

# life

## These are my words ©2003

By Sonja Boezak

I live in a small village where life passes like the seasons. Every day a 19-year-old friend, born in 1984, pops in to visit. I don't always know what he keeps himself busy with when I go on with my day, but he hangs around. And talks a lot.

Today I am distracted. Too many warbled connections, stories and information in my head. And, I wanted to write this piece with a double purpose – as a kind of heritage piece, something to be remembered. A memory in itself. Post-modern in the true sense of the word. But nothing has come. Too complicated anyway.

During the morning I had planned to finish this article and had printed out some information to read. While I get something to drink, my young friend picks up my notes. Today I am to read about the US Patriotism Act, printed on the back side of yesterday's reading, the World Trade Organisation's Agreement on Trade-related Aspects of Intellectual Property Rights. *He looks at the print-out.*

**He:** What's this? Why are you reading all this stuff about Intellectual Property Rights?

*Mm. Why indeed?*

**I:** Because I'm writing an article about it.

**He:** Why? Are you interested in it?

**I:** Yes, I suppose I am. But the more I find out about it, the more I wish I didn't know.

**He:** (*inevitably*) Why?

**I:** Because there are some scary games out there that influence how we could live our lives, and our futures. *He looks puzzled.*

**He:** Really? Like what? This Intellectual Property stuff?

*I swear, I heard the capitals.*

*My partner comes out to join us. She can't resist what she'd deem "interesting conversation".*

**She:** Explain the WTO game to him.

**I:** Oh dear.

*He seems genuinely interested, which I find surprising, and I feel inspired to continue.*

**I:** There's this organisation called the World Trade Organisation.

**She:** Have you found out who's behind it yet? The people, I mean.

**I:** No. But you could gauge a guess.

**She:** Yes, but I'd like names!

*She hits her fist into her palm. We laugh. He shuffles in his seat, impatient.*

**He:** What is it, though?

**I:** It's an organisation that has standardised some rules for international trade. They make up the rules. And if you want to play along in the game of international trade, you have to sign up to their organisation.

**She:** If you want to play, they show you the rules and tell you to sign.

**I:** Though the rules are public. They have them on their website.

**She:** And when you've signed, you can play. And those who don't sign, don't get to play the game.

**I:** And it's an important game. It can define the future of a country, in terms of economic power, and in terms of bartering – having something to take to the international market to sell. And more.

**She:** So, if you don't sign, you don't play. And if you don't play, you're out of the game.

**I:** And by extension, doomed. Sooner or later you're going to need aid, and your country will need to be "developed". But that's another story. So, you're out of

the game. And this organisation, the WTO, has written up some rules relating to intellectual property.

**He:** What are the rules?

**She:** You can't read those things! Weird language.

**I:** It does make some sense if you read it carefully. Though I think it's sneaky.

**He:** But what do they say?

**I, turning to her:** What examples?

**She:** Basmati rice, Jasmine rice, indigenous herbs, the San, the hoodia plant...

**I:** Rooibos! Closer to home. By the way, did you know that MS Word's English (South African) spell checker registers rooibos as a spelling error? The alternative spelling options given are, booboos, rhombus, ratios, radios, and something else.

*We all laugh.*

**She:** But that's because Word is made in the US.

**I:** Yes, that too. It's also about establishing standards, in a different way. Anyway, it's stupid. What with rooibos now being American, they should at least know how to spell it!

*We laugh. He doesn't get the joke.*

**He:** What?

**I:** Do you know what copyrights and patents are?

**He:** Yes, but tell me anyway.

**I:** Copyright is the legal right given to someone, say an author, composer, playwright, publisher, or distributor, to exclusive publication, production, sale, or distribution of their work.

**He:** Okay, so like a book can be copyrighted.

**I:** Yes. And patenting is a grant made by a government that gives the creator of an invention the sole right to make, use, and sell that invention for a set period of time. Intellectual property rights are the rights given to

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people over the creation of their minds. This means that ideas can also be registered as belonging to you. (Granted it is in some “readable” format. Though “readable” isn’t defined clearly in the document). Like rooibos, only grown in the Cederberg, here in South Africa...

**She:** ...is now American.

**I:** In London, if you want rooibos tea, you pay a whole lot for it, because it is imported.

*He looks at me with his face screwed up.*

**He:** No, really?

**She:** Absolutely, really.

**I:** Rooibos is African. And it’s South African. But as South Africans, we can’t claim its name when we are in the US. They have legal rights over the name ‘rooibos’. And what that means, is that South African traders cannot use the name on their packaging in the US. The rooibos thing also means all kinds of other stuff.

*He snorts.*

**He:** So is that what this document is about?

**I:** Well, no. That’s TRIPS. A set of rules that makes that kind of registering of rooibos possible. It regulates ownership on the one hand, and what can be owned by whom on the other.

**She:** Trade-Related Aspects of Intellectual Property Rights.

*(I’ve been chided before for my unexplained use of jargon and acronyms. It excludes. And I was about to explain!)*

*She smiles.*

**I:** Okay, rooibos. Here in South Africa it is considered a national asset, and as such, cannot be registered by any individual or company. And now, because they own the name, if we are to sell it in the US, it has to be sold under a different name. US sales make up about R120 million in annual income to the farmers in the Cedarberg. And the loss of that market means loss of jobs to loads of people in an area that already has about 80% unemployment. Tripped up by TRIPS.

*He looks stunned.*

**She:** And rooibos is not the only such example. There’s Jasmine rice, from Thailand. There’s Basmati from India, all copyrighted, owned, in the US.

*We sit in silence. He seems to be thinking. One can never be too sure with teenagers.*

**He:** So what is it you wish you didn’t know?

**I:** Now that you know this, aren’t you afraid? Don’t you wish you didn’t know?

**He:** But maybe this TRIPS thing and the WTO are there to protect people. Can’t the South Africans go and complain at the WTO? Make a case or something?

*Mm.*

**I:** I suppose they can, but I don’t know what would come of it. These things take time, and in the meantime, there could be a loss of income for these people. And if you lose too much money and can’t employ people, you could lose your way out of the game.

**She:** Want to know what the logo is on the WTO web site?

**He shrugs:** Maybe.

**She:** An egg – the beginning of life.

**He:** What is the point of the game?

**I:** As with everything.

**He:** What? To win?

**I:** No, more. Power.

**He:** And what does that get you?

**I:** Everything.

**He:** And who has the power?

**I:** Make your own deductions. Work it out. The details will be different, the thefts will be different, but the answers haven’t really changed.

*I watch him draw a map in the sand. Most of his arrows and lines run from south to north. But eventually they seem so mixed up, you can’t see the forest for the trees.*

*Another silence. He turns the page over.*



**He:** And this? What’s this about?

**I:** USAPA.

*I deliberately say it to sound like “usurper”.*

**He:** What?

*I look over to her, smiling. I know, I did it again. Acronyms. I do love them, though! A whole new language that grows and grows. Use it while you can. She winks at me.*

**I:** The US Patriotism Act.

**He:** And why should this matter to you? It’s a thing over there, in the States.

**I:** Yes, well. Again, it’s a whole lot more. There are people’s rights at stake. And that kind of extension of power can touch me and my little life here.

**He:** How?

**I:** In the UK, there’s a law called the Regulation of Investigatory Powers Act. RIP.

**He:** Like Rest In Peace?

**She:** No, like RIPping you apart!

*Laughter.*

**I:** Here in South Africa we have one called the Regulation of Interception of Communications-related Information Act. What these, the US, UK and South African laws have in common is that they are based on the same rule: for governments to have access to information without a human (inter-)face, through the monitoring or interception of telecommunications (including email, postal articles) in the interest of national security. So, if they suspect you of something, they can get all kinds of information on you.

**He:** From where?

*I’m comforted by his naiveté. The Internet hasn’t yet changed his life. There might still be hope.*

**I:** Anything electronic really. Cellphones, the Internet, banks, anywhere you have accounts. And if you use email and search the Internet or do your shopping online, they can have a look at that too. Even library systems. Checking what books you take out and deciding who you are. And if they decide that you have been

looking at too many “terrorist” sites or have suddenly bought too many such books, or have had such emails, it may be in the interest of public safety to remove you.

**He:** What do you mean?

**I:** To take you to jail, or quietly make you disappear.

**She:** Have you heard that during apartheid, lots of things were done in the interest of public safety?

**He:** No.

*I’m surprised at how depoliticised he is. How un-political. A sign of the times. To him it’s history – from history books.*

**She:** I’ll tell you about it later.

**I:** And these kinds of laws make it possible to do that. They’ve done it in the US with this guy called Akil Sachveda (and some others) who, under USAPA, was held in prison for five months without access to a lawyer. Based on his Asian name, he was detained on suspicion of terrorism. And then, after all, they dismissed charges against him and set him free. Now he lives in Canada, only it’s hard for him to get a job because he has this record of having been suspected of terrorist activities.

**He:** But how can they do that? And what about your privacy? I don’t want my mother snooping in my stuff, no matter what good reason she may have. And then deciding I did something!

*I get up to fetch my copy of the SA Constitution (1996).*

**I:** Here it is. Read that.

*I point to where he should read. section 14.*

**He reads aloud:** “Everyone has the right to privacy, which includes the right not to have – (a) their person or home searched; (b) their property searched; (c) their possessions seized; or (d) the privacy of their communications infringed.”

**I:** So, I suppose I’m also afraid of this loss of memory, about the absence of humanity in these new laws. And I’m afraid of things like surveillance, because it means controlling how I can possibly live my life. Those words in the Constitution spoke directly to a memory

# This is IT?

By Zane Ibrahim

**W**e find that radio request programmes, or “dedications” as they are called in South Africa, decline when the weather is bad. During request programmes community people phone in and ask that we play a song for a loved one, for a wedding, a birthday, or whatever. The reason for a decline on rainy days is that those wanting to make their request to the station’s presenter have to get wet lining up at the call box strapped to a pole in the township.

According to Statistics SA’s October Household Survey for 1999, the number of telephone lines in South Africa rose from 8.31 per 100 inhabitants in 1989 to 12.47 in 1998, while in Malaysia, over the same period, lines rose from 8 per 100 inhabitants to 20.16.

So how do we tackle the scarcity of phones? We simply identify one reliable Bush Radio member of that community and give her or him a phone card. Each day that person makes sure to be at the phone box to activate the card and give the poor, unemployed people of the community, who want to express themselves via the radio, the opportunity to do so.

In a rural community in the Northern Cape, the people received equipment for a community radio station from the Department of Communications (DoC). The station came complete with a couple of computers.

The only problem is, nobody told the person running the telephone service office 200 kilometres away, about the importance of this radio station.

When I first visited the station, three years after they had been broadcasting, they still did not have a phone. In my urgent phone call to the director of the phone company, I had to use all my skills as a communicator and as an African elder to cajole him into getting his people to install a phone at the station.

When that did not work I tried another approach. I made him an offer he could not refuse. The phone was installed the next morning at nine o’clock. Pretending to be a sangoma (medicine man) with strange powers does have its benefits.

These are only two examples of how difficult we have had it on the ground when it comes to making use of information technology.

When a radio station servicing a quarter of a million people cannot have access to a phone and has to use expensive computers as typewriters WITH screens but WITHOUT ribbons, it is time for us to ask ourselves who is going to gain from this hardware dumping that we have been on the receiving end of, and why we are allowing it to continue?

We fully support the efforts of the DoC in their commitment to a strong grassroots media sector but we have very strong suspicions of those umbrella bodies and donor agencies that are always ready to supply stations with state of the art technology and then leave them to find their way without as much as a training leaflet.

The scary part is when these donor agencies or their lap dogs running the local and regional umbrella organisations come to monitor and evaluate us. And they do come... behaving just like weapons inspectors... but friendly.

As mature media activists we have to account for why there are upwards of 100 000 experts from the North running around our continent, trying to develop us, while we see none of our qualified media activists being utilised in that role.

We had to answer this question recently, when Bush Radio hosted an expert from Europe to come and help us sort out a technical problem with our broadcast equipment. After a two-week stay our equipment was in worse shape than ever before.

Soon thereafter we hosted a person from Zambia, Ned Chivube. When Mr. Chivube left, our station was running better than ever, and he trained the young people at the station to do simple repairs to micro-phones and headsets.

Whereas northern hemisphere experts come in at \$500 a day, plus expenses, Mr. Chivube cost us a return bus ticket from Lusaka. He came because he cares about us. Because he wants a strong Africa in the future, unfettered by the mercenaries we are presently inundated with.

Southern Africa has enough “experts” with varied skills and we have to be extremely cautious when we enter into “partnerships” with those with questionable agendas, hell bent on becoming our saviours. We should learn to turn to our Ned Chivubes more often.

We fully understand that we will have to get a grip on the new technology but understanding how to use this technology is far more important than getting hold of the latest toys.

We must remember: our underdevelopment is a major industry and only 11 cents out of every dollar that is earmarked for our development, really reaches us. And, technology is not the saviour – the great social and economic equaliser. It is a tool. A tool that will help us overcome many difficulties we now face in Africa.

If we can identify scrupulous partners who believe that we should in the future benefit equally from any new technological developments, then we will not have to hang our heads in shame when our children one day, pointing to our diminished natural resources, our barren lands, exclaim in horror: “This is IT?”.

I challenge all senior media practitioners and information technology activists to take some time out from their frantic pursuit of power and self gain and turn their attention to the future of our children by making informed decisions when it comes to how we can best grapple with the issue of technology.

One of the world’s great development activists, the late Prince Claus of the Netherlands, insisted that “one cannot develop a people, they have to develop themselves”.

Let us take up this challenge and take ownership of our own development.

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of people’s rights to privacy having been infringed during apartheid, through all kinds of brutality.

**He:** But now with the new laws it looks like they’re forgetting?

**I:** Yes. And if we forget these things, we could end up in the same kinds of situations we had been in before.

*He looks grave. Thinking again.*

**He:** Now can I read the article you wrote?

**I:** No.

**He:** Why not?

**I:** Because it’s not what I wanted it to be. I wanted to talk about Intellectual Property Rights and the Information Society in relation to stuff like memory, heritage and ownership. And it’s just ended up in a bit of a jumble. Now the thing makes no sense.

**He:** What’s the Information Society?

**I:** Just the words they use to define this new society that these laws speak to. In the draft document – that they’re still arguing about (thankfully) – the Information Society is defined as being “characterised by universal access to and use of information for the creation, accumulation and dissemination of knowledge. In this society, new technologies, in particular ICTs, become an essential tool”.

**He:** Okay, I see.

I don’t know if he’s understood what I meant, but I suppose the conversation has come to a close for now. I wonder if they would mind if I wrote the conversation as my own. I wonder if they would mind if I registered it, copyrighted it, patented it. My invention. My words. For the sake of posterity, the conversation will have been recorded.

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