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Aid, trade and taboo: the place of indigenous traditional knowledge in development strategies: a Pacific perspective

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Pacific island countries (PICs) are examples of some of the least developed nations in the world. To improve their economic performance they are being urged to enter various trade agreements and in general to put in place frameworks to support twenty-first century priorities and international agendas including intellectual property regimes based, primarily, on western models. Yet PICs have long-standing traditional ways of safeguarding ‘intellectual property’. Their traditional perceptions of this tangible and intangible cultural heritage are not always compatible with the models being proposed, both by their own governments and by external agencies with the consequence that initiatives to boost their small island economies may fail to take root among local communities or fail to recognize or protect the various forms of property and resources which are important to them and, in some cases, may have unforeseen adverse consequences. This paper uses examples from PICs to highlight the present failure of national and trans-national intellectual property regimes to adequately acknowledge the different approaches which indigenous people in the region have towards ‘intellectual property’ and consequences that this may have on their development in the current aid for trade environment.

Keywords: intellectual property; law; trade; development; Pacific islands

Introduction

In the context of trade and development, it is almost impossible to dissociate law and politics, especially when that development is also closely linked to foreign aid and intervention by third-party states and non-state entities. With this in mind, this paper looks at the relationship between aid-funded intervention and developments in intellectual property law, reflected through trade initiatives and

commoditisation of expressions of culture: in short, the ‘proportisation’ of traditional knowledge, practices and cultural expressions. By this I mean the attribution of western-centric legal perceptions of property to manifestations of traditional knowledge which traditionally have not been shaped or controlled by this type of legal discourse (see more broadly, Correa 2001). There are therefore dilemmas. If legal processes are to be used to provide appropriate pro-