

ECOLOGIC

Bartering Away Nature's Bounty

When governments, scientific establishments and corporations patent indigenous knowledge and biological resources from local communities, they strip them of what they have nurtured and developed over the ages, and make profits out of them

By Ashish Kothari

FROM a 'remote' tribe of India comes a case that is likely to add considerable fuel to ongoing debates about patents, community knowledge, and tribal rights. Scientists working in the Regional Medical Research Centre (RMRC) of the Indian Council of Medical Research, at Port Blair in the Andaman and Nicobar Islands, have been testing various plants that the Onge tribe uses for medicinal purposes. One of these scientists had noticed that while the non-tribal settlers on Little Andaman suffer from a high incidence of malaria, the Onges, a hunting-gathering tribe, remain remarkably unafflicted. On further investigation, he found one plant was regularly being used by the Onges against fever and gastro-intestinal disorders. On testing, the scientist found that this plant has anti-malaria properties. It appears to be highly active against the dreaded parasite, *Plasmodium falciparum*, which causes the fatal disease - cerebral malaria. If the active ingredient of the plant can be isolated and used, the benefits would reach millions of humans who suffer from these diseases across the world.

Suspecting that unscrupulous elements might misuse the information, the concerned scientist has wisely decided not to release the name of the plant. A local NGO, Society for Andaman and Nicobar Ecology (SANE), reports however that the director of the RMRC is keen to publish the findings in his own name, and subsequently claim a patent!

Little Andaman is one of the 300-odd islands of the Andaman and Nicobar (A&N) Island group, a union territory of India strung across the Bay of Bengal. The islands are also home to some of India's most ancient tribal cultures, a few of which are still totally dependent on hunting and gathering, and abhor contact with outsiders.

There is good reason for these tribes to resist external contact. The islands have been increasingly colonised, first by India's British rulers and invading Japanese, and then by Indian settlers from the mainland. This colonisation has been disastrous. Several tribal groups were wiped out due to introduced diseases against which they had no resistance. Tribes now constitute only 12 per cent of the total population of the

islands.

The Onge, confined to one island, Little Andaman, have also suffered seriously. Numbering over 600 at the beginning of the century, they have now stabilised at around 100. They have been allotted a reserve of about 250 sq km on the island, while the rest of it (another 500 sq km) has been colonised by settlers and the army. The islands' administration has forced them to abandon their nomadic hunter-gatherer lifestyle, 'rehabilitated' them into permanent settlements, and put them on welfare dole. A government-funded tribal welfare society supplies the Onge with rice, pulses, sugar, salt, oil, and spices. Today these once-proud owners of the island are a subdued and passive lot, with an increasing loss of identity and culture (language being amongst the first casualties). Simultaneously, their tremendous knowledge of the forest and the seas is also being lost.

The environmental and social damage that has been forced onto Little Andaman is happening in many other parts of the island too. Over 10 per cent of the plants found on the islands are not found anywhere else in the world, and many of these are threatened by deforestation. In addition, attempts go on to 'befriend' the hostile Jarawa and Sentinelese tribes, with the eventual aim to bring them to the 'mainstream' regardless of the loss of identity, culture, and knowledge which may result from such efforts.

The question is: how many species like the above plant are we likely to lose before we realise the enormous potential of the islands' biodiversity? And how much of tribal wisdom will be lost as 'primitive superstition' before we realise the true value of their traditional systems?

The piracy of indigenous knowledge and of biological resources, by

governments, scientific establishments, and corporations, has been carrying on all over the world. What this means is that outsiders take away the resources and knowledge carefully nurtured and developed over centuries by traditional communities, and make profits out of them. Almost never do the financial (and often even the technological) benefits flow back to the communities of origin.

However, local communities and sensitive governments have been increasingly raising their voice

before using such knowledge and practices outside the community, and to 'share' in the 'benefits' resulting from such use.

At the Second Conference of Parties to the Biodiversity Convention in Indonesia (November 6-17, 1995), the Indian Minister for environment and Forests, Rajesh Pilot, underscored this point. He said that local community interests are not protected by existing intellectual property rights regimes (including patents), and that other steps were needed to ensure such protection.

If the Indian government truly means what it says at international forums, then it must act immediately to protect the interests of the Onges and of the country before private corporations or some unscrupulous scientists attempt to monopolise the 'discovery'. This danger is very real, for pharmaceutical corporations would obviously make a beeline for a plant of such high potential value. Certain steps need to be taken to stop this.

* An embargo on the transfer of any plant and plant material from the Little Andaman Island, and strict containment of the specimens/extracts already taken out of the species in question.

* Publication of the names of all persons/agencies who are given permits to visit Little Andaman Island.

* Provision of information to the Onges, regarding the implica-

tions of the 'discovery', to elicit their own opinions and attitudes towards the wider use of the plant.

* Steps to ensure that the rights of the Onges to the plant and related knowledge are publicly acknowledged and respected, including in any publication that may result from the scientific experiments going on. A patent in the name of the scientists involved would be wholly immoral

and unacceptable, but the utility and acceptability of a patent in the name of the Onges is also questionable. Some form of community right in the name of the Onge would be more appropriate, but its precise nature, and its legality, needs to be considered.

* Steps to ensure that the Onges are the major recipients of benefits arising from the use of the plant. In this connection, monetary benefits may not be appropriate, since these tribals are not in the market economy. The channelisation of the benefits into a fund meant for conservation and protection of tribal rights and territory, may be more beneficial.

* Reserving the majority of the Little Andaman Island for the exclusive use of the Onges and phasing out their welfare doles. The nomadic hunting-gathering of the Onge was probably the most sustainable way of living on the island, and should be encouraged again. In a sense, this would be perhaps the most effective way of respecting their knowledge and practices.

* A policy on the conservation, extraction, use, and export of biodiversity elements found on the A&N islands, especially for those plants and animals which are endemic to the island.

* Urgent steps to conserve the remaining natural habitats of the islands, and to secure the territorial integrity of the tribal groups (especially the Jarawas, Sentinelese, and Shompens of Great Nicobar, aside from the Onges).

* Formulation of a policy safeguarding the resource and intellectual rights of tribal and other local communities, and of legislation which requires collectors to secure the consent of these communities, and obliges them to enter into appropriate benefit-sharing arrangements.

Having ratified the Biodiversity Convention, India is obliged to safeguard the resource and intellectual rights and interests of its local communities. Bold statements at international meetings are meaningful only if translated into actions back home. The current case of the Onges will be a major test of the country's commitment to community rights, and of its commitment to the Convention.

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against this, and demanding that the rights of the originators and conservers of resources and knowledge be protected by both national and international law. The most recent international expression of this is contained in the Convention on Biological Diversity, which explicitly commits every country to 'respect' traditional knowledge and practices, to take the 'consent' of the commu-