

SELLING THE COMMONS

Genes > Jeremy Rifkin, President, Foundation on Economic Trends

There's a great north-south issue here.

You can't create a gene de novo in the laboratory. This is an extractive industry, like oil. Well, you know, oil's found in the Middle East. Well, genes are found in the equatorial countries of the southern belt, because that's where most of the genetic diversity of the planet is. So now we've got these global genomic companies bio-prospecting in places like Brazil. They find a rare gene; if it has commercial value, they immediately seek a patent in various governments.

Now, the southern countries, like Brazil, are crying, "Bio-piracy!" They're saying, "Hey, come on. These are our resources, we should have compensation." The northern companies are saying, "No, we put in all the time and effort, we need to be compensated for our work."

My position is: these genes don't belong to Brazil, I'm sorry. And these genes don't belong to Celera or Monsanto. The gene pool exists a priori and independent of governments or corporations. We're talking about millions of years here, of biological legacy. And I think that if we allow the gene pool to be the political property of governments, or the intellectual property of companies, I guarantee every parent watching this interview, I guarantee you, your children or at least your grandchildren, will have gene wars. We fought wars over oil in the Industrial Age, we fought wars over metals during the Mercantilist Age, and a lot of people suffered and died. I think we should do the right thing here, and the right thing is to ask the right question: Will our children be well served, and our grandchildren, and our great-grandchildren, if they grow up in a world where they think of all of life as intellectual property? The genes, the proteins they code for, the organs, the tissues, the organisms.

To show you how out of control this corporate policy is: Doctor Willmott, who cloned the sheep, his company PPL, has a patent covering the cloning process. And the British government has granted him a patent on all cloned animals, and the British government did something else. They gave his company a patent on all cloned human embryos up to the blastocyst stage of development. That's the stage where you develop the stem cells that are so important for medical research.

Now think about this for a moment. In the nineteenth century we had a great global debate: Can you own an individual human being as commercial property after birth? We had an anti-slavery movement. It spread across the world. We abolished slavery. But now, these life science companies have technologies that allow them to own an individual human being at the conceptual through gestation stage. So now, one of the great political issues of the twenty-first century, should corporations be able to own life at its earliest stage from conception to birth? The

British Patent Office has said, "Yes". The right thing here - we need to craft a great global treaty, to establish the gene pool as a commons as a trust.

We're talking about millions of years of evolution here. It's a great legacy. This doesn't belong to governments or companies. You know, when we discovered the last continent, Antarctica, we did the right thing. We violated thousands of years of the human territorial imperative, and we did the right thing. We said, "Look. Antarctica, no government owns it, no company exploits it. It's a trust. We'll set up a treaty." We should at least do the same with millions of years of evolution. Allow the gene pool to be a shared legacy. Create a great treaty so every government becomes a signatory, and make this our finest legacy. Then, we can enter the Age of Biology, and maybe it'll be a renaissance, and not a period of dark, social upheaval.

Commercial Eugenics > Jeremy Rifkin, President, Foundation on Economic Trends

Companies don't bring us products because they think we're going to hate them. They bring us products they think there'll be a market for. So, the new commercial eugenics really is a partnership between our desire as consumers to bring predictability into the last remaining unpredictable part of life, which is life itself, and the corporations' desire to make some profit by being able to control the technology upon which the life process is involved. The problem is that commercial eugenics at the end of the line, and at the end of the day, could be every bit as dangerous and as insidious as the social eugenics dogma at the earlier part of the twentieth century.

We could be, we could, well it may be, it may be that willingly, step by step, gene by gene, product by product, technology by technology, we all walk swiftly into this brave new world, and out of consent, because we didn't think of the deeper issues involved. Look at some of these issues. Let's take a look at genetic discrimination. Genetic discrimination is going to be as powerful a social engine as discrimination based on gender, religion, race and ethnicity was in our long past as a species. We're mapping the genome. We're increasingly going to be able to have a genetic profile of every human being on earth in the next ten years. Should your employer know your genetic profile? Should insurance companies have this information? Should the government, or your school board know the genetic profile of your child? Genetic prejudice is likely to be a very virulent form of prejudice.

For example... Let's say an employer is hiring at a corporation, for a fast-track executive position, and you have three candidates, all equally qualified. One has however, a genetic predisposition for prostate cancer, the second has a genetic predisposition for breast cancer, the third has no genetic predisposition in the profile, and they did a test.

Who are they going to hire on the corporate fast-track? Well, here's the problem. Just because you have the genetic predisposition for those cancers, doesn't mean you're going to get them. It may be the first two candidates live well, they don't smoke, they don't drink excessively, they exercise, they eat low on the food chain - a vegetarian diet, and maybe they don't get the cancer. Maybe that third candidate without any predisposition is a walking time bomb. Six-pack of beer a day, three packs of cigarettes, never exercised a day in their life, and maybe that person gets the cancer. Discrimination comes in here when you judge people purely by their predispositions, genetically. The gene is not all-powerful. The gene is not the recipe, it's just the ingredients. The gene interacts with environmental cues and triggers. It is truly nature/nurture - gene and environment. But, corporations are going to seriously think about the bottom line.

And they'll have some compelling arguments. Let's say you're hiring for air traffic controller. Do you want to hire someone who has a genetic predisposition for bipolar manic depression? But she may not get it, she may have it under control with therapy and pharmacological intervention. It may be that other person who had no predisposition, had a bad day with his wife at home and lost focus at the control tower. So I think we're going to have to do, is say look, there's some very valuable information that's going to come out of the Genome Project. I would like to be screened for genes, and my family would, for prevention purposes, for health. But I sure don't want that genetic information to be in the hands of other institutions who could use it and abuse it and make me the victim of it.

I think we need airtight legislation in every country. And that is to make it illegal for any institution, political or commercial, to use my genetic information without my expressed approval. And I would say, "one strike you're out". If it's used, I would say, "one strike you're out." If this genetic information is used by corporations, they should lose their charter, and long prison sentences for the principals. Anything short of that, like a, a slap of the wrist, you're not going to be able to prevent this being used, because in an Age of Information, genetic information's going to flow freely. But we can make sure institutions don't use it. But only if the punishment, the legal consequences are serious enough so they'll think twice when it comes to the bottom line.

Patenting Life > Noam Chomsky, Institute Professor, MIT

The corporations that are getting the patents on life forms and genes are for the most part, are heavily publicly subsidized. A huge public subsidy for research and development and so on. So what you get is the public is paying for the monopolization of the technology of the future. And even for interfering with growth. And is also paying to be propagandized since they do a ton of advertising.

When you get to genes and life forms it's particularly extreme. Because you're going right, the genes, you don't know what the genes are for but you think

maybe they'll be used for some things, some day. And I'll own them so I'm going to own genes or I'm going to own somebody's blood or something like that.

Furthermore on top of all of this it's sheer robbery. I mean when they patent life forms they are using the knowledge, and expertise, that's been gained over thousands of years by experimentation, and research, and achievements of what we call indigenous societies that don't have our form of ownership control.

This is mostly work done by women. I mean that have been transmitted from mother to daughter over forever. Techniques of breeding, what should be grown where, what's useful for this purpose and so on. A big pharmaceutical company comes in and just steals all that they don't pay anything for it. And since there's no technical ownership in the western sense you don't have to pay people for the fact that for thousands of years they've been developing these things and figuring out what to do and so on.

You just steal it from them. Then you make a minor modification of it and you patent the modification. And then they have to buy it back from you because your market power is so extreme that they're going to have to go to you for seeds or whatever. So it's a combination of extraordinary robbery. I mean profound immorality. And undermining of, probably undermining of economic growth. It's quite apart from the whole moral question of the right to own life forms. Which again that's a value question but it looks to me kind of outlandish.

Tripping Up TRIPPs > Dr. Vandana Shiva, Physicist, Ecologist, Feminist & Seed Activist

Well you know I started this phase of my life literally 87, both under the awareness made directly by the big corporations that told us that by the turn of the century five companies would be controlling our food and health through patents and genetic engineering and corporate mergers.

As well as the Uruguay round of GAT which was drawing in intellectual property rights and patents into a world trading system. And that's when I decided this is what I must work on because it was really about the most fundamental fabric of our moral existence. To treat other life as I had mentioned, to take away from the poor their means of survival and sustenance.

And I think in these thirteen years we've had tremendous successes. First when TRIPPs was being negotiated, the Trade Related Intellectual Property Rights Agreement. It is always said the reason we need to do this is because Third World pirates are amazing innovations. And what they used to always give as examples were Madonna cassettes. And Michael Jackson CDs that people were copying this stuff.

Now most of the world doesn't listen to Madonna and Michael Jackson. And the piracy in fact that's serious and affects life is the piracy of the knowledge and biodiversity of the Third World. I think we managed to put on the international

agenda this reverse piracy that happens on the part of the powerful. The theft of the resources of the poor by the corporations of the world.

And biopiracy is now a language in the negotiations in the World Trade Organization. When countries are challenging TRIPPs and asking for review and change in the agreement they use the language of biopiracy. We stop the Third World being viewed as the pirate and we showed the corporations were the pirate.

But we've achieved something more. In the December of 2000, the pharmaceutical industry of the world organized to chase the South African government because South Africans were importing low cost drugs from India. And the corporations would have liked to see Africa turn into their market monopoly. Even if this meant that the high cost drugs that they sold would not reach most of the victims of AIDS and malaria and TB.

Well they had to withdraw from that case. But what is even more significant, in the first half of 2001, the absolutely unjust case of the United States against Brazil for allowing the manufacture of low cost AIDS medicine. A case they brought to WTO to basically say that preventing the spread of the AIDS epidemic was illegal according to WTO rules.

Bringing medicine to the people was illegal. A government acting on behalf of public health measures was illegal. Well the world wide movement forced the United States to withdraw that case just in time for a review of TRIPPs.

At this point, instead of the Third World being told you'd better change your laws because it comes in the way of corporate profits, the tide has now turned. And the Third World is saying anything in TRIPPs that come in the way of public health measures, the right of farmers to save seed must change in TRIPPs. Anything that promotes biopiracy must change. I think the tables have turned.