

Mana Tuturu: Maori Treasures and Intellectual Property Rights

review by GRAIN

Barry Barclay's name should ring bells for people who measure in decades the time they've been involved with the international political struggle over crop biodiversity. He is the man who put together *Neglected Miracle*, a two-and-a-half-hour feature film on genetic erosion and "the seeds issue" back in 1985. At that time, it was the only feature-length film that existed on the subject, and it was not uncommon to see activists going from meeting to meeting, from Rome to Addis, carrying a print of it in an enormous metal can.

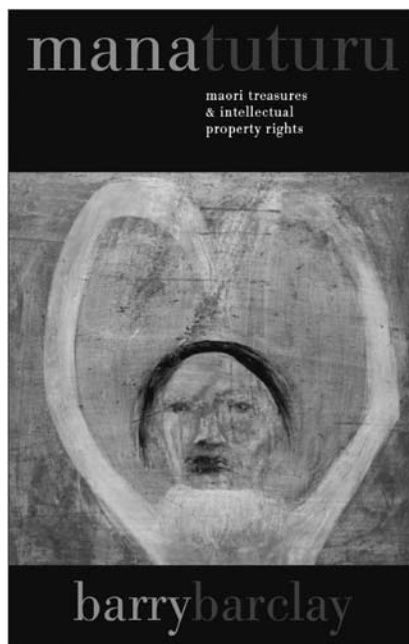
With such memories in mind, we were eager to pick up a copy of *Mana Tuturu* and see what Barclay had to say 20 years later about the intellectual property conundrum as it relates to Maori lives today.

Barclay is a Maori film-maker, and this book is 75 per cent about copyright issues and 25 per cent about patents on life. The most interesting aspect of reading it, apart from learning about Barclay's own experience trying to make the film industry respect Maori principles, is looking at conflicts over intellectual property through the eyes of someone who works with moving images.

Outside/inside games

Barclay is fully against patents on life and any attempt to construct an "indigenous intellectual property rights" system. He explains from his own experience that efforts to bring indigenous concerns into the world of intellectual property – *sui generis* systems cooked up by the World Intellectual Property Organisation (WIPO), the World Trade Organisation (WTO), other UN agencies or Western universities – have been and are useless. For the struggle is not about accommodating two world views or two systems of law. Maori values and principles have to stand on their own. And law – "with a big L", as he puts it – has to recognise that it is not a matter of fitting indigenous cultures into dominant ones. His own efforts to subject the work of the New Zealand Film Commission, an archive otherwise bound by national copyright law, to Maori "tikanga" (customs, principles, ethics), and "mana tuturu" (prerogative, what is right; in this case, Maori spiritual guardianship) provide an example of how this might, or might not, work.

While the information Barclay draws on to discuss the gene patenting problem is a bit out of date, he makes an important point about the difference between it and the conflicts going on in the copyright/arts world. While it is a charade, he points out, to put a monetary value on a genetic resource as the patent system requires, the concepts of copyright and public domain (the status an artwork acquires after copyright expires) are a death knell to indigenous cultures. In the Maori world, the value



of an image grows over time. How can copyright, or indeed public domain, possibly respect that?

In a sense, Barclay's book reminds us that the struggle over intellectual property is not really our problem. There are those who believe that farmers should pay for the right to use seeds, or that we should pay and repay corporate research or development expenses time and time again, through never-ending expansive royalty schemes – the hundreds of millions of dollars they claim to have dished out to come up with a new drug, the millions to produce a new crop variety, the \$12bn to shoot a film. These are the people who need to justify their point of view. Farmers have the right – or whatever you want to call it – to save and re-use seeds, end of story. That is what farming is about. The peasant women of Mexico never charged Monsanto for domesticating maize. Nor did the goat herders of Ethiopia present Nestlé with a bill for discovering coffee. The point is that Maori have rights and rural communities in Mexico and Ethiopia have rights and the constructs of intellectual property law – "with a big L" – want to efface them. It is up to us not to accept that, and to help those rights to prevail despite the relentless pressure from those would like us to give up and to give all.



Barry Barclay, *Mana Tuturu: Maori Treasures and Intellectual Property Rights*, Auckland University Press, November 2005, 300pp, ISBN 1869403509

