

**“THE RENAISSANCE OF AFRICAN CULTURE”
ADDRESS BY DR. SALIM AHMED SALIM**

At the

**WIPO INTERNATIONAL FORUM ON “INTELLECTUAL
PROPERTY AND TRADITIONAL KNOWLEDGE: OUR
IDENTITY, OUR FUTURE”**

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THE RENAISSANCE OF AFRICAN CULTURE
MUSCAT, 21-22 JANUARY 2002

Mr. Chairman,
Mr. Director General of WIPO,
Your Highness and Excellencies,
Ladies and Gentlemen

It is a great pleasure and honour for me to join this distinguished gathering. The importance of this unique Forum is self-evident, addressing as it aims to do, a challenge confronting modern civilization as it endeavours to reconcile itself with its past, its present and the future in the ever rapid technological inventions.

The fact that this Forum is being held in the Sultanate of Oman adds to its significance, conscious as we all are of the rich history, traditions and culture of this country. I wish at the very outset to convey my thanks and appreciation to the Minister of Commerce and Industry of the Sultanate His Excellency Maqbool Bin Al Bin Sultan and the Director General of the World Intellectual Property Organization Dr. Kamil Idris for their kind invitation which made my participation at this Forum possible. Their joint initiative of convening and organizing this Forum under the patronage of His Highness Sayyid Asa'ad Bin Tariq Bin Taimur Al Said is highly appreciated.

I am particularly delighted to be back in Muscat, the capital of a country that has a long cultural and historical association with my country, the United Republic of Tanzania. We are indeed grateful to His Majesty Sultan Qaboos Bin Said, His Government and the people of the Sultanate for the warmth of the reception accorded to us and the traditional hospitality generally provided.

The theme of this Forum, “**Intellectual Property and Traditional Knowledge: our Identity, our Future**” has particular relevance and importance for us in Africa. The issue involved have been a subject of deliberations at various levels especially within the Organization of African Unity.

There is both considerable concern and interest in our continent over the development of harmonious linkages between our traditional knowledge as it has been harnessed throughout our history and the evolving regime of Intellectual Property Rights. The current situation of legal uncertainty of protecting traditional knowledge and the rights of its holders in most of the developing countries and especially in Africa calls for new thinking and approach. Lack of national legislation and clear policies on utilization of traditional knowledge has placed Africa at a disadvantage.

It should be pointed out that for us in Africa, socio-economic and political life for the bulk of our people is still driven, among other things, by traditional knowledge, including folklore. Within this context, while the evolving powerful dynamic of globalization presents immense opportunities for the vitalization and commercialization of traditional knowledge, there are

also profound areas of concern.

This Forum therefore provides a propitious opportunity for addressing, in a collective manner, the challenge of reconciling the system of intellectual property rights protection and the development of traditional knowledge and cultural systems.

Let me now turn to the central theme of my address namely, *THE RENAISSANCE OF AFRICAN CULTURE*. In my understanding, I believe that the relevance of this topic arises from the fact that culture constitutes the overall domain encompassing the distinctive practices, institutions, arts, identities, spirits, as the norms and values of a people. In this respect, tradition refers to the modality of expressing the domain of culture, and that “traditional knowledge” is the conceptualization and articulation of the cultural domain.

The cultural dimension is thus central to the theme of this Forum, because culture constitutes the underlying base of traditional knowledge, in whatever manner we may want to define it. Indeed, in the context of Africa, as it is the case in most of the less-industrialized societies of the world, the cultural domain remains to be the driving motor of society, whether in systems of production, distribution or social consumption.

In this respect, the nomenclature of “African Traditional Society”, sometimes deployed to distinguish one part of our societies from that which projects characteristics of ‘westernization’, strictly speaking, forms a substantial component of the African reality.

Indeed, a large part of African societies continue to survive and thrive mainly through the bearings of traditional structures, institutions, norms, values, and practices. The impact of globalization upon this domain and particularly the framework that is being put in place to direct its development is an issue that touches the very core of survival for such societies.

This becomes all the more necessary because Africa is entering the new millennium while also initiating major processes of change and transformation. In the past two decades, the Continent has gone through a devastating experience in which it found itself bedeviled by rampant conflicts, devastated by the HIV-AIDS pandemic; gripped by a severe economic retrogression, afflicted with widespread perversion in governance, and threatened by being marginalized in the global system. It is now determined to make a turn-around and set the Continent towards a new trajectory.

It is the character of this new dynamic of change, being rooted in the inner reservoir of the African people and their unity and resolve to carve out a new destiny for themselves, that is reminiscent of the profound transformation that took place during the era of the Renaissance in medieval Europe. There is an endeavour in Africa, which is vigorously gaining momentum, to embark into a process of renewal and revitalization in order to enable the people better control their own destiny. The driving force of this process of renewal is the unity and solidarity of the African people fostered through a shared value system, cultural heritage, and common historical experience.

As it enters the new millennium Africa finds itself with no choice but to harness its collective energy in restoring peace, security and stability; in containing catastrophic pandemics; and in eradicating the pervasive and abject poverty. A dynamic has also been set in motion to promote systems of governance that are integrative, democratic, and which respect the rule of law. The Continent is ardently striving to assume its rightful place in the international arena.

Similarly, the deadly silence that had enveloped the people of our Continent regarding the killer pandemic HIV-AIDS is gradually breaking down, and we are beginning to share knowledge and take measures in containing its spread. And in the area of cooperation and integration, the long-term dream of African people will soon be realized by the launching of the African Union. This new framework of integration, encompassing a wider space of collective action and a more vibrant mode of joint engagement, will allow Africa to harness effectively its collective strength.

On the whole, there is a new political, economic and social culture evolving in Africa. At the Continental level, the new culture is encapsulated in the reinvigoration of the spirit of Pan-Africanism in which the people of Africa are determined to work together. At the local level the new culture is embodied in the quest to promote the empowerment of the people so that they can shape their destiny by harnessing their communal and historical assets that are revitalized by the benefits of modern day scientific and technological developments.

Support to Africa's transformation essentially involves bolstering its efforts towards consolidating cooperation and integration at the Continental level and its determination to promote popular empowerment. It is in this regard where Africa's traditional knowledge becomes a critical element in the realization of the objectives of its Cultural Renaissance. It is the medium by which societies reproduce themselves, ensure their survival, and refine their capacity for forward advancement.

Not too long ago, the concept of an African Union was but a dream. Last March, however, African leaders turned that dream into a reality. In a continent which in the past few decades has been plagued by war, famine and political upheaval, the notion of an African Renaissance also may have seemed like a dream, but today that too is becoming a reality. Launched in 1994 by our brother Nelson Mandela, the concept of an African Renaissance has been championed by South Africa's current President Thabo Mbeki. The dream of a rebirth captures the essence of revitalization that flowed through Europe between the 14th and 16th centuries producing scholars like Dante, Chaucer, and Shakespeare, artists like Da Vinci, Michaelangelo and Rembrandt and great scientists like Copernicus, Galileo and Bacon. The European awakening marked the transition from the mediaeval to the modern world and was a milestone in the continent's history.

Our own Renaissance is long overdue. We come from a truly impressive continent – the world's second largest, covering more than one-fifth of the earth's land surface with a population of over 800 million people. This vast land in which more than 800 languages and dialects are spoken is home to a stunning diversity of cultures and tradition.

In spite of the many burdens of history that have marked Africa over the centuries the dawning of the new millennium offers many opportunities for those who are willing to capitalize on them. The political emancipation of people following independence has led to a sense of pride in our own ways of life, and recognition of the contribution we can make to global development in terms of our own traditions. In making Africa's Renaissance a meaningful reality, action has to be taken on a multidimensional level including political, cultural and social.

This Forum is an excellent opportunity to consider how the continuous adaptation, creation and dissemination of traditional knowledge could result in commercial benefits for local communities and consolidate their proprietorship to economic asset. We have a unique opportunity here for a clear and fruitful exchange views on the social, cultural and economic dimensions of the protection of traditional knowledge.

Protection of traditional knowledge and folklore presents a remarkable opportunity for developing countries that are rich in culture to profit from the international intellectual property system.

In the context of Africa, the protection of traditional knowledge has a particular bearing on the management and utilization of Africa's diverse biodiversity in a more sustainable manner for the good of the entire human community. Authorities on the subject have warned us that it is unrealistic to talk about conservation and sustainable use of genes, species and ecosystems which provide habitat to sustain them without bringing into that equation the

factor of human culture. Traditional knowledge is the building block upon which environmental security is anchored in much of Africa today. Indeed, the development of sustainable agricultural systems by and large still depends upon the innovative capacities of our peasants, pastoralists and fishermen.

This imposes an element of obligation on all of us. It means that to conserve genetic resources for future generations, then we must be concerned not only with rescuing genetic materials and species from the tropical centers of their diversity but also with the recognition and by rewarding and protecting traditional knowledge systems which have produced and maintained the biological riches over centuries. Ultimately, we cannot conserve the world's biological diversity unless we also nurture the human diversity that protects and develops it. If we undervalue or ignore traditional knowledge of the peasants and other rural communities who use the biodiversity on a daily basis, we lose our last best hope of sustaining the living resources upon which we all depend.

Successful strategies to secure the earth's diminishing stocks of plant and animal genetic resources require integrated approaches which combine the innovative genius of the indigenous communities with the sectoral institutional scientific innovations. But one must hasten to add that although genetic diversity is concentrated in the South, there is no country or region which is by itself self-sufficient. This is true of Africa as it is true of other regions. Genetic interdependence among all nations underscores the need for international cooperation in the conservation and use of biodiversity. Africa is willing and ready to place at its disposal of all humankind its vast stock of

accumulated knowledge pertaining to the conservation and utilization of biodiversity.

Traditional knowledge in medicine and pharmacology has a rich tradition in African cultural practices. And yet the commercial value of such traditional based knowledge has yet to be translated into a source of wealth creation within Africa itself. On the contrary, that knowledge continues to make substantial contributions to the projects of drug manufacturing outside the Continent. Similarly, a substantial component of plant-based prescription drugs derive from the prior use in traditional medicine, and indeed large profits are obtained from such industries. And yet, in spite of its rich biodiversity and genetic resource base, Africa does not benefit from this potential of wealth creation.

Indeed, there is a general consensus that without effective protection the cultural and intellectual assets of communities in Africa and elsewhere will continue to be abused and violated. It is acknowledged by all that currently there is widespread misuse and unauthorized reproduction of works of art, designs and even cultural expressions such as folklore, songs and dances. Collections of indigenous cultural materials, ancestral remains and items that are important to the cultural identity of the people are being taken out and deposited in museums outside the Continent.

Indigenous biological and ecological knowledge is being appropriated without consent by bio-prospecting firms which convert the century-old creativity into multi-billion dollar industries, often after very minor modifications. And even research, including that on the Human Genome,

often use the histories and records of African families and cultural lives, without their prior informed consent.

The issue of protection is, therefore, of pertinent importance. However, in the context of Africa such protection should, first and foremost, recognize the specific role and characteristics of cultural and knowledge systems in the life of the people. WIPO's background document, that was attached to the invitation, succinctly captures the main elements of these characteristics, particularly the long social history associated with the development of these systems and their collective ownership.

Secondly, protection mechanisms, that are suitable, should resolve the inherent disjuncture between the private property emphasis of conventional instruments, that treat cultural and knowledge products as private commodities that can be owned solely by individuals, and the communally based and socially driven systems of African cultures and knowledge.

What Africa effectively needs is a system that protects the essential nature of its rich diversity of cultures and ecology so that it can continue to evolve, thrive and enhance its capacity to surmount the formidable challenges facing the people.

The system should enable the Continent to continue giving to humanity the services it has been giving with respect to the conservation and sustainable use of its biodiversity, and to the advancement of art, music, literature and science. Such a system of rights should in no way restrict or impose upon the customary norms and especially the cultural and

biodiversity flows that have evolved over the millennia. Indeed, Africa's diversity and the knowledge derived from it, have been the basis of its survival, and should remain the motor as it embarks into its Renaissance.

Mr. Chairperson, it is no small consolation to know that the World Intellectual Property Organization is aware of these anomalies and sticky points in the legal regime and enforcement mechanisms and is committed to addressing them. I am particularly mindful of the assurance the distinguished and dynamic Director General of this Organization Dr. Kamil Idris gave at a conference of the International Commission of Jurists in Cape Town, South Africa in 1998. Citing Article 27 of the Universal Declaration of Human Rights Dr. Idris had this to say, and I quote:

“In short, all people without exception have the right to freely share in the cultural life and share the scientific advancement as well as to enjoy appropriate reward for creation and invention. A balance must be struck, harmonizing the potentially conflicting desires of the creator to maximize his profits and the rest of the community to minimize its expenditure.... And the gap between the rich and the poor must not be allowed to widen into an abyss. “

The developing world is saying that the gap is already wide enough to be an abyss as the recent confrontation between an African Country and 39 Multinational companies over a matter involving a right to life for African people sadly showed. We must act to build a bridge through appropriate legislation and improved mechanisms so as to give Africa a chance.

Through this Forum and the fact-finding missions which preceded its preparation, the Organization has taken the first steps in laying the foundation of that bridge.

I thank you.