

“The right to science can be used as the foundation for dialogue”

At the end of 2015, Switzerland will start to apply the Nagoya Protocol on Access to Genetic Resources. This issue is part of the universal right to science, promoted with renewed intensity by the United Nations since 2012. *Interview by Florian Fisch*



Negotiations on patenting on seeds have given new impetus to the right to science, explains Samantha Besson.

Photo: Valérie Chételat

The human right to science aims to protect scientists living in authoritarian systems and to ensure that scientific progress benefits all citizens. From the 1960s and up to 2012 this right was no more than words on paper. Then new consultations were held by the UN Special Representative on Cultural Rights. For Samantha Besson, professor of international public law at the University of Fribourg, there can be concrete consequences from considering science as an integral part of cultural rights, for example during international negotiations on the patenting of seeds.

Isn't access to the results of scientific research already included in our universal rights?

It can be found in almost all other rights. Scientific knowledge is necessary for producing food or for developing medicines. That's why we haven't really noticed the right to science until today. However, there lies the interest in a period of reflection, not just to see what science does but also who it benefits.

What is the advantage of it?

Let's take the example of international seed policy, the ramifications of which travel as far as the work of biologists and agricultural scientists. The double-edged aspect of the right to science receives widespread

sterile opposition that can be found in debates on the right to food, where scientists' rights to intellectual property are often used to oppose the rights of farmers to access seeds and to develop new varieties. The right to science can set out a new foundation for dialogue and for finding innovative solutions.

Doesn't this movement bring with it the risk of increased bureaucracy?

Nations may be tempted to create new regulations in the field of research. But I think there are already enough and that we shouldn't fear a new avalanche of restrictions.

Do you think that the right to science can weaken research?

In and of itself, more democracy is of course good news. However, the relationship between science and democracy is relatively sensitive. Increased democratic participation in science could result in a form of threat to researchers. But researchers' autonomy is one of the most precious victories of today's science. We must therefore remain vigilant.

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F. Shaheed: The right to enjoy the benefits of scientific progress and its applications. A/HRC/20/26, HRC (2012).

Samantha Besson

Samantha Besson is the human rights delegate at the Swiss Academies and has taught international and European law at the University of Fribourg since 2004, having previously spent time at the universities of Oxford and Columbia.

Accessible and shared advantages

Biodiversity is essential for agriculture and livestock, as well as for the development of new medicines. The Nagoya Protocol, ratified by Switzerland, facilitates access to genetic resources in different countries for scientists and entrepreneurs. In exchange, states that hold these resources must be able to gain from the advantages that come from their use. The Nagoya Decree, which complements the Federal Act on the Protection of Nature and Cultural Heritage, will come into force most likely towards the end of 2015.