

## **TEC 154 2014S, Class 33: Biopiracy (3)**

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### *Overview*

- Preliminaries.
  - Admin.
- Roper, revisited.

## **Preliminaries**

### **Admin**

- Today's note takers:
- Today's guest lecturer is still the legendary Monty Roper.
- No readings for Monday. Spend time on your smooth drafts.

## **Upcoming EC**

- <http://www.pioneerweekend.com>
- Womens' tennis Saturday

## **Roper's Overview**

### Last time

- TEK
- Integrated nature
- Piracy and Prospecting
- Debate

### Today

- Continue debate
- Propsecting and piracy
- Compensation
  - Pathents/IPR -> Pros/Cons
- Importants and compensation / Difficulties

Sum up (debate, issues)!

- Defense of biopiracy / bioprospecting
  - Common good - e.g., medicines
  - Can make better use of the technology
  - Opens up new possibilities for cultural interaction
  - Income to the indigenous peoples
  - [Modernization: We need to improve them. "You know you want it."]
  - It already exists in the public domain
- Problems
  - No compensation
  - Respect / recognition (or lack thereof)
  - Religion (and lack of respect or recognition for that)
  - Impact on environment and natural resources with increased use

## Why does Shiva say that prospecting = piracy?

- Levels of compensation
- Violence to nature - Commodification of nature
- Enclosure of the commons (primarily patenting) - How do you privatize part of nature? What right do you have to say "I own this gene" or "I own this seed". A deep violence against nature. (Violence against nature is violence against women.)
- Devaluing biodiversity (?)
- TEK is shared knowledge - Why is this a problem?
  - If it's public domain, you shouldn't be able to patent.
  - Who do you pay? Who gets compensated?
- Taking parts of nature and moving from a public sphere to a private sphere.
- The closure of common land.

## Compensation

- Okay, let's compensate people. How? How should we recognize TEK and other indigenous knowledge.
- One approach: The IPR regime, particularly patents.
  - After all, that's what the pharm. companies are doing.
  - Why not just patent indigenous knowledge? What are issues that arise?
  - Who gets the patent? While there are some differences between groups, there's also a lot of shared knowledge between groups.
  - Patents are supposed to be for new knowledge, to spur innovation.
  - Typically to individuals, not to cultures.
- Difficult, because IK is shared and passed on.
- Danger to environment - Changed incentive, increased use; concerns for indirect effects.
  - Encourages people to destroy other things (equiv. of clearcutting)
  - "Commodify environment"
  - People respond to incentive systems in the way we intend them to.

- Governments now want to get involved. (Paul Alan Cox - Nafanua)  
<http://www.amazon.com/Nafanua-Saving-Samoan-Rain-Forest/dp/0716735636/>
  - Wonderful government story of government says "You have to build a new school" and cousin of official says "Hey, we'll log your area and pay you the cost of the school."
  - Cox needs to find a way to compensate the community before the logging company shows up.
- If governments take the lead, then we don't have the negative press (or at least not as much negative press) of companies "screwing" the Indigenous people.
- The politics of representation - Who speaks for the Indigenous people? Who can claim to be Indigenous? Organizations that claim to speak for the IP sometimes conflict.
  - Roper's doctoral work - Different organizations claimed to represent "the forest" (or the communities in the forest). Who gets to sell logging rights? If one sells those rights and another group thinks they had the rights, can they steal the proceeds?
- Commodification of culture.
  - Example, using traditional prints for clothing - turn spiritual thing into a commodity. Devalues it. (Respect/recognition.)
    - Roper's sarcastic commentary: "Let's make Muhammad lunchboxes."
  - Is appropriation the same as commodification?
  - What happens when the group itself begins to commodify? (We generally mean this internal issue when we talk about commodification.)
  - Changes the integrative nature of TEK.
  - From spiritual to capitalist.
  - Not necessarily things that folks think about ahead of time.
- Note: At this point, you can't bioprospect without making arrangements with the government. (And that may be easier than making arrangements with the individual groups.)
  - It's a PITN to negotiate with groups whose leadership changes or who get "stirred up" by NGOs who talk about how much they are making.
  - It's now much easier to just run bioassays. (The wonder of microarrays.)
- What happens to a society when a lot of money comes in? It's going to change the community. "There's so many great issues here. The paternalistic 'We're going to protect you from the capitalistic world view.' That's just as neocolonial as biopiracy."

What can be done? What should be done?

- Question: Why are companies patenting plants rather than processes?
  - This still has many of the other effects (e.g., still issues of respect).
- Question: What would Roper suggest?
  - "I'm an academic."
  - But I like the idea of centralized knowledge banks with licensing.
  - But you should also compensate communities when you go work with that community.
  - But once you find something, you need to back up a level. That needs to be at the level of a (national) government.
  - "Governments are corrupt. But the only thing more corrupt than a national government is a local government."
  - Less sympathetic to the "xxx is symbolic to us"
  - Need to protect

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