. However, biotechnology companies assume that the gene inserted during GE produces the desired trait and no other effects. Given the extent and complexity of biological interactions, this is unlikely to be the case.

Reports:

[Contamination by Genetically Engineered Papaya in Thailand](#), 01 June 2006

This report shows the history of GE papaya contamination in Thailand. It has been two years since facts were made public that a research station under the Thai Government had illegally sold and distributed genetically engineered (GE) contaminated papaya seeds to farmers. Subsequent investigations by an independent constitutional body and by NGOs found GE contamination in the environment.

[Papaya - The Failure of GE Papaya in Hawaii](#), 25 May 2006

The ringspot virus-resistant genetically engineered (GE) papaya introduced in Hawaii in 1998 has been a commercial failure that has propelled the Islands' papaya industry towards collapse. Fewer papayas are harvested in Hawaii now than at any time in more than a generation, fewer also than during the years when the outbreak of papaya ringspot virus was at its worst.

[GE insect resistant \(Bt\) maize in Europe](#), 13 May 2006

Maize has been genetically engineered (GE) in a number of ways to produce different types of GE maize, including pharm GE maize types, which produce pharmaceuticals in the plant. However, commercial GE maize consists of only two major types, herbicide tolerant (e.g. Monsanto's Roundup Ready) and insect resistant (e.g. Monsanto's MON810 and Syngenta's Bt11). These GE maize types have already been grown

on a commercial basis in countries such as USA, Canada and Argentina. Contamination of non-GE maize has already occurred in these countries and there are concerns that insect resistant maize could be affecting wildlife.

[EU and US GE dispute at WTO](#), 12 May 2006

Greenpeace briefing paper on the EU-US dispute at the World Trade Organisation (WTO) on genetically engineered (GE) organisms

[Impossible Coexistence](#), 04 April 2006

Seven years of GMO's have contaminated organic and conventional maize: an examination of the cases in Catalonia and Aragon.

WWF International

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Mission

Established in 1961, WWF operates in more than 100 countries.

To stop the degradation of the planet's natural environment and to build a future in which humans live in harmony with nature. Its main issues are:

Three Biomes

WWF works on the conservation of the three biomes of Forests, Freshwater Ecosystems, and Oceans and Coasts.

These contain the bulk of the world's biodiversity and provide the environmental goods and services upon which all life ultimately depends.

The question of Species

WWF has also identified a small number of [flagship Species](#) whose conservation is of special concern and which act as powerful icons for the conservation of other species and habitats.

And Two Global Threats

WWF has targeted two of the most globally pervasive and insidious of the threats to biodiversity: the spread of [Toxic Chemicals](#) and the phenomenon of [Climate Change](#). Both of these have grave and often invisible impacts upon the security of all life on Earth.

Issues of interest

WWF has identified six global issues that need to be addressed in order to achieve its mission: climate change, forests, freshwater, marine, species and toxics. Each of these priorities has a dedicated programme, together with measurable targets against which they can be judged.

WWF has also identified the world's most biologically outstanding habitats, or ecoregions. The ecoregions identified by this science-based ranking, the Global 200, are the regions on which WWF concentrates its programme efforts.

WWF also works on a number of cross-cutting issues that directly affect programmatic and ecoregional work. These include trade and investment (e.g. World Trade Organization rules), indigenous and traditional peoples (e.g. intellectual property rights), and the impacts of tourism. Particular attention is paid to the root causes of biodiversity loss, such as poverty, migration, macroeconomic policies, and poor enforcement of environmental legislation.

IPRs: Position and Arguments

Gm technology in the forest sector

While GM food crops may be under siege or even in trouble, the seeds of a quiet GM revolution are being sown in the world's forests. Biotechnology companies have linked up with key players in the industrial forest sector to support research that will increase tree growth rates, modify wood structure, alter trees' reproductive cycles, improve tolerance to certain herbicides and perhaps store more of the gases that are responsible for climate change.

WWF RECOMMENDS:

- A moratorium on the commercial release of genetically modified tree species
- Regulations for field testing strengthened to examine the long-term environmental impact of GM tree species

- An open public debate concerning biotechnology in the forest sector that is concluded in transparent government policy
- A watertight and robust Biosafety Protocol within the Convention on Biodiversity that serves as the foremost international agreement on GMOs
- A comprehensive programme of research on which credible decisions can be based.⁵⁸

Indigenous and traditional Knowledge

As a conservation organization, WWF is concerned about the loss of biodiversity and the degrading quality of the world's environment. But it is also increasingly concerned about the loss of cultures and knowledge. Traditional peoples have accumulated vast amounts of ecological knowledge in their long history of managing the environment - knowledge that could be beneficial for nature conservation and sustainable use of natural resources world-wide.

WWF supports indigenous and traditional peoples to sustainably manage their resources, and to maintain, use, and strengthen their traditional ecological knowledge.

WWF is concerned that no significant actions have been taken so far at international level to stop misappropriation and preserve the traditional knowledge, innovations and practices of indigenous and local communities related with biological resources.

They outline critical steps, which should be taken by CBD Parties to stop misappropriation and preserve traditional knowledge, as well as a series of recommendations on issues, which should be included in any regime to protect and preserve traditional knowledge.

These include:

- Recognition of the environmental and cultural values of traditional knowledge, innovations and practices.
- Critical steps to protect, preserve and maintain traditional knowledge, innovations and practices:
- Stop further misappropriation of traditional knowledge;
- Explore the need for an international legally binding regime for the protection of traditional knowledge related with biological resources;
- Adopt interim minimum standards for the protection, preservation, and maintenance of traditional knowledge;
- Accelerate national processes for the implementation of sui generis framework.
- Preconditions for any regime aimed at protecting and preserving traditional knowledge.
- Measures to balance power inequalities in negotiation processes.
- Strengthening participation, partnership, and coordination.
- Strengthening the role of Working Group on Article 8(j) and related provisions⁵⁹

Indigenous and Intellectual Property Rights

IUCN and WWF agree that existing IPRs have limited potential for effectively protecting the knowledge, innovations, practices and technologies of indigenous peoples and local communities embodying traditional lifestyles ("indigenous and local communities" for short). In some cases IPRs even compromise the interests of indigenous and local communities. Nevertheless, options to use IPRs as well as contracts and know-how licenses as well as non-legal measures such as codes of conduct should not be discounted.

Finally, IUCN and WWF recognize that indigenous and local communities are often marginalized by international processes including those which affect them. Moreover, opportunities for international cooperation among indigenous and local communities are severely limited. Consequently their concerns and interests tend to be insufficiently represented. These problems need urgently to be addressed.⁶⁰

⁵⁸ Rachel Asante Owusu. *Summary: GM technology in the forest sector. A scoping study for WWF*, November 1999

⁵⁹ Conference of the Parties to the Convention on Biological Diversity, Eighth meeting Curitiba, 20-31 March 2006, POSITION PAPER, 6 March 2006

⁶⁰ <http://www.eurosur.org/TIPI/tall8jen.htm>

Type of Activities

The organization is currently funding around 2,000 conservation projects and employs almost 4,000 people across the planet.

The organization is almost unique in that it has that local presence to global presence - talking to tribes of Baka pygmies in the central African rainforests, through to face-to-face discussions with institutions such as the World Bank and the European Commission.

Example:

A prominent example is the voluntary establishment of the People's Biodiversity Register in India, established by WWF India, which seeks to document the knowledge, skills and techniques of local communities relating to biological resources. It aims to provide a record of local knowledge, promote the revitalisation of such knowledge, and protect local knowledge from misappropriation. Information in the Register is to be used only on consent of the local community.⁶¹

Board of directors

President: HE Chief Emeka Anyaoku.

President Emeritus : HRH The Duke of Edinburgh.

Staff

Director General: Mr James P. Leape

Publication

Living Planet Report - WWF's periodic update on the state of the world's ecosystems.

Information and communication technologies (ICT) - A common sense review of the future shaped by ICT

Rivers at Risk - A publication to aid informed decision making in dam construction plans and projects

Running Pure: The importance of forest protected areas to drinking water

Economic Values of the World's Wetlands - a comprehensive overview of the economic importance of wetlands and the need to preserve them.

WWF International's Annual Report 2005 - Annual report from the WWF Network's Secretariat

WWF International and CIEL (2001), Biodiversity and Intellectual Property Rights: Reviewing Intellectual Property Rights in Light of the Objectives of the Convention on Biological Diversity. Joint Discussion Paper, March.

⁶¹Described in Anuradha, R. V. *Intellectual Property Rights in India in the Context of the Biodiversity Convention and the TRIPS*, on file with the authors.

INDIGENOUS

Call of the Earth/Llamado de la Tierra

<http://earthcall.org/>

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Mission

Call of the Earth/Llamado de la Tierra is an independent indigenous controlled project. It is currently hosted by the United Nations University, Institute of Advanced Studies in Yokohama, Japan.

Call of the Earth/Llamado de la Tierra seeks to provide indigenous peoples with a forum for dialogue on intellectual property policy that will result in a more substantive and meaningful participation of indigenous peoples in the international policy arena and enhance their ability to strategically influence conceptual approaches, policies and practices in intellectual property policy development.

Call of the Earth/Llamado de la Tierra was conceptualised in the Peruvian Andes and hailed from the experience of the struggles of the six Andean communities to regain and maintain guardianship of the hundreds of varieties of potatoes that originated from the Andes but have since dispersed to the four corners of the world.

In September 2001, five members of Call of Earth Llamdo de la Tierra met in Pukara Pantiliclla in the Sacred Valley of the Incas, Peru, together with community representatives, to explore the value of creating a wholly indigenous initiative to work with indigenous communities in their efforts to both protect their cultural heritage from misappropriation while simultaneously striving to gain economic development through culturally appropriate businesses and initiatives.

A proposal and strategic plan was developed, and a meeting with their very first potential sponsor, the Rockefeller Foundation, occurred in March 2002. This was subsequently followed-up by a meeting of the 'Interim Steering Committee' and initial 'Call of the Earth Llamado de la Tierra' Circle held in Bellagio, Italy in November 2002.

Call of the Earth Llamado de la Tierra was officially launched in Geneva at the World Intellectual Property Organisation (WIPO) meeting of the Inter-Governmental Committee on traditional knowledge on 13 December 2003.

Issues of interest

Genetic Use Restriction Technologies
An International Regime on Access and Benefit Sharing
WIPO-ICG, 8th Session

IPRs: Position and Arguments

While IP debates relevant to traditional knowledge, cultural expressions and human genetic resources are all about Indigenous Peoples and directly affect their cultural integrity and livelihoods, Indigenous Peoples have only limited participatory rights in the international policy

making fora where decisions are made. In some processes, Indigenous Peoples have no rights of participation at all.

Medecine and traditional knowledge

Several high profile examples have generated much publicity from the traditional knowledge of Indigenous Peoples medicine. Indigenous Peoples assert that the appropriation biological resources, without the informed consent culture the resources originate, is misappropriation.

Cultural expression

"*Cultural expressions*" refers to any manifestations of the culture of an Indigenous People. The term includes, for example, traditional knowledge (including biological knowledge) and practices, music, dance and other performing arts, history and mythology, ceremonies and rituals, designs and symbols, traditional skills, handicrafts and artworks (Dutfield 2000).

Genetic information

The genetic information of Indigenous Peoples is sometimes of interest to scientific researchers, often due to distinct physiological features and historical isolation. In a number of cases, the way in which genetic information has been obtained has led to questioning of whether there was prior informed consent, who now 'owns' the information and what it can be used for.

The expansion of IPRs (patents) over life

These IPRs have frequently been granted to those who are not part of a given indigenous community, but who have sourced information from that community. There are a number of reasons for this.

First, IPRs are not easily held by Indigenous Peoples in relation to traditional knowledge and cultural expressions originating within their communities. This is due in part to IPRs reliance on the identification of a creator or inventor - knowledge held and created collectively does not satisfy criteria for the grant of most IPRs. Even if the requirements for the grant of IPRs were satisfied, many Indigenous Peoples have argued that some IPRs are rarely suitable instruments given the needs, aspirations and value systems of many Indigenous Peoples. In any case, there are concerns that in some instances the financial cost of IPR applications and maintenance would preclude applications by some Indigenous Peoples.

Second, national patent application procedures sometimes fail to prevent the grant of patents to outsiders that are in fact based on indigenous traditional knowledge, even where the theory behind the grant of intellectual property rights suggests that the grant should not occur.

Patent applications over traditional knowledge are often made in countries other than the country in which the knowledge was sourced, primarily the United States, Europe, Japan and other industrialised countries.

Convention on Biological Diversity

With the development of the Convention on Biological Diversity, the trend towards acknowledgement of a common heritage of humanity was displaced by the re-emergence of the assertion that nations have sovereignty over natural resources within their territories. This concept arguably sits uneasily with the notion of Indigenous sovereignty over natural resources on their lands,

Type of Activities

To re-conceptualize the debate surrounding indigenous intellectual property rights;

To enhance strategic participation of indigenous peoples;

To build a common knowledge base and capacity to respond to external pressures and develop political direction and strategies;

To make debate relevant to, and informed by, communities and community experiences.

The Call of the Earth program centers around regional and thematic dialogues, development of a knowledge base, providing input and assisting indigenous peoples to gain greater influence in local, regional and international policy making processes, and capacity building within indigenous communities and nations.

Examples:

The Call of the Earth initiative is committed to the preservation and promotion of indigenous languages.

The Knowledge Base will be a dynamic online facility comprised of documentary material in written and visual form and will incorporate a range of media.

A future project of Call of the Earth Llamado de la Tierra is the establishment of a legal defence fund and network to assist indigenous communities to protect their cultural and intellectual property, and to seek redress in cases of misappropriation.

Steering Committee Co-Chairs

Aroha Te Pareake Mead,
Alejandro Argumedo

Staff

Rahera Smith, Director

Publication

Background papers:

Indigenous Peoples & Intellectual Property Policy: The Broad Context

What are the Intellectual Property Related Rights of Indigenous Peoples and Where they are Discussed?

Indigenous Traditional Knowledge for food, agriculture and medicine & Intellectual Property Policy

Indigenous Cultural Expressions & Intellectual Property Policy

Indigenous Human Genetic Resources & Intellectual Property Policy

The Participation of Indigenous Peoples in International Intellectual Property Policy Making

The AB© of Intellectual Property Rights

Important Terms

Indigenous Peoples Council on Biocolonialism

www.ipcb.org

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Mission

Created by COE Steering Committee member Debra Harry, IPCB provides comprehensive coverage of indigenous intellectual property issues particularly relating to genetic resources.

The IPCB is organized to assist indigenous peoples in the protection of their genetic resources, indigenous knowledge, cultural and human rights from the negative effects of biotechnology.

Issues of interest

Agriculture
Human Genetics
Globalization
Legislation
Repatriation

IPRs: Position and Arguments

Indigenous people must call for a world-wide moratorium on the collection, databasing, manipulation, and commercialization of human cell lines and their genetic resources.

Indigenous peoples need to determine the extent of existing international protections for genetic resources, and participate in the development of international policies which fully protect the resources of indigenous peoples from further theft, appropriation and exploitation.

Indigenous peoples must assert their sovereign right to manage and protect their peoples, resources and knowledge, as stewards of their territories and their people's future generations, and these rights must be respected and protected by non-indigenous peoples and nations as ethically, legally and morally correct.

Intellectual property rights represent Western notions that one can have "ownership and property right(s)" extended to all facets of the natural world. Western laws are paradoxical to Indigenous cosmologies which revere the sanctity of all life, and mandate human responsibility to serve as stewards, not owners, of the natural world.

The infringement of Western law on indigenous peoples over the past few hundred years has created a complex political and legal framework of existence for indigenous peoples.

However, it is important to remember that, most fundamentally, indigenous peoples inherently have full rights and authority to control and manage their own natural resources and internal affairs, free from external interference and control.⁶²

⁶² Patenting Of Life and Its Implications For Indigenous Peoples

http://www.ipcb.org/publications/briefing_papers/files/patents.html

Type of Activities

The IPCB provides educational and outreach to tribal governments, institutions, organizations, and individuals

An on-going research agenda of ethically questionable research is happening within indigenous communities, both nationally and internationally.

The IPCB provides intervention and technical support to tribes who are negatively impacted by genetic research, as well as those tribes who are interested in proactive protection.

Media Campaign

Collaboration and Networking

Projects Examples:

IPCB Action Alert - Oppose the Genographic Project

Board of directors

Judy Gobert, M.S. Chairperson, (Blackfeet, Nakota, Salish), Dean, Math and Sciences, Salish Kootenai College

Jonathan Marks, Ph.D., Vice-Chairman, Department of Sociology and Anthropology, University of North Carolina, Charlotte.

Staff

Debra Harry (Northern Paiute), Executive Director

Le`a Malia Kanehe (Kanaka Maoli), Legal Analyst

Publication

Consent and Consultation in Genetic Research on American Indians and Alaska Natives

Consent and consultation, are legal and moral requirements before federal funding is provided for genetic research involving tribes. Nonetheless, tribes have been studied without even knowing it, much less being consulted and consenting. This paper explains the consultation and consent requirements, and what can be done to ensure that they are observed.

Did You Know about?

Some startling information about genetic research that has been done in the name of "science".

Genetic "Markers" - Not a Valid Test of Native Identity

The common misperception that DNA can determine whether a person is "native" or not is based on faulty science, as well as an affront to the notion of tribal authority to determine who is a tribal member. This paper explains how the science cannot even do what it is claimed to be capable of doing. This issue arises frequently in enrollment, repatriation, and federal recognition contexts.

Genetic Research and Biowarfare What's the Connection?

IPCB frequently receives questions about the likelihood that genetic research on tribal populations could be a precursor to genetically-based biowarfare. This paper addresses the connection and provides guidance on whether such a specter should be a cause of concern.

The Human Genome Diversity Project and Its Implications for Indigenous Peoples

Originally published as one in a series of info sheets on Intellectual Property Rights by the Institute for Agriculture and Trade Policy in 1995.

Patenting of Life and Its Implications for Indigenous Peoples

Originally published as one in a series of info sheets on Intellectual Property Rights by the Institute for Agriculture and Trade Policy in 1995.

The International Alliance of Indigenous and Tribal Peoples of the Tropical Forests

<http://www.international-alliance.org/>

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MISSION

A worldwide network of organisations representing indigenous and tribal peoples living in tropical forest regions (Africa, the Asia-Pacific and the Americas). The Alliance was founded in 1992 during an indigenous conference in Malaysia, where the Charter of the Alliance was adopted, and has been fighting continuously for the rights of indigenous and tribal peoples ever since.

Issues of interest

Convention on Biological Diversity (CBD), Article (8(j))

- Follow-up on the Action Plan of the World Summit on Sustainable Development (WSSD) and the World Conference Against Racism (WCAR)
- UN Forum on Forests (UNFF)
- UN Framework Convention on Climate Change (SBSTA, COP)
- UN Working Group on Draft Declaration
- UN Working Group on Indigenous Populations (WGIP)
- Permanent Forum on Indigenous Issues (UNPF)
- World Bank (and other multilateral organizations) policy on Indigenous Peoples
- World Parks Congress
- World Intellectual Property Organization (WIPO)

IPRs: Position and Arguments

International Alliance Charter, *Article 45*.

"Since we highly value our technologies and believe that our biotechnologies can make important contributions to humanity, including 'developed' countries, we demand guaranteed rights to our collective intellectual property in both national and international law, and control over the development and manipulation of this knowledge."

"Recognising indigenous peoples' human rights is crucial, and land rights should be a central aspect of EU policy. Relations of equality can be established where the indigenous peoples community is resource-rich and has **control of its land and resources**. Local **control** is the key to real partnership. The problem arises because resources are usually under the control of government agencies. The importance of bottom-up mapping of indigenous territories was underlined so that indigenous peoples can be more clearly identified, and their political identity recognised."⁶³

Type of Activities

The objectives of the Alliance are to:

- promote full recognition of the rights and territories of indigenous and tribal peoples;

⁶³ Speaking Out: Indigenous Views of Development and the Implementation of the EU Policy on Indigenous Peoples, 18-20 June 2002 - Borschette Centre - Brussels, Belgium

- promote the development of indigenous and tribal peoples and their participation in decision and policy making;
- establish effective networks between indigenous peoples at regional and international levels;
- exchange information and experiences to empower Alliance members to advocate for the rights of indigenous and tribal peoples, enabling them to impact upon processes falling within the complex UN system, and the policies and decision-making of developmental agencies and multi-lateral development banks;
- promote worldwide solidarity between indigenous and tribal peoples.
- regional capacity building and training programs (inclusive of an internship program for regional representatives) and the work of monitoring and participating in international policy processes impacting on indigenous and tribal peoples.

Staff

Mr. Kittisak Rattanakrajangri, Executive Secretary

Publication

Summary Report of the Expert Meeting on Traditional Forest Related Knowledge and the Implementation of Related International Commitments (Costa Rica, December, 2004)

"Our Knowledge for Our Survival: Regional Case Studies on Traditional Forest Related Knowledge and the Implementation of Related International Commitments"

*Brochure of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests
The Charter of the International Alliance of Indigenous and Tribal Peoples of the Tropical Forests*

International Indian Treaty Council

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Mission

The International Indian Treaty Council (IITC) is an organization of Indigenous Peoples from North, Central, South America and the Pacific working for the Sovereignty and Self-Determination of Indigenous Peoples and the recognition and protection of Indigenous Rights, Traditional Cultures and Sacred Lands.

The IITC was founded in 1974 at a gathering by the American Indian Movement in Standing Rock, South Dakota attended by more than 5000 representatives of 98 Indigenous Nations.

The IITC supports grassroots Indigenous struggles through information dissemination, networking, coalition building, technical assistance, organizing and facilitating the effective participation of traditional Peoples in local, regional, national and international forums, events and gatherings.

In 1977, the IITC became the first organization of Indigenous Peoples to be reorganized as a Non-Governmental Organization (NGO) with Consultative Status to the United Nations Economic and Social Council. The first global indigenous NGO to receive UN-ECOSOC accreditation, IITC maintains an active profile in international negotiations and events relevant to indigenous peoples.

- To seek, promote and build official participation of Indigenous Peoples in the United Nations and its specialized agencies, as well as other international forums.
- To seek international recognition for Treaties and Agreements between Indigenous Peoples and Nation-States.
- To support the human rights, self-determination and sovereignty of Indigenous Peoples; to oppose colonialism in all its forms, and its effects upon Indigenous Peoples.
- To build solidarity and relationships of mutual support among Indigenous Peoples of the world.
- To disseminate information about Indigenous Peoples' human rights issues, struggles, concerns and perspectives.
- To establish and maintain one or more organizational offices to carry out IITC's information dissemination, networking and human rights programs.

Issues of interest

Environment

Treaties & Agreements

The Right to Food

Prisoners Rights, Leonard Peltier

The UN Permanent Forum for Indigenous Peoples

Racism

2nd International Decade of the World's Indigenous Peoples 2005 - 2014

"Economic Globalization & Fair Trade"

Cultural Rights

Traditional Knowledge

Genetic Modification of Seeds and Terminator Technologies/ Modificacion transgenicas de semillas y Tecnologia de Restriccion del Uso Genetico

Health

Youth Program

Women & Children

Type of Activities

The IITC focuses on building Indigenous Peoples' participation in key U.N. fora such as the Commission on Human Rights, the Working Group on Indigenous Populations, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Conference of the Parties to the Convention on Biological Diversity, UNESCO and the Commission on Sustainable Development. In recent years, IITC has also participated in the International Labor Organization (ILO), U.N. World Conferences, the International Union for the Conservation of Nature (IUCN) and the World Archeological Congress to systematically address concerns vital to Indigenous Peoples.

The IITC submits testimony, documentation and formal complaints to these fora as well as to the U.N. Center for Human Rights and the Organization of American States (OAS), to redress grievances, increase awareness and impact the development of international standards protecting the rights and survival of Indigenous Peoples.

IITC will also continue to submit and monitor human rights complaints filed on behalf of Indigenous Peoples facing violations of their freedom of religion, forced relocations, arbitrary detentions and other crisis situations

The IITC also focuses on dissemination of information regarding the U.N. and opportunities for involvement to grassroots Indigenous communities, and works to educate and build awareness about Indigenous struggles among non-Indigenous Peoples and organizations

RESEARCH GROUPS, THINK TANKS AND TRAINING INSTITUTES

Econexus

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Mission

Founded in February 2000, EcoNexus is a not-for profit, public interest research organisation and science watchdog. They are based in the UK and collaborate with a diversity of networks nationally and internationally.

EcoNexus currently includes scientists who have specialised in biology and genetics, and people who have worked for many years on issues of social and environmental justice. Current focuses are genetic engineering, patents on life, and the way genetic engineering (GE) is being promoted as a technical solution to social and development problems. EcoNexus offers a scientific critique of genetic engineering and genetically modified organisms.

It investigates and reports on the impacts of GE on the environment, health, food security, agriculture, human rights and society.

EcoNexus examines the influence of transnational corporations (TNCs) on development issues and scientific, social, economic and political processes.

It also offers analysis of the way GE and patents on life are being used to remove control of agriculture and natural resources for food, medicine and health from the public domain.

Their aims are to :

- Provide clear and understandable information and detailed technical critiques of various aspects of GE [GM] science and technology
- Research the current state of GE technology and critically analyse its applications for their impacts.
- Investigate and highlight gaps and assumptions in current knowledge and risk analysis.
- Research topics that are neglected or where independent views are needed.
- Monitor and critique life patents and biopiracy, demonstrate the connection between life patents and commercial GE applications; and work for the exclusion of living materials from patenting.
- Investigate corporate influence on science, technology and agriculture.
- Research corporate personhood in relation to human rights.
- Provide information on these issues:
 - for the public, civil-society organisations (CSOs/NGOs), independent agencies, community-based initiatives, farmers, parliamentarians, media, regulators and governments.
 - in the form of reports, briefings, scientific papers and presentations.

Issues of interest

Genetic Engineering

Genetically Modified Organisms (GMOs)

Patenting of Life

Terminator Technology (GURTs)

Food Security, Food Sovereignty & Sustainable Farming
Corporations
Agrochemicals/toxins
Soya and forest destruction

IPRs: Position and Arguments

What they believe

- Science and technology should serve society and meet social and/or environmental needs.
- The precautionary principle and respect for scientific uncertainty are fundamental to the responsible application of new technologies.
- Scientific uncertainty should be acknowledged but not used to deny the purpose of risk assessment.
- Risk assessments should be free from commercial, political, governmental or any other vested interests.
- New technologies require meaningful and informed public participation to decide whether and how they should be developed and implemented
- Information on new technologies must be easily accessible to the public and available in a clear and understandable form.
- Commercial confidentiality should not be allowed to block public access to information.

Life Patents

Whilst the biotechnology industry claims that patent protection on genes is essential to pay for research and development, evidence is emerging which shows that patents are already:

- preventing or hindering development of new or improved medicines and treatments;
- limiting access to healthcare by increasing the cost of diagnostics and treatment for certain diseases;
- exploiting information and materials and inhibiting their free exchange between researchers;
- involving unsuspecting parties in extensive and costly legal battles.

If genetic research is to be of benefit to the public, it is essential that scientists and citizens join forces to bring an end to the practice of patenting genetic material.

The trend towards patenting genes is opposed by many scientists, including most of those involved in the Human Genome Project itself, on the grounds that working out a gene sequence and its basic function is a simple process of discovery, not invention.

“Patent attorneys regularly advise researchers to restrict their presentations to colleagues, don’t show your work, don’t show your notebook, don’t give that talk, so as not to jeopardise the planned patent submissions. This has reversed the half century culture of free and open communication in the scientific communities.”

In addition, studies leading up to the final ‘discovery’ are often conducted by university researchers and doctors, funded through public money. The ‘first past the post’ rules for patents let the winner take all whilst the public pays twice.⁶⁴

Type of Activities

Information and advice

Research

Articles, briefings, reports and technical reports

Publications

⁶⁴ Patenting Genes. Stifling Research and Jeopardising Healthcare. joint EcoNexus/ GeneWatch publication, Briefing, April 2001, 4 pages.

Speakers

Presentations, workshops and seminars

Consultancy work

Staff

Dr. Ricarda A Steinbrecher, co-director

Helena Paul

Publications

How producing RR soya is destroying the food security and sovereignty of Argentina

Report: Genome Scrambling – Myth or Reality?

Transformation-Induced Mutations in Transgenic Crop Plants

Horizontal gene transfer of viral inserts from GM plants to viruses

The Cost of Complying with US Pressure

Patenting Genes. Stifling Research and Jeopardising Healthcare., joint EcoNexus/ GeneWatch publication, Briefing, April 2001, 4 pages.

Argentina: A Case Study on the Impact of Genetically Engineered Soya How producing RR soya is destroying the food security and sovereignty of Argentina , by Lilian Joensen and Stella Semino, Grupo de Reflexión Rural, Argentina, and Helena Paul, EcoNexus. Report for The Gaia Foundation, April 2005, 30 pages.

Genewatch

<http://www.genewatch.org/>

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Mission

GeneWatch UK is a not-for-profit policy research and public interest group.

Genetics and the new genetic technologies, including genetic modification, cloning and genetic testing could revolutionise food, agriculture, industrial production and medicine. GeneWatch UK aims are to:

- Ensure that genetic technologies are developed and used in the public interest and in a way which protects human health and the environment and respects human rights and the interests of animals;
- Promote public involvement in the decisions that are made about if or how genetic technologies are used;
- Increase public understanding of genetic technologies;
- Carry out or support research about their impacts.

GeneWatch UK is working to increase public understanding of genetic technologies and to secure public, academic, media, investor, regulatory, parliamentary, local, national and international governments' support for a comprehensive programme to ensure genetic technologies are developed and used in an ethical and safe manner.

Issues of interest

GM Crops and Food
Human Genetics
GM Animals
Laboratory and Industrial Use
Research Agendas and Patenting
Biological Weapons

IPRs: Position and Arguments

Research Agendas and Patenting

Allowing patents on basic research can restrict who can use the knowledge to develop new treatments or crops. Encouraging research that has commercial benefits will skew research towards areas where discoveries can be patentable, because this is what industry encourages.

GeneWatch believes there should be more public engagement in making decisions about research priorities. They also believe that patents should not be allowed on genes because they are discoveries, not inventions; that by monopolising knowledge at such a basic level research is hampered; and that research is biased towards patentable discoveries rather than being prioritised for health or sustainable food production.

GM Crops and Food :

Precautionary approach

GeneWatch UK is working to ensure the authorisation process for GM crops and foods is rigorous and takes a precautionary approach. We are also campaigning for liability rules that will compensate farmers for contamination of their products and require the biotechnology industry to pay for putting things right if environmental harm arises from the use of GM organisms.

GeneWatch is also providing information about research and development in GM crops and foods:

GeneWatch UK is a member of the international “Ban Terminator campaign”.

Terminator technology brings potential social and economic implications for the millions of poor farmers in developing countries who rely on farm-saved seed for survival. Moreover, the system is complex and largely experimental and has several shortcomings in terms of gene containment. For example, terminator crops will still produce pollen and could cross with neighbouring non-GM or organic crops or the treatment of seeds before sale may not be completely effective.

The development of GM crops to produce drugs and vaccines

The hype surrounding edible vaccines and 'food as pill' is misplaced as this is both unrealistic and a potentially dangerous option - it will be difficult to control intake and distribution, particularly in developing countries where education levels and literacy may be low.

Developing countries

GeneWatch believes that the current generation of GM crops and the context of corporate control make promises of 'feeding the world' unlikely. GeneWatch works to help allow developing countries and their citizens make genuine choices about whether or not and under what conditions they use GM crops.

GeneWatch's work to ensure that decisions about whether to allow marketing or testing of GMOs is governed by the Precautionary Principle.

Contamination and Coexistence

GeneWatch is campaigning for a system which:

- Allows non-GM and organic farmers to avoid GM contamination. This requires an approach which limits GM contamination to the lowest detectable levels;
- Allows regions to declare themselves 'GM-free'
- Compensates non-GM and organic farmers if their crops become contaminated with GM leading to economic losses; and
- Ensures the biotechnology industry, not the government, funds the compensation scheme.

GeneWatch UK believes that companies producing GMOs should take responsibility for their products, including any adverse effects on the environment. To have confidence that the whole process of GM risk assessment is being undertaken rigorously, they believe that environmental liability is an important safeguard.

Therefore, GeneWatch is campaigning for strict environmental liability rules for GM organisms in the UK and rest of Europe.

GM Animals

GeneWatch UK takes the position that fundamental alteration of the genetic code of other species should not be undertaken lightly and that there should be a presumption against such modification unless there are compelling arguments to do it.

Type of Activities

GeneWatch UK works by:

- Researching and analysing new developments in genetics and how they will affect people, the environment and animals.
- Clarifying and making accessible to the public, the emerging science of genetics and its implications.
- Communicating the issues to decision makers, the public, media and other organisations affected by genetics, such as farmers, doctors and businesses.
- Advocating and justifying practical measures to protect against adverse impacts of genetic technologies on people, the environment and animals.
- Intervening where most effective to see that adequate safeguards are introduced.
- Networking and alliance-building with a wide variety of organisations and individuals interested in human, environmental and animal health and welfare.

- Challenging the biotechnology industry and others if they produce misleading information.

Examples:

GeneWatch is working in a coalition of 15 public interest groups, to make a submission (known as an *amicus* - friend of the court) to the WTO panel. The Bite Back campaign was initiated by Friends of the Earth International, with the support of;

Action Aid (UK),

Confédération Paysanne (France),

International Gender and Trade Network,

Greenpeace International,

Public Services International,

Research Foundation for Science, Technology and Environment (India)

Public Citizen (USA)

GM Contamination Register

An on-line database of incidents of GM contamination, illegal releases and adverse agricultural side-effects run by GeneWatch UK and Greenpeace. It can be accessed at www.gmcontaminationregister.org

Staff

Dr Sue Mayer - Executive Director

Dr Helen Wallace - Deputy Director

Publication

Regular publications:

GeneWatch Briefing Series: Briefings are produced five times a year. Each briefing is between 8 and 12 pages long. At the beginning of each year a review of the previous year is produced.

GeneWatch Reports: Since 1998 GeneWatch has produced a range of indepth reports.

Others

Consultation Responses: GeneWatch often responds to Government consultations

MP Briefings: Written for members of the UK, Scottish and EU Parliaments to provide information prior to specific debates or key stages in policy discussion.

GM Public Debate Briefings: Published in 2003, this is a series of 2 page information briefings prepared for the 'GM Nation?' public debate on GM crops.

Biological Weapons Series: A series of 4 briefings looking at the issues of genetic modification for biological weapons.

Farmers Information Series: Three briefings produced in 2000 that looked at the agronomic and economic implications of GM crops for farmers

Farm-Scale Evaluation fact sheets: Written between 2000 and 2002, these fact sheets explain what these experiments were about and give a description of each GM crop involved.

GM Crops and Food

- GeneWatch Submission to ACRE Consultation: Managing the Footprint of Agriculture: Towards a Comparative Assessment of Risks and Benefits for Novel Agricultural Systems 8th June 2006
- GeneWatch comments on WTO GMO dispute panel interim report 31st March 2006
- GeneWatch PR: GeneWatch UK welcomes moves to maintain a moratorium on Terminator technology 27th March 2006
- GM Contamination Register Report 2005 8th March 2006
- GeneWatch PR: First contamination report reveals worldwide illegal spread of genetically engineered crops 8th March 2006

International Center for Technology Assessment

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And their sister organization, [The Center for Food Safety](#).

Mission

The International Center for Technology Assessment (CTA) was formed in 1994 in order to help the general public and policy makers better understand how technology affects people's life. The CTA is devoted to a holistic analysis of technology. A holistic assessment of technology requires a full exploration of the economic, ethical, social, environmental and political impacts that can result from the applications of technology or technological systems. Using this form of analysis, the CTA provides the public with independent and timely information about the potential impacts of technology.

In preparing its analyses, the CTA utilizes up-to-date international data bases, and the expertise of numerous technology professionals.

The CTA has also initiated the preparation and dissemination of the United States' first extensive secondary school curriculum on technology and technology assessment

Issues of interest

CTA has five main areas of focus:

- CTA seeks to protect the environment, individuals, and society from technologies that have advanced more rapidly than our ability to control the pollution they produce and the other social threats they pose.
- CTA's Patent Watch Program seeks to identify pernicious patents granted by the PTO, encourage grassroots activities against such patents, and initiate and support legal challenges against existing and future pernicious patents.
- CTA seeks to halt the commercialization of nanotechnology until products containing nanoparticles have been proven safe. CTA also seeks to force federal regulatory agencies to adopt an accurate and standardized definition of nanotechnology and to regulate emerging nanotechnologies as they would other materials whose safety has not been determined.
- CTA seeks to keep policymakers, activists, and the public informed about developments in human biotechnology. CTA also encourages a strong regulatory framework to ensure that human genetics research proceeds only under strict ethical standards.

CTA is a founding member of the Center for Corporate Policy.

IPRs: Position, Arguments and Activities

Patent Watch

CTA's Patent Watch Program seeks to identify pernicious patents granted by the PTO, encourage grassroots activities against such patents, and initiate and support legal challenges against existing and future pernicious patents.

The U.S. patent system poses a dual threat to society. First, it encourages the development of pernicious technologies and inventions, even ones likely to cause substantial harm to people and the environment. Second, it allows private ownership of basic resources that should belong to everyone. Making matters worse, the United States is pushing other governments to adopt these policies and make them the global norm.

Nanotechnology

CTA seeks to halt the commercialization of nanotechnology until products containing nanoparticles have been proven safe. CTA also seeks to force federal regulatory agencies to adopt an accurate and standardized definition of nanotechnology and to regulate emerging nanotechnologies as they would other materials whose safety has not been determined.

With the potential to redefine "humanity" or even life itself, nanotechnology obviously carries a host of ethical concerns. Unfortunately, the science is likely to advance much more quickly than the ethical debate. What's worse, once we release these microscopic technologies, we are certain to have a difficult time controlling them.

Human Biotechnology

CTA seeks to keep policymakers, activists, and the public informed about developments in human biotechnology. CTA also encourages a strong regulatory framework to ensure that human genetics research proceeds only under strict ethical standards.

Staff

Andrew Kimbrell, Executive Director

Jaydee Hanson, Director for Human Genetics Policy

Publications on Patent Watch

Fetal Dependent Patents: An Interim Report

Legal Challenge to U.S. Patenting of Animals (Executive Summary)

Animal Patenting Fact Sheet

Executive Summary of Patent Watch's Discovery of the First US Patent for Reproductive Human Cloning

Biocolonization: The Patenting of Life and the Global Market in Body Parts

The Edmonds Institute

<http://www.edmonds-institute.org/>

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Mission

The Edmonds Institute is a non-profit, public interest organization dedicated to education about environment, technology, and intellectual property rights.

The Institute is a non-profit, public interest organization committed to the health and sustainability of ecosystems and their inhabitants. It seeks to engage in projects that foster respect for and protection of the rights and health of all communities.

Issues of interest

The Institute focuses its efforts on understanding and sharing information about environmental, human rights and human health, and economic impacts of technology and intellectual property policies.

The current emphasis of its programs is on:

- Biosafety and the legally-binding international regulation of modern biotechnologies,
- Intellectual property rights and just policies for the maintenance and protection of biodiversity, including policies that foster recognition and sustenance of agricultural biodiversity, and
- Exploration of the ethical implications of new technologies.

IPRs: Position and Arguments

As an organization regularly participating as an observer in the processes related to the Convention on Biological Diversity, the Institute, its representatives and scientists, have for years worked to help create an international legally binding biosafety protocol.

The Manual available here is the second, much-expanded, and renamed edition of the DRAFT Assessment of Genetically Engineered Organisms in the Environment: The Puget Sound Workshop Biosafety Handbook - the acclaimed, path-breaking work brought out in 1996 as a biosafety handbook accessible to the public and reflective of maximum concern for ecological and human health.

The Institute has:

- Published several reports and papers on biosafety, including white papers by scientists from universities in the United States and Europe, and the much-acclaimed, group-authored DRAFT Assessment of Genetically Engineered Organisms in the Environment: The Puget Sound Workshop Biosafety Handbook, recently expanded into a second edition, retitled, and peer-reviewed Manual for Assessing Ecological and Human Health Effects of Genetically Engineered Organisms. .
- Brought out a series of occasional papers, pamphlets, audiotapes, and information sheets examining various aspects of modern technologies.
- Commented on environmental, legal and ethical impacts of new technologies and related proposals to various public agencies (e.g. EPA, USDA, National Academy of Science, Patent and Trademark Office).

Type of activities

While the Institute is active on multiple levels, their key focus is research, policy analysis, public education, and political action. The Institute is involved with groups world-wide, from the USDA, to the World Trade Organization, and Codex Alimentarius, where they are giving input to the standards for organic food and for genetically engineered food.

As an organization regularly participating as an observer in the processes related to the Convention on Biological Diversity, the Institute, its representatives and scientists, have for years worked to help create an international legally binding biosafety protocol.

Staff

Beth Burrows – Executive Director

Working through a small board of directors, an unpaid executive director, several pro bono scientists and lawyers, a few volunteers, and extensive networks and coalitions.

Publications

Published several reports and papers on biosafety, including white papers by scientists from universities in the United States and Europe, and the group-authored DRAFT Assessment of Genetically Engineered Organisms in the Environment: The Puget Sound Workshop Biosafety Handbook.

The Institute has brought out a series of occasional papers, pamphlets, audiotapes, and information sheets examining various aspects of modern technologies as well as having written articles for publication in popular journals in the U.S. and other countries and maintained and managed listservers for various audiences concerned about biological and cultural diversity.

"Out of Brazil: A Peanut Worth Billions (to the US)"

"Out of Africa: Mysteries of Access and Benefit Sharing"

The Catch: Perspectives in Benefit Sharing

Translation of the Manual for *Assessing Ecological and Human Health Effects of Genetically Engineered Organisms*

Video Lectures to accompany use of the Manual for Assessing Ecological and Human Health Effects of Genetically Engineered Organisms and demonstrate use of the Manual's flowcharts

Don't Mourn for Us

Argentina: In the Wake of Genetically Modified Soy

Honor Our Right to Know: An Important Issue in Bio Research

Biopolicy and Biopolitics in the Pacific Islands

Institute for Social Ecology

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Mission

The mission of the Institute for Social Ecology (ISE) is the creation of educational experiences that enhance people's understanding of their relationship to the natural world and each other. By necessity, this involves the ISE in programs that deepen students' awareness of self and others, help them to think critically, and expand their perception of the creative potentialities for human action. The purpose of the ISE's programs is the preparation of well-rounded students who can work effectively as participants in the process of ecological reconstruction.

IPRs: Position and Arguments

Brian Tokar has been an activist, author and a leading critical voice for ecological activism since the 1970s, and is a faculty member and Biotechnology Project Director at the ISE. He is the author of *The Green Alternative* (1987, revised 1992) and *Earth for Sale* (1997), and edited *Redesigning Life?*, an international collection on the politics and implications of biotechnology, (Zed Books, 2001). His latest book, *Gene Traders: Biotechnology, World Trade and the Globalization of Hunger*, was published in 2004 by *Toward Freedom* in Burlington, Vermont. He was the recipient of a 1999 Project Censored award for his investigative history of the Monsanto company (*The Ecologist*, Sept./Oct. 1998).

Chaia Heller is currently working on a book about the politics of agricultural biotechnology in France.

Type of Activities

Intensive summer programs in theory and practice;
Year-round B.A. degree in affiliation with Burlington College;
Fall, winter, and spring workshops and lectures; and
Other educational resources.

Staff

Brian Tokar

American Association for the Advancement of Science

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Mission

The American Association for the Advancement of Science, "Triple A-S" (AAAS), is an international non-profit organization dedicated to advancing science around the world by serving as an educator, leader, spokesperson and professional association. In addition to organizing membership activities, AAAS publishes the journal *Science*, as well as many scientific newsletters, books and reports, and spearheads programs that raise the bar of understanding for science worldwide.

Founded in 1848, AAAS serves some 262 affiliated societies and academies of science, serving 10 million individuals. *Science* has the largest paid circulation of any peer-reviewed general science journal in the world, with an estimated total readership of one million. The non-profit AAAS is open to all and fulfills its mission to "advance science and serve society" through initiatives in science policy; international programs; science education; and more.

AAAS seeks to "advance science and innovation throughout the world for the benefit of all people."

To fulfill this mission, the AAAS Board has set these broad goals:

- Foster communication among scientists, engineers and the public;
- Enhance international cooperation in science and its applications;
- Promote the responsible conduct and use of science and technology;
- Foster education in science and technology for everyone;
- Enhance the science and technology workforce and infrastructure;
- Increase public understanding and appreciation of science and technology; and
- Strengthen support for the science and technology enterprise.

Issues of interest

Science and Policy

International Activities

Education and Human Resources

Project 2061

IPRs: Position and Arguments

AAAS Project on Traditional Ecological Knowledge

In October 2002, the Science & Human Rights Program launched a new project exploring the intersection between traditional knowledge, intellectual property, and human rights. The goals of the project include:

Exploring the role of the public domain as it applies to TK,

Examining issues affecting TK relating to the current intellectual property regime, and

Identifying and applying intellectual property options available to traditional knowledge holders

Project overview: [Making the Connection: Science, Human Rights, and Traditional Knowledge](#)

Science and Intellectual Property in the Public Interest

The Science and Intellectual Property in the Public Interest (SIPPI) project brings a public interest perspective to science and intellectual property issues, examining the scope of the public domain in science, equity in access to the benefits of science, and broad participation in public policy.

Type of Activities

research

briefings for Congress, the Executive branch agencies, and the press

symposia, workshops, and public conferences

monitoring IP legislation and litigation and their effects on scientific research and the public interest

Examples:

Traditionnal Knowledge

Traditional Ecological Knowledge Prior Art Database (T.E.K.*P.A.D.)

Your Traditional Knowledge and Biological Resources: A Handbook

Effects of Intellectual Property on Science

* International Survey of Scientists

Meetings

Science and Technology in the New World of International Intellectual Property: A Public Briefing, (4 September 2003)

Patenting Criteria and Scope: SIPPI Project Planning Meeting, (6 June 2003)

Implications of Genetic Patents for Biomedical Research and Clinical Medicine: SIPPI Project Planning Meeting, (6 May 2003)

University Technology Transfer Policies: SIPPI Project Planning Meeting, (7 March 2003)

An Open Forum: Intellectual Property Issues and the Contemporary Scientist, (AAAS Annual Meeting, 2004)

Science & Intellectual Property for People in Need

* Humanitarian Licensing Working Group

Meetings

Symposium on Intellectual Property Resources for International Development in Agriculture and Health, (AAAS Annual Meeting, 2004)

Research Exemption from Patent Infringement

- Survey of Universities: the Impact of Madey v. Duke Decision on the Research Exemption
- Research Exemption Working Group
- International Research Exemption: A Study Meetings
- Symposium on Intellectual Property and the Research Exemption: Its Impact on Science, (AAAS Annual Meeting, 2004)
- Research Exemption: SIPPI Project Planning Meeting, (24 April 2003)

Copyright and the Future of Scientific Publishing

* Survey of Scholarly Publishers

Meetings

Meeting on the Future of Scholarly Publishing, (Upcoming, Winter 2005)

Copyright, Science, and the Public Interest: SIPPI Project Planning Meeting, (20 June 2003)

Monitoring IP Policy, Legislation and Issues

- [Science & IP News Website](#)
- [Science & IP News Email Update - Sign Up](#)

For the latest research news, log onto [EurekAlert!](#), the premier science-news Web site, a service of AAAS.

Board of directors

CHAIR: Dr. Gilbert S. Omenn (2007), University of Michigan Health System

PRESIDENT: Dr. John Holdren (2008), Harvard University and The Woods Hole Research Centre

PRESIDENT-ELECT: Dr. David Baltimore (2009)California Institute of Technology

Staff

Dr. Alan I. Leshner, Chief Executive Officer

Publication

Traditional Knowledge and Intellectual Property: A Handbook on Issues and Options for Traditional Knowledge Holders in Protecting their Intellectual Property and Maintaining Biological Diversity
AAAS has created this handbook to make intellectual property protection options more understandable and readily available for traditional knowledge holders.

Human Rights Dialogue: Making Human Rights Work in a Globalizing World features
An article by AAAS staff member Justin Van Fleet on protecting the rights of indigenous knowledge holders.

Fondation Sciences Citoyennes

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Mission

La Fondation Sciences Citoyennes est une association loi 1901 créée en 2002. Elle a pour objectif de favoriser et prolonger le mouvement actuel de réappropriation citoyenne et démocratique de la science, afin de la mettre au service du bien commun.

Sciences Citoyennes fait un double pari.

Le premier est de réunir des chercheurs scientifiques critiques et des "profanes" engagés dans des luttes (sociales, médicales, environnementales) où ils rencontrent - voire contestent - la technoscience dominante et l'expertise officielle.

Le second est d'unir, dans une réflexion et une action transversale de "politisation" de la science et de l'expertise, des acteurs impliqués dans des secteurs souvent compartimentés (agriculture, énergie, bio-médical, santé environnementale, NTIC, brevetage...).

Issues of interest

Trois axes de travail sont au coeur de son engagement :

1. l'accroissement des capacités de recherche et d'expertise de la société civile, des forces associatives, consuméristes, syndicales et citoyennes (création d'un tiers-secteur scientifique),

2. la stimulation de la liberté d'expression et de débat dans le monde scientifique,

3. la promotion de l'élaboration démocratique des choix scientifiques et techniques.

IPRs : Position and Arguments

Nanotechnologies

Puisque les nanotechnologies sont considérées comme « la révolution technologique du XXI siècle » qui va influencer presque tout aspect de notre vie, et puisque des engagements et investissements lourds et à long terme ont été pris aussi bien par le secteur privé que public au nom de la compétitivité accrue internationale et du bien-être des citoyens, il est urgent de s'interroger sur les finalités des nanotechnologies, sur leur utilité sociale, les conséquences socio-économiques et sur les décisions politiques prises et à prendre.

Des dépenses publiques de 3,5 milliards d'euros en 2003, tous pays confondus et avec un taux qui croit de 40% par an, un budget prévu de 4,86 milliards d'euros dans le nouveau programme cadre de recherche et développement de la Commission Européenne, un nombre de brevets qui a quadruplé entre 1995 et 2001, le chiffre d'affaires au niveau mondial estimé à 1 000 milliards de dollars euros d'ici 2015 - les nanotechnologies et nanosciences arrivent finalement sur la scène publique.

Type of Activities

PICRI (Partenariat Institutions-Citoyens pour la Recherche et l'Innovation)

Démocratie participative et choix scientifiques et techniques

Modes coopératifs et non propriétaires en réseau de production de savoirs et d'innovation

Enjeux des nanotechnologies

Board of directors

Jacques Testard, President

Staff

Claudia Neubauer, Co-ordinator

Publication

Note N° 1 de la Fondation Sciences Citoyennes [Quel débat sur les OGM ?](#)

Quelle participation de la société civile à l'orientation des politiques de recherche agronomique ?
20 octobre 2003

International Network of Engineers and Scientists for Global Responsibility

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Mission

The International Network of Engineers and Scientists for Global Responsibility (INES) is an independent non-profit-organization concerned about the impact of science and technology on society. INES was founded in 1991.

- "Large stocks of weapons for mass destruction, overexploitation of common limited resources, and an unbalanced world economy provide fundamental challenges to human civilization and may even threaten its further existence....
- Gross inequalities and injustice between and within industrialized and developing countries undermine economic, social and environmental security...
- Engineers and scientists play a key role, both in the processes that threaten international security and those that provide hope for the future....

It is now time to establish a multidisciplinary international network of engineers and scientists to promote the following aims:

- to encourage and facilitate international communication among engineers and scientists seeking to promote international peace and security, justice and sustainable development and working for a responsible use of science and technology.

This includes: to work for the reduction of military spending and for the transfer of resources to the satisfaction of basic needs,

- to promote environmentally sound technologies while taking long-term effects into account,
- to enhance the awareness of ethical principles among engineers and scientists and to support those who have been victimized for acting upon such principles."

(Extract from the INES Founding Statement, Berlin 1991)

Issues of interest

INES` efforts focus on disarmament and international peace, ethics, justice and sustainable development. INES is affiliated with the United Nations and with UNESCO as a NON-Governmental Organization (NGO).

Union of Concerned Scientists

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Mission

The Union of Concerned Scientists is a nonprofit partnership of scientists and citizens combining rigorous scientific analysis, innovative policy development and effective citizen advocacy to achieve practical environmental solutions.

Established in 1969, they seek to ensure that all people have clean air, energy and transportation, as well as food that is produced in a safe and sustainable manner. They strive for a future that is free from the threats of global warming and nuclear war, and a planet that supports a rich diversity of life. Sound science guides their efforts to secure changes in government policy, corporate practices and consumer choices that will protect and improve the health of the environment globally, nationally and in communities throughout the United States.

Issues of interest

Clean Vehicles
Global Environment
Clean Energy
Global Security
Food and Environment

IPRs: Position and Arguments

genetic engineering

Scientists are concerned that engineered organisms might harm people's health or the environment. Many previous technologies have proved to have adverse effects unexpected by their developers.

So far, scientists know of no generic harms associated with genetically engineered organisms. For example, it is not true that all genetically engineered foods are toxic or that all released engineered organisms are likely to proliferate in the environment. But specific engineered organisms may be harmful by virtue of the novel gene combinations they possess. This means that the risks of genetically engineered organisms must be assessed case by case and that these risks can differ greatly from one gene-organism combination to another.

The recognition of this possibility does not by itself justify stopping the technology, but does put a substantial burden on those who wish to go forward to demonstrate benefits.

Potential Harms to Health:

New Allergens in the Food Supply
Antibiotic Resistance
Production of New Toxins
Concentration of Toxic Metals
Enhancement of the Environment for Toxic Fungi
Unknown Harms

Potential Environment Harm

Increased Weediness
Gene Transfer to Wild or Weedy Relatives
Change in Herbicide Use Patterns
Squandering of Valuable Pest Susceptibility Genes
Poisoned Wildlife

Creation of New or Worse Viruses
Unknown Harms
Risk assessments can be complicated.

When the goals include reducing dependence on pesticides and herbicides, there are clearly alternatives to many biotechnology products. Many of these alternatives are not other products, but instead the systems and methods of sustainable agriculture.

A good example is crop rotation, which keeps pests under control elegantly by depriving them of the continuous food supply they need to build up large populations. Crop rotation has many advantages.

Type of Activities

To protect human health and the environment from engineered products, we need strong federal oversight and active citizen participation.

Convince the federal government to establish regulations to protect the food supply and environment from contamination by engineered pharma and industrial crops

Persuade the Environmental Protection Agency to conduct rigorous reviews of ecological risks and require strong resistance-management plans before approving crops producing Bt toxins

Press the federal government to strengthen its oversight of the environmental risks of engineered fish

Urge the Food and Drug Administration to require safety testing and labeling before biotech foods are allowed on the market

Board of directors

Kurt Gottfried, Chair

Peter A. Bradford, Vice-Chair

Executive Staff

Kevin Knobloch, President

Alden Meyer, Director of Strategy and Policy

Kate Abend, Climate Change Outreach Coordinator

Monica La, Climate Change/Invasives Program Assistant

Publication

Catalyst

Earthwise

Greentips

The Economics of Pharmaceutical Crops: Potential Benefits and Risks for Farmers and Rural Communities - This report is the first analysis by a land-grant university economist of potential economic benefits and risks of pharmaceutical crops to farmers and rural America. UCS scientists conclude that proponents of pharmaceutical crops have inflated the rewards and downplayed the risks. Robert Wisner (technical report) and Margaret Mellon and Jane Rissler (UCS preface). UCS, 2005.

A Growing Concern: Protecting the Food Supply in an Era of Pharmaceutical and Industrial Crops - This report presents the findings of a 2003 expert workshop on protecting the U.S. food supply from contamination by crops engineered to produce pharmaceuticals and industrial chemicals. The report includes an executive summary of UCS's conclusions and policy recommendations. By David Andow et al. (Technical Report) and Margaret Mellon and Jane Rissler (UCS Executive Summary).

Gone to Seed: Transgenic Contaminants in the Traditional Seed Supply - Seeds of traditional crops are contaminated with DNA from genetically engineered (GE) crops according to *Gone to Seed*, a new UCS report. Laboratory testing of traditional (non-GE) seeds of corn, soybeans, and canola commissioned by UCS documents the presence of DNA commonly used in commercial GE crops. These findings suggest inadequate federal standards to protect our seed supply and our food from harmful contaminants like those originating in pharmaceutical (pharm) and industrial crops. By Margaret Mellon and Jane Rissler. UCS, 2004.

Now or Never: Serious New Plans to Save a Natural Pest Control - Outline of the necessary components of effective resistance management plans for corn, cotton, and potato crops that have been genetically engineered to produce the *Bacillus thuringiensis* toxin. Edited by Margaret Mellon and Jane Rissler. UCS, 1998.

The Ecological Risks of Engineered Crops - Comprehensive look at the potential risks of genetically engineered crops, including recommendations on how the federal government can evaluate and mitigate those risks. By Jane Rissler and Margaret Mellon. MIT Press, 1996.

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