

TRIPS-ing Towards Conflict

Based on information from a visit by Geoff Tansey to Ottawa to talk about work of QUNO-Geneva at the WTO.

By Carol Dixon

WHAT IS THE WTO?

The World Trade Organisation (WTO) is a specialized agency of the United Nations based in Geneva where international agreements are negotiated and enshrined that govern rules of trade between and among nations. Until recently these rules related to trade in goods and services only. Such decisions were formerly decided under the banner of the General Agreement on Tariffs and Trade (GATT) Under the new regime of the WTO, agreements negotiated also include setting the rules for trade in intellectual property.

It is important to note that the WTO is the only multilateral agency whose rules can be enforced. Sanctions can be brought to bear on nations that do not comply with the rules. Agreements such as the Declaration on Human Rights, Convention on the Rights of the Child, International Ban on Land Mines can only be enforced by moral suasion. However, rules decided under the auspices of the WTO can be enforced by other nations refusing to trade with the offending nation.

WHAT ARE INTELLECTUAL PROPERTY RIGHTS?

Intellectual property rights are the agreements that allow for the rewarding of intellectual efforts. Copyright and related rights, trade marks, patenting of industrial design and plant varieties are familiar concepts to most of us. It is argued that such protection for innovators' ideas is also an incentive for the production of new ideas, and knowledge which will benefit all of us. Others argue that patenting has anti-competitive effects and can slow the development of new and vital knowledge. International agreements negotiated in Geneva at the WTO related to Trade in Intellectual Property Rights are referred to as TRIPS.

WHAT IS TRIPS? AND WHAT'S THE PROBLEM?

Up until recently plants and seeds and to some extent animals moved around the world freely, sometimes by happenstance, sometimes through deliberate sharing by travelling friends and sometimes collected by scientists seeking to understand more about the flora and fauna of far off lands.

Biotechnology, research and new knowledge gained in the past 10 years relating to life processes in animals, plants and microbes has put a totally new spin on the discussion of what should or should not be freely available to the public or only available to those who are able to pay. It appears now that parts of a plant cell's biological processes may be patented so that the information may be owned and controlled.

Scientific research produces new understanding of the details of genetics, molecular makeup and life processes inside the cells of plants. This knowledge opens new opportunities for dramatically changing the production of new life, new kinds of foods and also has the potential for affecting biodiversity and access to how foods are grown and access to them.

New plants may become dominant as a part of the world's food source. We have learned in recent years of the concept of terminator seeds. The idea is that the farmer buys the seeds from the producer, which is increasingly likely to be a large multinational, and the farmer must buy again next year as terminator seeds produce plants that are sterile. The option of keeping some of your seeds to plant next year is then not an option. The new tools for food production and agriculture are also new tools for control of food production and agriculture. One of the questions is who will be in control of what.

Traditional knowledge of aboriginal groups is now also at risk of being commodified and controlled by large multinationals as agents gather samples and take them home to analyze and develop and reproduce variants or parts of the cells.

Part of the problem arises where meaning of words is open for definition by those in control. Words that have not been clearly defined in the trade world include plants, seeds, animals, micro-organisms, essential biological processes. Details of these new trade agreements are not well understood and the long term consequences of ownership of new knowledge are not known. In 1992 many nations signed on to the Convention on Biodiversity. New patenting agreements have the potential to contradict earlier agreements.

WHAT ARE FRIENDS DOING ABOUT IT?

Friends at the Quaker United Nations Office (QUNO-Geneva) have been monitoring the work at the WTO and are in the process of developing a proposal to provide opportunities for delegates from developed and developing countries to sit down together with negotiators to try to understand the wording and long term implications of the TRIPS agreements. Friends also seek to develop a plan to engage the public in discussion about these critical issues that tend to be decided behind closed doors.

Trade discussions may be carried out simultaneously for different parts of the agreements in different parts of town, leaving countries with small and inexperienced staff unable to participate, ask questions and speak to the concerns of their people. Later, legalities and meaning of words are decided by those with power and vested interests.

When smaller countries enter into agreements without fully understanding them, the seeds are planted for future conflict and violence when the outcomes of agreements fall negatively on their people who may refuse to comply with the terms of the agreements.

Our soon to be established Quaker International Affairs Office in Ottawa is planning to work with QUNO-Geneva to broaden the impact of this work with processes in Ottawa. It is expected that work will include producing and distributing information to brief people on TRIPs - including faith-based groups and NGOs, organising seminars on TRIPs for delegates from both developed and developing nations, generating policy dialogue with Government representatives in Ottawa. Resource people from Geneva would be fully engaged in the work and members of the secretariat for the Convention on Biodiversity from Montreal would participate. Canadian Friends are well disposed to share in this important work towards justice and conflict prevention.

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