

Current Anthropology in press

Invited Commentary on Shane Greene's "Indigenous People, Inc."

Selling Knowledge To Save It?

As Shane Greene shows, the notion of intellectual property is an unwieldy framework for conceptualizing and trading cultural knowledge, genetic information, or indigenous symbols. Green asks: what is at stake when indigenous authorities negotiate the market value of their peoples' knowledge? He rightly emphasizes the pitfalls of inflated expectations and the problematic politics of indigenous representation. Similar dissection of the representational politics of the ICBG and other intellectual-property brokers would reveal that even more is at stake than Greene's account indicates. Contracts to trade genetic resources and related knowledge were first promoted as the paradigmatic model for managing "global" natural resources by means of market exchange. This strategy of selling nature to save it has since been extended to markets in carbon sequestration and other ecosystem services.

In the contentious negotiations over biodiversity "benefit sharing" between countries and communities in the global South and nations and corporations in the North, such bilateral contracts are counterposed to alternative approaches that aim more directly at redressing past plunder and present inequalities in resource control. In UN fora in the 1980s, the mirage of windfalls from exports of genetic gold persuaded many Southern governments to drop their opposition to the patenting of medicines and crop varieties. Some are only now reviving their earlier claims that staple crops and vital drugs, many of which are derived from Southern source materials, ought to be available to everybody.

In the 1990s, hopes for income from bioprospecting deals helped convince delegates from diversity-rich states to accede to U.S. insistence that the Convention on Biological Diversity recognize intellectual property rights and that the World Trade Organization include provisions for the worldwide applicability of intellectual property to plants and microorganisms. Similar illusions of gains from genetic-information trade underlie current maneuvers by China and Brazil to exclude important food crops from the new International Treaty on Plant Genetic Resources for Food and Agriculture. This accord is significant precisely because it is a multilateral alternative to the market-contract model, one that would keep vital crop germplasm in the public domain and prevent beggar-thy-neighbor competition among communities and countries to undersell their genetic resources.

The policy discourse of biodiversity benefit sharing and bioprospecting focuses on marketable genetic information as if organisms and genes acquire value only when they are privatized, removed from their unique ecological and cultural contexts, and transformed by “high” technology. This construction devalues the benefits that communities everywhere *already* derive from the ecosystems that sustain them materially and culturally.

In their efforts to aid their communities, legitimate indigenous representatives may be as entrepreneurial as anyone else, but claiming and selling property rights is a weak basis for economic bargaining. Contracts for trade of genetic resources and associated knowledge are dressed up as if they were economically rational exchanges based upon values (prices) objectively determined by supply and demand. What indigenous participants in bioprospecting arrangements are actually offering is legitimacy – their own in the eyes of outsiders – based on some mix of outsiders’ guilt, goodwill, and perceptions of special indigenous relationships with nature.

As in the Aguaruna case discussed by Greene, the commodities purchased are rarely related to any local knowledge: organic samples are assayed for bioactivity that is of interest in entirely different technological and economic contexts. Now, supply exceeds demand in what has become a global bio-buyers’ market. Economic and political power asymmetries ensure that, even when local knowledge leads prospectors to useful materials, substantial local returns are unlikely. Should a pharmaceutical company develop a blockbuster drug from samples obtained through a bioprospecting arrangement, the firm can use its immensely superior legal and technical resources to alter the product or calculate the profits to prevent more than very small proportion from flowing to the original biomaterial suppliers. Unrealistic hopes for royalties from genetic-information sales have led some to advise communities to keep knowledge secret. In most cases, however, hiding and hoarding in the hope of future profits is more likely to speed the loss of unshared and unused knowledge, especially since many collectors prefer to take plant sample surreptitiously or from public markets or botanic gardens to avoid negotiations with indigenous or government representatives.

If trading cultural “property” is understood as a political negotiation rather than as a market transaction, the risks and potential gains for knowledge providers can be analyzed more realistically. Indigenous and other communities can rescue, preserve, and increase useful local knowledge by documenting it in community registries and publications of resources, inventions, practices, and traditions, thus helping to establish it as “prior art” that cannot legally be appropriated and patented. Communities may claim collective rights to documented

knowledge and negotiate know-how licenses or other terms for allowing access to it. Backed by the requirements of the Convention on Biological Diversity that collectors obtain “prior informed consent,” they can bargain for remuneration, with total payments specified in advance.

Classification, analysis, and processing of plant samples and botanical information can add value to local resources for local purposes and for sales to others. Such arrangements can highlight continuing processes of collective invention, bring status to knowledge contributors, and strengthen group identity and organization. But selling genetic information and cultural capital has this in common with selling handicrafts, forest products, crops, or ecotourism packages: export markets are rarely adequate, reliable livelihood sources. The extent to which they are helpful depends on whether and how much they contribute to broader strategies for applying national and local resources and knowledge to local development objectives.

The same criterion applies to damage caused by biopiracy. Indigenous communities, as Green points out, are more often harmed by losses of territory and other threats.

Unauthorized use of genetic resources and information does not prevent local people from continuing to use such resources. However, it can prevent them from commercializing crop varieties, medical plants, etc., if these are legally appropriated by competitors, as in the case of the yellow beans from Mexico patented by a U.S. bean dealer. Whether biopiracy causes material harm depends on how the resources involved fit into local and regional strategies for cultural survival and economic development.

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