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Press Release - News from Brasil May 17 1999

Biosafety, Patents and Biopiracy

A record 1200 turned up for the International Seminar on Biodiversity Law held in the auditorium of the Superior Court in Brasilia 11 to 14 May, 1999. The seminar was organised jointly by the President of the Centre for Judiciary Studies, Antonio de Padua Riberio, and the Director of the General Coordinating Office of Federal Justice, Fontes De Alencar, who is also the regional judge of Rio Grande do Sul, and was opened by the vice-President of the Republic. The participants included a large number of distinguished federal and state judges. Others present were indigenous peoples' leaders, civil servants, politicians, activists, students, scientists and staff of foreign embassies. The organizers had expected 50 to 100. Instead, the auditorium of 800 capacity was filled, and an overflow audience sat outside the hall with televised coverage. Gisela De Alencar, legal consultant on environmental law to the House of Representatives, and one of the organisers of the event, was "astonished and delighted" at the large turnout.

The most topical area of discussion was biotechnology, especially the new patents on seeds, biopiracy and biosafety. The seminar happened to coincide with a series of battles over field trials and commercial approval of Monsanto's transgenic soya by the heavily pro-biotech National Technical Committee on Biosafety. The Brazilian Academy of Science had advised the Biosafety Committee that it was dissatisfied with Monsanto's data, but was ignored. This has pitched state governments against the federal government, and different departments of

the federal government find themselves in opposition. A consortium consisting of the federal Environment Protection Agency, Greenpeace and the Consumer Defence Institute are locked in a legal battle against the partnership of Monsanto and the National Biosafety Committee. The federal court has decided to approve Monsanto's transgenic soya for commercial release, but requires Monsanto to segregate and label the produce. Monsanto is trying to overturn this requirement with the help of the National Biosafety Committee. Feelings are running very high over the issues.

The State of Rio Grande do Sul has led the revolt by banning Monsanto's transgenic soya from being planted. Just before the seminar, all 27 states of the Republic voted unanimously for a moratorium until environmental impact studies have been done. Jurist Paulo Affonso Leme Machado, President of the Brazilian Society of Environmental Law said, "it is incumbent on the federal government to prove its action [of approving Monsanto's transgenic soya] is not harmful to the environment. The federal government must abide by the decision of the states to require environmental impact studies before approving commercial release."

According to David Hathaway, an economist of the Consultancy and Services in Agricultural Projects and Techniques, Monsanto has bought up 60% of all the seed companies in Brazil in just two years. It now has some 700 undisclosed test sites for transgenic crops. This has incensed indigenous farmers all over the country, both because of the threat of seed monopoly and the adverse impacts on biodiversity.

Mae-Wan Ho, biologist from the Open University, UK, and scientific adviser to the Third World Network, exposed the myth that transgenic agriculture is needed to feed the world. "The tightening of corporate monopoly on food on account of patents on seeds is going to cause famine. It also diverts us from implementing the sustainable, organic agriculture that can truly guarantee food security and improvement of health for all." She also reviewed the scientific evidence pointing to the dangers of a technology "that has the potential to destroy all life on earth", especially when it is being driven by a discredited, reductionist science that has little or no contact with reality.

Biopiracy is another burning issue. Gurdial Nijar, legal consultant of the Third World Network, pointed out that "indigenous knowledge has fed, clothed and healed the world for millenia". The concept of patenting and owning life is antithetical to all cultures in the Third World. Furthermore, it denies the "cumulative innovative genius" of farmers over the generations. Marina Silva, Senator of the Federal Government and champion of indigenous rights, spoke passionately of the need to protect local communities and the inextricable link between human and natural biodiversity, adding a plea to western scientists to work together with the deeply reliable indigenous knowledge that has been tested for millenia and tens of millenia, and for "innovative legislation" to make this possible. All that was reinforced by Clovis Wapixana, Amazonian Indian leader, "It is the deep knowledge of plants and animals possessed by the Amazonian Indians which alone can sustain natural biodiversity." One big problem is the expropriation of land by the corporations. Predatory fishing, logging and poisoning of rivers by prospectors happen on a daily basis, but the Government has not intervened. Now to top the insult and injury, bioprospectors are expropriating their knowledge.

A notorious case involves ethnobotanist Conrad Gorinsky of Oxford University, UK, who has taken and patented the extracts of two plants from the North of Brazil: *bibiru* (used as contraceptive) and *cunani* (used as anaesthetic and fish poison). Asked by journalist Mario Cesar Carvalho whether he knew he was contravening the Convention of Biological Diversity which stipulates that there should be equitable benefit sharing, Gorinsky is reported to have laughed and said, "Why should I share royalties with Brazilians?" Even more scandalous is the fact that a US company, Coyll Cell Repositories, lists Amazonian Indian blood cells in a DNA kit for sale at \$500, which is openly advertised on the internet.

Actually, biopiracy is not new. Adalberto Carim Antonio, Judge of the State of Amazonas, points out that 70 000 seeds were taken by Harry Wickham on behalf of the Kew Gardens in Britain. Wickham was subsequently knighted for his efforts, but this act plunged the state of Amazonas into poverty for 50 years.

Dr. Mauro Carneiro, eminent molecular biologist and Chief Coordinator of all the biotechnology research in the Government Research Institutes of South American Countries, is firmly opposed to the new patents on life, and to the commercialisation of science. Actually, the current patenting of genes and cell lines is also denying the cumulative innovative genius of generations of western scientists who have contributed selflessly to the intellectual commons for the public good.

When is the Brazilian Government going to register indigenous knowledge to prevent patenting? Is the mere act of registering indigenous knowledge going to encourage biopiracy? There is no control over tourists stealing seeds or rare species of animals being exported.

More than seventy scientists (*figure to date is 327 scientists from 39 countries*) have issued a statement calling on all Governments to imposed a moratorium on global releases of transgenic crops and to ban patents on living organisms, cell lines and genes.

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