

‘Reap What You Have not Sown’, ‘Architect of Poverty’: The Political Economy of Biodiversity Patenting in Africa

Lere Amusan

Department of Politics and International Relations, North West University, South Africa
E-mail: Lere.amusan@nwu.ac.za

KEYWORDS Poverty. Intellectual Property. Biodiversity. Misappropriation. Africa. Patenting

ABSTRACT ‘Gene-rich but technology-poor’ are the common attributes of Africa. From available literature, the development of mineral resources and biodiversity are the two major factors that aggravate poverty in many of the African states through multinational corporations (MNCs) and their home states. The politics behind patenting of biodiversity explains why the question of economic development continue to elude Africa. General Agreement on Tariffs and Trade (GATT) and its successor, World Trade Organisation (WTO), promote intellectual patenting with little or no responsibility to the hosts of these resources. Through questionable global intellectual property arrangement, Third World States (TWSs) that house over 90 percent of these resources, until recently, cannot claim ownership because of politics introduced through patenting. Convention on the Biological Diversity (CBD) that deals with the protection of indigenous knowledge, indigenous peoples, access, sharing and benefit (ASB) and geographical indications (GIs) is struggling to ensure equal exchange from proceeds from Africa resources. It is the intention of this paper to x-ray some of Africa’s medicinal plants that should uplift the economy of the rural areas, but that vitiated through misappropriation, thereby aggravating poverty. In addressing this problem, constructivist theory will be the paper’s departing point where interdependence approach to poverty reduction shall be pushed forward as a solution to pro-poor arrangement.

INTRODUCTION

International relations (IR) and its sub-fields, international economic relations (IER) in particular, is a discipline that is Eurocentric to the advantage of the West, but to the detriment of developing areas. Africa being the worst hit with this system, and forcefully integrated to the global system may appear to be the rationale behind being relegated to the status of an inputs producer, the hewers of wood and drawer of water in the global politico-economic arrangement as imposed on the continent. Globalisation as concept in relations among nations, against some scholars, started with the first contact with the Caucasian through international water, and trans-Atlantic slave trading; a situation that was further entrenched through interaction with the Arabs in the form of trans-Saharan slave trading, which, like the European connection, was of unequal exchange.

This extends to the era of colonialism when resources of the continent underwent a free for all before the Berlin Conference (1884-85) that demarcated the continent in line with sphere of influence of the colonialists. This led to institu-

tionalisation of illegal rule on the continent. Many states, mostly were forced to produce what they cannot consume and consume what they hardly produced. Many Africans were put into jail for violation of the colonial regulation on the production of cash crops like cocoa, coffee and sisal (Chamley 2016). This is pronounced in the Belgian and French territories of Burundi, Rwanda and Democratic Republic of Congo (DRC). As discussed by students of African history and political economy, the forerunners for the pillage of Africa were the missionaries and multinational corporations who came in a guise of agents of development, but turned out as agents of destruction of the socio-cultural system that were in place for a very long time that enhanced cooperation and promotion of culture and political development (Ake 1981). So disgusting is the attitudes of the Caucasian to the extent that they hardly see any positive development from the Blacks. Google Photos, for instance in 2015, “algorithmically identified black people as gorilla” (McWhorter 2016: 17). Despite this, resources of states in Africa are the sources of wealth of the developed states through unguarded pillage of the continent resources.

The second World War came and went, the victorious states led by the USA crafted “a new international economic order” in their favour through the establishment of various international economics and financial institutions and regimes of which the International Monetary Fund (IMF), International Bank for Reconstruction and Development (IBRD, the World Bank) and General Agreement on Tariffs and Trade (GATT) are the most prominent. The aim of this is to promote liberal economic system of capitalism that accompanied ideological war between the West and the East. Ironically, the USA that called for the establishment of GATT could not join the trade regime for national interest sake of dominating the rest of the system until 1995 when there was a regime change in GATT that led to the Uruguay Rounds. These Rounds created the World Trade Organisation to cement the domination of the rest of the system with emphasis on Africa.

Seeds of poverty that have been planted in Africa that had germinated from the colonial and post-colonial periods received further nourishment when the Marakarresh Agreement that led to the institutionalisation of WTO was concretised, coupled with the repartitioning of Africa by colonial masters through North-South relations (Lee 2009). From that time, issues of Intellectual Property Rights (IPRs), Multilateral Investment Guarantee Agency (MIGA), Trade-Related Aspects of Intellectual Property Rights (TRIPs, technology) and Trade-Related Investment Measures (TRIMs, trade in service) have been mooted to further exploitation of Africa. The rules that emanates from these regimes are such that promote bio-piracy of flora and fauna from Africa through intellectual property laws that continue to be the most contentious approach to private ownership of goods and services, expectedly, to the disadvantage of the global south with reference to Africa specifically.

Globalisation and its discontents (Stiglitz 2002) as evident in economic, politics, science and technology, social and cultural milieu are the major proponent of poverty on the continent that was once passed as hopeless in the biblical rhetoric that “is it possible that anything good may come from Jerusalem?” Despite efforts to make the North self-sufficiency, basic tenets of international trade of endowment thesis forced developed states to relate with Africa. If not for anything, but for selling of goods and

services, and a need to serve as inputs producers, a system that is being introduced to Africa before the Industrial Revolution in Europe, and a *status quo* that is consolidated till today in many forms. It is worth nothing that globalisation as crafted and imposed on Africa lacks human face in the form of development that international trade claimed to have promoted. Instead, the perceived sphere of influence that Africa should consolidate is being invaded by the states that claim to have special skill in manufacturing and services sectors. This pose more questions than answer when one contextualises the thesis of IR and that of IER.

In a guise to increase food production, eradication of poverty and creation of employment for the teeming African population, agriculture that accommodates about 70 percent of the total population of Africa was said to have been the only way to development. Recently the politics and policies of land grabbing where multinational corporations (MNCs), foreign states, private individuals and public corporations involve in farming and farm inputs such as seeds and fertiliser selling on the continent brings more misery, political instability and economic malaise to the people of Africa (Pearce 2012; Rosario 2016). Introduction of genetically modified (GM) foods in the form of plants and animals’ genes modification promotes suicide, hunger, poverty as well as unemployment, and, in the long run, questions the very basics of social contract between governors and the governed. GM seeds are not only unsustainable in term of keeping it for other planting season, it is being argued that health risk in the use of it is adding pressure on the health budget of African states which is eventually to the benefit of multinational pharmaceutical corporations (MPCs) who always claim that their involvement in Africa is to promote health care for all (Amusan 2015). Classifying African heritage under questionable novelty as against public domain by questionable scientist in collaboration with MNCs and developed states need further interrogation of why Africa should remain an active participant in WTO and its agencies of underdevelopment in the continent.

In addressing these myriad of problems, it is the intension of this paper to adopt constructivist model where interdependency theory and social/environmental demands will be the main area of focus in the complex interdependency international system. The rationale behind this

is the cobweb nature of IR that a state may not be an island in the turn of the 21st century.

Study Objective

In discussing the crisis of interdependence promoted by the nature/dynamics of the politics of IER, this paper questioned the logic of intellectual property rights, patenting of herbs and other medicinal plants promoted by the politics of the World Trade Organization (WTO) rules. It draws insights from the challenges confronting Africa states in the bid to patent herbs and medicinal plants that are peculiar to the continent. In doing this, the study cited South Africa and the case of the Rooibos as point of reference. The main objective that underpins the study is an examination of the unfair relations promoted by the logic of the politics of IER with particular focus on the patenting of herbs and medicinal plants from Africa. The specific objectives are to;

- i. Discuss the insertion of Africa into the global economic system and the implications of the unequal exchange between the continent and developed world,
- ii. Examines the logic of patenting of herbs and medicinal plants and how the unequal nature of international relations adversely affect the African states as it relates to patenting rights,
- iii. Analyse the politics of the patenting, which Africa states are still struggling with in term of filling applications, a completed adventure that African legal sector is grappling with.
- iv. Examines the implications of this on development of Africa with their natural resources they have, but could not develop without going through IER and WTO labyrinths journey.

Constructivist Theory as Theoretical Framework

This is a theory that relies on perception and identity shaped by experience and social norms. It is a dynamic perspective of studying social sciences because it believes in theory as environmentally determined. As observe by Manbach and Rafferty (2008: 34), “once people know ‘who they are’, they can understand their interests and forge policies to pursue those inter-

ests.” This theory emerged in the 1980s as a result of historical context where political actors were challenging the basic assumptions of the international systems. This development questioned the dominant theories of realism and liberalism. Alexandra Wendt is an adherent of this school. It relies on a position Robert Cox (1991: 444) by that “theory is for someone and for a purpose”. It lays emphasis on social dimensions and the possibility of developmental changes that is historically and culturally determined as against behavioural empiricism rigidity. The theory is a reaction to third debate as captured by Yosef Lapid or what others describes as fourth debate of post-positivist of the 1980s, which believe in subjectivity that is a function of interpretation based on socio-cultural interpretation. It is a theory that addresses ambiguity, uncertainty and questions identity as major determinants of human behaviour (Fierke 2015; Jackson and Sorensen 2013; Reus-Smit 2013).

Constructivist theory is a complex perspective of social sciences studies because it opines that there is no generally acceptable truth. Therefore, what is right and wrong varies from person to person and from society to society (Manbach and Rafferty 2008: 33). The theory contextualises two opposing views: foundationalists (those who believe that truth can be determined through empirical testing) and anti-foundationalists (these school is of the view that there are no neutral, value-free tests to determine the truth of a proposition).

Based on the above discussion, one may see this theory as a social construct in nature because it brings subject or object into being, which may have otherwise not in existence. That is, its subjectivity leads to different interpretations because of social factor which implies that words and concepts have no value outside a social context which are defined and employed. Unlike positivists’ position, this theory is based on social value, norms, ideas and assumptions rather than purely individual thought or meaning. It is more of insight and imagination. This maintains that. Knowing fact through observation is not generally acceptable in social construct. It is dynamic in nature and appreciate constant changes based on norms, rules, historical context and language. This is in line with Nicholas Onuf, Friedrich Kratochwil and Alenxander Wendt who argue that this theory is not given but always in the process of being made (Fierke 2015: 27).

Also of import to this theory is its appreciation of social being that challenges the concept of individualism as upheld by rationalists and neo-realists, that structure is not independent of its environment, as much as structure regulates individual behaviour, it is also a creation of a shared understanding. Sovereignty as it is known today is a product of collective understanding and recognition which in turn confers legitimacy and authority. Therefore, as against individual ontology, one should think of social/collective ontology for proper understanding environment and international regimes that are regulating global system (Reus-Smit 2013).

As much as this theory captures this paper's discussion, there are some lapses entrenched in it. It believes that there may be no policy to follow because of its dynamism. This is a major source of concern for neo-realist students of social sciences who hardly believe in social norms as agent of state behaviour, or as a *sine qua non* of the behaviour of international regime/s (Jackson and Sorensen 2013: 225). It is compatible with liberal theory regarding agent-structure perspective where agents (leader, state, international organisations) and structure (type of the international system determines identity, ideas, interest and material). Dynamism in constructivist theory calls for a need to commission economic negotiations that eventually led to the creation of the WTO that focus on ultra-capitalism of biopiracy instituted by MNCs, developed states and private individuals.

METHODOLOGY

The study adopts the qualitative methodology approach in the collection and analysis of data that drives its explanation on bio-piracy and the politics of patenting within the logic of WTO rules and practices. To this end, the study sourced its data from government's reports especially that of the South African Department of International Relations and Cooperation (DIRCO), Department of Trade and Industry and other state agencies and institutions saddled with the task of trade, investment and international cooperation. Data were also sourced from published newspapers and newsmagazines from South Africa. These were complemented with data from published journal articles, books, chapter in books, and reports. The data was analysed using the thematic approach in the discus-

sion of the context of the study's data sources in weaving the discourse on the unequal nature of IER especially as it relates to the politics of international herbal and medicinal plants patenting.

RESULTS AND DISCUSSION

Bio-piracy of Plants and Animals in Africa and the Logic of WTO Patenting/Intellectual Property Rights

The major architect of poverty in Africa is the introduction of biopiracy as against indices pushed forward, such as poor governance, corruption, subsistence type of food production and inability to abide by the contemporary IER system (Acemoglu and Robinson 2012; Adebajo 2015; Amin 2003; Amusan 2014, 2015, 2016; Bond 2006; Carmody 2011; Chang 2010; Keet 2006; Mbeki 2009; McGown 2006; Mills 2010; Turok 2015). There is no other continent in the global system where biopiracy is as thriving as in Africa (McGown 2006), perhaps other continents that are facing this challenge are Latin America and Asia with solution too remote in sight. As discussed above, introduction of GATT turned WTO's aims towards addressing some issues that were not captured by the liberal economic system of demand and supply thesis. Privatisation of every factor of production, land (flora and fauna) and labour in specific term calls for academic interrogation.

This is a very complex situation when one looks into it from the formative years of WTO when arm twisting of African states, divide and negotiate tactic among the NEPAD states to get a raw deal against the economic status of the continent was the order of the day. This is more evident when South Africa, against NEPAD position, identified industrialised states on agriculture development. Against finding a place for medium and small scale farmers, a position that would have ensured economic development of Africa, Pretoria identified with Cairns Group of large scale agricultural producing states of Canada, Australia, New Zealand, Chile and others as against a need to discuss the plight of small scale food producing states (Keet 2006: 167). This would have been a deliberate effort to perpetuate biopiracy as small farmers may not have economic power to challenge questionable researchers, MNCs and government corporations in stealing

plants and animals genes in Africa for development of the north as it has been a practice from the pre-colonial era till today.

Before the advent of colonialism in Africa, land and its resources were in the hand of families, clans, village’s heads, and kings. This time, no one may lay claim to the ownership of this factor because it was perceived as a common-wealth of nations for the development of every citizen that leaves in the area under consideration (Pearce 2012). During colonialism, land was still under traditional rulers in some synthetic created states except some areas that were taken such as reserved areas for forestry, housing and other needs for the government of the time. With decolonisation and entrenchment of globalisation to accommodate some developed states that were previously colonised (USA, Canada, New Zealand and Australia) and those that were not involved in colonialism (Japan, China, Russia and the Scandinavian states), there was a need to redraw IER. There is no doubt that Africa is blessed with natural resources because of its geographical location (majority of the land in the sub-Saharan are located within tropical region while the rest enjoys Mediterranean type of climate with implications on the flora and fauna that may be found in the continent.

Africa is considered as the basket of food for the world in the turn of the 21st century. This explains why this paper’s constructive theory is relevant in the analysis of what ought to be the responsibility of industrialised states towards Africa in the area of agricultural production as against physically involve in food production that they have extended to the production of feeds and energy (biofuel) in Africa. IN the turn of the new millennium, MNCs through their influence on their every home state and government research centres, are able to embark of research regarding the usefulness of Africa ecosystem which eventually distort the biodiversity of the continent, only for the satisfaction of their need. In doing this, two major issues raises questions rather than proffering answers. At what stage did these MNCs seek consent of the ownership of these plants and animals before extraction of genes for their research work? Also worth asking is the sharing of the proceeds from these resources for the benefit of the owners. In most cases, not at any stage did they comply with the position of relevant protocols, treaties,

conventions and agreements on sustainability of these flora and fauna.

The WTO and its distributaries ought to accord Africa food production, based on division of responsibilities as captured through endowment theory discussed above. Developed states are known to have specialised in manufacturing sector and lately, on services through technology and innovation that they are good at. Hoodia and Rooibos, two major plants of invaluable use in science and technology fields that should be for the development of the southern African states were patented without the knowledge of the owners of these products despite existing stages to be followed before these could be done (Amusan 2014, 2017). South Africa that should champion the plights of Africa, unfortunately, has been seeing itself as a developed state though its membership if Cairns Group of liberal school (Page 2002: 31), which explained why the state joined, despite an existing understanding in the promotion of questionable NEPAD position on development regarding agricultural sector as discussed above.

What amounts to biological piracy (biopiracy) is any plant or animal or their genetic extraction without the consent of the owners used for commercial purposes. The formation of various international regimes such as CBD, World Intellectual Property Organisation (WIPO), the United Nations Declaration of the Rights of Indigenous peoples (UNDRIP) of 2007, the Berne Convention for the protection of knowledge, mostly among the indigenous peoples. With the conflict between IPRs and CBD, indigenous knowledge (IK) with special focus on TRIPs, which imposed a universal scheme with an aggressive expansionist agenda, claiming of intellectual property is been moved away from indigenous peoples to private ownership mostly by the western world (Fan 2016: 241). Politics of patenting, rather than to bring development, employment and foreign exchange to Africa, ceaselessly continues to rob the continent of its commonwealth for the development of developed states. This is what one may describe as *continent capture*, a ‘smash and grab parasitic agenda with no solution in sight (Jonas 2016: 10).

As observed by Thompson (2009: 299), for Africans “to plant a seed their ancestors developed, they must pay a royalty. To treasure a handful of seeds is illegal”. This implies that due to complex legal, political and ecology of

biopiracy, many African states will remain a beggar to access their nature as a member of WTO. As examined by Amusan (2014), filling and final registration of these plants and animals genes are very complex. The technicality of registration falls among a few lawyers from developed states. Recognition of patenting is another challenge, though Africa has its Organisation Africaine de la Propriete Intellectuel (OAIP) (Adams & Adams 2012), yet the issue of general acceptability based on WTO tenets is another problem that African states are contending with. Also it is an international regime formed by the Francophone Africa states inspired by France without consultation with Lusophone and Anglophone states. Without doubt, the West continue to violate basic attributes of CBD and other relevant treaties entered into in patenting of any product. PIC, ASB, and GI are common pro-gene owners who are technologically poor, but for the ownership of the source of wealth of many developed nations, they ought to have a share in patenting of these gene-discovered in Africa.

What continues to generate argument among students of the Third World States is the daylight robbery that are daily face in the continent without any form of compensation. But for the relatively developed state of South Africa, Rooibos and Hoodia would have gone to various MNCs despite GI attributes of these plants. Rather than for the genes these plants and animals enjoying the public domain, introduction of novelty against African states is the order of the day. During the formative years that led to the signing of WTO, African negotiators were not familiar with the nitty-gritty of the 21st century diplomatic negotiation because of the lack of information regarding issues on table. In a case when they have alternative views on the position of the industrialised states, pressure will be put on such representative to backpedal on his/her position (Soobramanien 2011). If there is no expected outcome, with the power of MNCs and their home state, such a representative from Africa may be recalled by its government and replace with someone who is ready to play along with the West (Dukes et al. 2014; Keet 2006; Mgbeoji 2006).

Corruption, a cancer that has been with African states from colonial time till date is being fuelled by the high rate of poverty. These states, in a guise of conducting academic research, always violate every ethical consideration in gath-

ering their information. Their insincerity in telling their respondents in the rural areas about the *lait motif* of the research always remain secret. As recognised and imposed on Africa by the West, there should be a willingness from participants in divulging information. Realised the level of poverty in the continent, access to traditional knowledge (TK) in the form of indigenous knowledge (IK), which is within the indigenous peoples because of 'their particular ways of life that are intrinsically connected to the natural environment and the ecosystems of which they are part' (Fan 2016: 237). Bio-pirating their knowledge is abuse of human rights (second and third generations types of human rights), which cultural rights, land rights, intellectual property rights described as *web of connection* that perpetuate poverty (Fan 2016: 237).

Pervasiveness of Poverty in Africa

Development is always eluding Africa from colonial to post-colonial era because of structural arrangement of the international system, which is in line with Euro-America international economic relations. This is the genesis of poverty as against western notion of poor governance and corruption that instil on the continent from the colonial era, as well as lack of transparent democratic system of government- as if Africa did not a system that survived the continent before foreign invasion in a guise of 'civilising the barbarians'. There is no contest regarding the abundance of natural resources in every state that can transform their economic system to a promising one if not because of the activities of MNCs with special reference to the extracting companies. Kimberly Process called for anti-blood diamond, various African oil producing states declared a war against blood fossil fuel, despite all these, MNCs are active on the continent to promote illegal mining as is the case in South Africa in platinum, gold and other precious metals industry. In Nigeria, there is ongoing war between the state's armed forces and illegal refineries that litter the Niger Delta region of the country. Angola's case is not too far away from other oil and diamond producing states sometimes back by media propaganda in the West (Cook 2014). The question worth asking is that who are the buyers of these resources since there is no market in Africa nor other developing states?

The genesis of poverty is the western inspired private property right of individualism. This is an attempt to have unperturbed access to these properties and resources in them. Eviction of the San and the Khoi in Botswana and allocation of the same land for South Africa’s Caucasian farmers (Afrikaner Boers) is a continuation of poverty in the midst of plenty. Land allocated to these farmers denied the indigenous peoples of Southern Africa of their heritage (Hoodia/Xhoba) that is international known for its medicinal content that have been used for series of ailment by the inhabitant for ages. Livestock business by the Afrikaners together with planting of Hoodia for export, though it was agreed that 8% of proceed from this plant would go to the San people based on agreement reached on this. Hoodia *gordonii* growers and breeders’ agreed with Working Group of Indigenous Minorities in southern Africa (WIMSA), an umbrella representative of San in southern Africa, to pay 6 percent farmgate sales of raw Hoodia in 2006 is highly problematic. Their sales and profit may not be easily calculated for the purpose of ASB. By 2007, ABS agreement signed between WIMSA and the Southern African Hoodia Growers Association (SAHGA) gives R24 per dry kg of Hoodia to San is not only fraudulent, but also not inflationary and fluidity in international market conscious (Mukuka 2010: 63).

CSIR succumbs to pressure from civil societies and agreed to negotiate for ASB, but on a condition that only South African San would be accommodated in the deal raises more questions. Does it mean that other Sans that dispersed across southern Africa are not included in the deal? If at the end of the discussion as agreed, how are the other San in Angola, Botswana, Namibia and Zimbabwe going to have equal share from this? This is germane when one considers South Africa’s sub-imperial activities in Southern Africa Custom Union (SACU) where unequal exchange is the rules rather than exception. Also of import are other tribes that should benefit from this resource based on GI. The Nama, Khoe, Damara, Koranna, Griqua, and Topnaar, because of their age long contact with San people, also have right to the proceeds from the plant, but these groups were not considered during the negotiation time (Wynberg and Chanells 2009). Divide and rule that is one of the attributes of the colonialists and their MNCs

continues to reign supreme in Africa, knowing the level of poverty and greed of political leaders and economic oligarchy in the continent.

Land that should be in communal ownership for every citizen is being tactically privatised and poor economic while business experience of Africans puts the land to be in the hands of foreigners who only produce for the need of their citizens without considering the plights of the rural people who had been the custodian of the land and its resources for ages. Introduction of foreign plants or genetically modified the wild plants and animals through MNCs such as Monsanto not only perpetuate poverty in the form of a need to buy seeds on yearly basis. Crops failure as experienced by some states in Asia brings about hunger, starvation, criminal activities and ailment that were foreign to Africa (Lymbery and Oakeshott 2014). With his and as a result of the impacts of MNCs activities in environmental crisis, the politics and policies introduced to mitigate and adapt to the same for food security is not within the reach of average African. The impact of this is the introduction of food aids of various types for the domination of the continent as experienced in the 1980s when imposed Structural Adjustment Package (SAP) was the order of the day with its negative effects on socio-cultural and economic development of Africa (Ansari 2013; Onimode 2004; Toussaint 2008). Pattern of food consumption in Africa is radically changed, except, perhaps for the rural dwellers in West, Central and Eastern African Sub-Saharan Africa. Southern Africa is the most affected sub-region because of the politics of apartheid that made people landless to plant organic food. The result of this is the high rate of different previously unknown diseases that are affecting states budget in term of health care system, which is taken a lion share of many state annual budget. South Africa almost be a victim of this through diplomatic horse-trading of American drug companies as discussed by Amusan (2015).

Privatisation has turned many land lords to tenants in their own lands who only work for a daily pay that may not sustain their economic needs on the one hand, and will give them psychological trauma on the other. With tactical neutralisation of unionism in labour industry as introduced by ultra-capitalism to Africa through SAP, WTO and post-Washington IER, poverty is the order of the day in the continent, this inspires underdevelopment.

CONCLUSION

From this paper's discussion, it is evident that poverty may be here to stay for some time, as long as constructivist approach to economic development is not followed by the West and Africa. In line with endowment theory, a state should specialise in the production of goods and services where it has comparative advantage as discussed above. Scrambling for the resources of Africa does not only aggravate poverty in the continent, it also brings about political instability as some states such as Nigeria, Angola, Ivory Coast, Mali, Chad, Cameroun currently contend with. When genetic resources that ought to be for the commonwealth are being privatised for the use of private individual without taking into account the plight of the original owners, crises may not be too far away from such an environment. The ongoing Avenger militants in the Niger Delta of Nigeria is as a result of subjugation of peoples that are qualified to be called indigenous peoples. Because of the unholy alliance between oil MNCs, political and economic elite in the country, a need to address the environmental and dispossession of land in the Niger Delta region may not receive a catholicon.

Not too far from the above is the eviction and sometimes extermination of some tribes in Africa by the colonialists and apartheid system as discussed above. The San people, though are receiving royalty from CSIR, yet grapple with the question of fair sharing among themselves in South Africa. Discussion on the dispersed of this indigenous peoples to other countries is another issue and the need to share the royalty with other tribes such as Nama and Khoe demands academic and legal adventure.

As long as GI, ASB, PIC as observed by relevant protocol, conventions, treaties and declarations are not observed, Africa may continue to wallow in abject poverty despite its richness in gene resources. Interdependence as recognised by neo-liberal theorists will ensure equal exchange provided there is transparency and removal of subsidies that are in place in developed states in a bid to protect their farmers.

REFERENCES

- Acemoglu D, Robinson JA 2012. *Why Nations Fail: The Origins of Power, Prosperity and Poverty*. London: Profile Books.
- Adams & Adams 2012. *Practical Guide to Intellectual Property in Africa*. Washington DC, World Bank.
- Adebajo A 2015. The Curse of Berlin: Lessons for Africa. In: B Turok (Ed.): *Changing the Colour of Capital: Essays in Politics and Economics*. Cape Town: David Philip, pp. 177-188.
- Ake C 1981. *A Political Economy of Africa*. New York: Longman.
- Amin S 2003. *Obsolescent Capitalism: Contemporary Politics and Global Disorder*. New York: Zed Books.
- Amusan L 2017. Politics of bio-piracy: An adventure into Hoodia/Xhoba patenting in Southern Africa. *African Journal of Traditional, Complementary and Alternative Medicines*, 14(1): 103-109.
- Amusan L 2016. Social Sciences as Imperialism: Analysis of the global economic crisis of 2008 and development gaps in the third world states. *Journal of Administrative Sciences*, 14(27): 13-31.
- Amusan L 2015. Imposed socially responsible pricing on AIDS/HIV in developing areas: South Africa and multinational pharmaceutical companies. *Indian Quarterly*, 71(1): 67-79.
- Amusan L 2014. The plights of African resources patenting through the lenses of the World Trade Organisation: An assessment of South Africa's Rooibos Tea's Labyrinth Journey. *African Journal of Traditional Complementary Alternative Medicine*, 11(5): 41-47.
- Ansari S 2013. The politics of market reform: Altering state development policy in Southern Africa. *ASPJ Africa and Francophonie*, 4(3): 61-78.
- Bond P 2006. *Looting Africa: The Economics of Exploitation*. London and New York: Zed Books.
- Carmody P 2011. *The New Scramble for Africa*. London: Polity.
- Chamley S 2016. The price of African Coffee. *New African*, 562: 30-35.
- Chang HJ 2010. *23 Things They Don't Tell You About Capitalism*. London: Penguin Books.
- Cook CR 2014. Diamonds, oil, and the American media filtering out the logic of plunder in the Angolan Civil War. *ASPJ Africa and Francophonie*, 5(3): 2-18.
- Cox RW 1991. Social forces, states and world orders: Beyond International Relations Theory. In: R Little, M Smith (Eds.): *Perspectives on World Politics*. London: Routledge, pp. 444-456.
- Dukes G, Braithwaite J, Moloney JP 2014. *Pharmaceuticals, Corporate Crime and Public Health*. Cheltenham & Northampton: Edward Elgar.
- Fan RC 2016. Evolution of indigenous peoples' rights and indigenous knowledge debate. In: C Lennox, D Short (Eds.): *Handbook of Indigenous Peoples' Rights*. London and New York: Routledge, pp. 237-249.
- Fierke KM 2015. *Critical Approaches to International Security*. Cambridge: Polity Press.
- Jackson R, Sorensen G 2013. *Introduction to International Relations: Theories and Approaches*. Oxford: Oxford University Press.
- Jonas M 2016. The commercialisation of politics and hazards of state capture. *New Agenda: South African Journal of Social and Economic Policy*, (62): 10-12.
- Keet D 2006. The character and role of trade within NEPAD: Critical challenges and questions. In: JO

- Adesina, Y Graham, A Olukoshi (Eds.): *Africa & Development: Challenges in the New Millennium, the NEPAD Debate*. Pretoria: UNISA Press, pp. 152-177.
- Lee MC 2009. Trade relations between the European Union and Sub-Saharan Africa under the Cotonou Agreement: Repartitioning and economically recolonising the Continent? In: R Southall, H Melber (Eds.): *A New Scramble for Africa? Imperialism, Investment and Development*. Pietermaritzburg: University of KwaZulu-Natal Press, pp. 83-110.
- Lymbery P, Oakeshott I 2015. *Farmageddon: The True Cost of Cheap Meat*. London: Bloomsbury Publishing.
- Mgbeoji I 2006. *Global Bio-piracy: Patents, Plants, and Indigenous Knowledge*. Vancouver: UBC Press.
- Mukuka GS 2010. *Reap What You Have Not Sown*. Pretoria: Pretoria University Law Press.
- Mansbach RW, Rafferty KL 2008. *Introduction to Global Politics*. New York and London: Routledge.
- McGown J 2006. *Out of Africa: Mysteries of Access and Benefit Sharing*. Washington & Richmond: Edmond Institute & African Centre for Biosafety.
- McWhorter J 2016. Is Technology Capable of Being Racist? *Time Magazine* 12-19 September, pp. 17-18.
- Mills G 2010. *Why Africa Is Poor: And What Africans Can Do About It*. Johannesburg: Penguin Books.
- Onimode B 2004. Mobilisation for the implementation of alternative development paradigms in 21st century Africa. In: B Onimode (Ed.): *African Development and Governance Strategies in the 21st Century: Looking Back to Move Forward*. London & New York: Zed Books, pp. 20-29.
- Page S 2002. Developing Countries in GATT/WTO Negotiations. *Working Paper*. London: Overseas Development Institute.
- Pearce F 2012. *The Land Grabbers: The New Fight over who Owns the Earth*. Boston: Beacon Press.
- Reus-Smit C 2013. Constructivism. In: S Burchill, A Linklater, R Devetak, J Donnelly, T Nardin, M Paterson, C Reus-Smit, J True (Eds.): *Theories of International Relations*. Basingstoke: Palgrave Macmillan, pp. 217-240.
- Rosario TC 2016. The case of Korean investments in the Greater Mekong Sub-region. *ASPJ Africa and Francophonie*, 7(2): 57-76.
- Ruggie JG 1998. *Constructing the World Polity: Essays in International Institutionalization*. New York: Routledge.
- Soobramanien T 2011. Economic diplomacy for small and low income countries. In: N Bayne, S Woolcock (Eds.): *The New Economic Diplomacy: Decision-Making and Negotiation in International Economic Relations*. London: Ashgate, pp. 187-203.
- Stiglitz JE 2002. *Globalization and Its Discontents*. London: Penguin.
- Thompson C 2009. The scramble for genetic resources. In R Southall, H Melber (Eds.): *A New Scramble for Africa? Imperialism, Investment and Development*. Pietermaritzburg: University of KwaZulu-Natal Press, pp. 299-323.
- Toussaint E 2008. *The World Bank: A Critical Primer*. Cape Town: David Philip Publishers.
- Turok B 2015. Contradictions in South Africa's political economy. In: B Turok (Ed.): *Changing the Colour of Capital: Essays in Politics and Economics*. Cape Town: David Philip, pp. 21-32.
- Wynberg R, Chennells R 2009. Green Diamond of the South: An overview of the San-Hoodia Case. In: R Wynberg, D Schroeder, R Chennells (Eds.): *Indigenous Peoples, Consent and Benefit Sharing: Lessons from the San-Hoodia Case*. London and New York: Springer, pp. 89-124.

Paper received for publication on March 2017
 Paper accepted for publication on October 2017