

# TRANSACTIONS and CREATIONS

Property Debates and the  
Stimulus of Melanesia

Edited by

Walter D. Mair and Marilyn Strathern

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Stimulus of Melanesia

*Edited by*

Eric Hirsch and Marilyn Strathern



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## PREFACE

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Between 1999 and 2002, the authors worked together on a research project that gives its name to the three parts of this book. 'Property, Transactions and Creations' (PTC), came to refer both to the project and to those engaged on it.<sup>1</sup> The book springs from this work, although it is not intended to be a report on it. The same could be said of the way its intellectual impetus comes from Melanesia: the Melanesian experience is stimulus rather than subject matter.<sup>2</sup>

Since the late 1980s/early 1990s, international policy instruments such as the Convention on Biological Diversity (CBD) and TRIPS, an agreement on Trade-Related Aspects of Intellectual Property Rights, have led numerous countries to reevaluate claims to ownership in resources of all kinds.<sup>3</sup> PTC documented some of the strategies through which people deal with the ensuing challenges. It focused on a part of the world – the Pacific and particularly the societies of Papua New Guinea in Melanesia – renowned for the imaginative way in which relations between persons are linked to relations between objects, material and immaterial, and there seemed particular opportunities here for responding to an emergent debate. Among anthropologists this has really only gathered momentum over the last decade, although it touches on long-standing anthropological concerns with resource exploitation and the nature of property relations. New resources and new ways of appropriating them arrived together (as always), in this case under the banner of intellectual property rights (IPR). Papua New Guinea was among many states faced with international pressure to protect outside investment through intellectual property provisions. (In the wake of the World Trade Organization [WTO] agreement on trade-related aspects of intellectual property rights, it honoured its obligation to introduce legislation on copyright and patents in 2000.<sup>4</sup>) But identifying new resources as intellectual property (inventions, trade names, dramatic performances, art) did not stop there. The derivation of patents and copyright from Western law prompted reflection on other resources ripe for recognition. One constellation of these concerns involves what is called 'cultural property'.<sup>5</sup>

These days cultural property has come to refer to knowledge and to a whole range of intangible as well as tangible assets, though it is hardly reducible to the individual act of intellectual creation presupposed by IPR