

Africa splits over bar to patents on plants

[LONDON] An Africa-wide consensus to restrict the patenting of plant varieties by overseas companies appears to be in disarray following a decision by 15 representatives of French-speaking countries to break ranks.

These countries have agreed instead to recommend the latest version of the International Convention for the Protection of New Varieties of Plants, known as the UPOV convention.

The decision was made two weeks ago at a meeting of patent-office officials from member states of the Organisation Africaine de la Propriété Intellectuelle (OAPI), the regional patent office for francophone Africa. The meeting was held in the Central African Republic.

Accession to the UPOV convention, which grants plant breeders intellectual-property rights over the commercialization of products such as seed, was also due to be discussed this week by 14 English-speaking African countries at a meeting organized by their regional patent office, the African Regional Industrial Property Organization (ARIPO), in Zimbabwe.

Zimbabwe and Kenya, which have a large community of plant breeders, are leading the calls for ARIPO states to ratify the UPOV convention. But environmentalist organizations such as the Canada-based Rural Advancement Foundation International are urging governments to stay out, on the grounds that ratification will prevent small farmers from saving seeds for re-use.

UPOV officials, however, point out that the convention allows subsistence farmers — those who grow crops to feed their families,

but not to sell — and state-funded scientific organizations to save seeds for replanting.

These developments will cast a shadow over an agreement reached last June by the heads of government of the 53-member Organization of African Unity (OAU) to restrict patents on plant varieties until an Africa-wide alternative system to patents has been developed.

This system, which is expected to be published in draft form later this month, will aim to divide the intellectual-property rights of new plant forms between plant breeders and indigenous communities that might have contributed to early varieties.

Johnson Ekpere, executive secretary of the Scientific, Technical and Research Commission of the OAU, says the decision by the organization's heads of state still stands. He says it was reached at a meeting of heads of government in Lusaka, Zambia, attended mainly by representatives of foreign ministries.

But Ekpere admits that details of this decision have not filtered down to science ministries and patent offices. "This is a case of the right hand not knowing what the left hand is doing," he says.

He describes as "unlikely" any attempts to ratify the UPOV convention in an African parliament. Mzondi Haviland Chirambo, director-general of ARIPO, agrees, believing that ARIPO member states are unlikely to follow the lead set by OAPI countries.

Both Chirambo and Ekpere believe that African countries will want to delay legislation until the outcome of a review of the relationship between TRIPS — a World Trade Organization agreement on intellectual-



Cameroon has stopped the US National Cancer Institute from studying *Ancistrocladus korupensis*, a plant with anti-HIV potential.

property rights — the UN biodiversity convention and the UPOV convention.

All member countries of the World Trade Organization are required to frame their patent laws around TRIPS, which says that countries that prohibit the patenting of plant varieties must provide an alternative system of protecting the intellectual-property rights of plant breeders.

But the biodiversity convention is interpreted by some as suggesting that the benefits — including commercial benefits — from biodiversity should not be restricted to plant breeders, but should include those who may have contributed to a discovery in the past.

Ehsan Masood

Call for research and education to tackle 'environmental injustice'

[WASHINGTON] Despite a lack of hard evidence that poor and minority communities face a disproportionate share of environmental health risks, policy makers should take 'environmental justice' seriously and step up their research. So concludes a report from the Institute of Medicine, part of the US National Academy of Sciences.

The study, chaired by James Gavin, senior scientific officer at the Howard Hughes Medical Institute in Chevy Chase, Maryland, was commissioned by four federal agencies involved in environmental health: the National Institutes of Health, the Department of Energy, the Environmental Protection Agency, and the Centers for Disease Control and Prevention.

All have struggled with the issue of environmental justice, which, nine years after the first government-sponsored conference on the subject, remains poorly understood and documented.

The committee could find little research in environmental and occupational medicine that included data specifically on what it calls "communities of concern". And teasing out the effects of environmental stress factors, such as airborne particulate matter, from other health threats facing poor and minority communities is extremely difficult.

"Adequate data are not available in most instances to examine the relationships among the environmental, racial, ethnic, and other socioeconomic determinants of adverse health outcomes," wrote the panel.

As well as reviewing the scientific literature, committee members visited low-income and minority communities in Chicago; New Orleans; El Paso, Texas; Nogales, Arizona; and Hanford, Washington.

Based on the visits and the available science, the panel found that communities of concern "experience a certain type of

double jeopardy". They are more exposed to environmental stress factors, but lack the knowledge and political influence that might lead to change.

Policy makers should therefore concentrate not only on filling gaps in the scientific data, it concludes, but also on improving environmental education and community involvement. The panel warns against rash action based on incomplete information, for example closing an industrial plant that is doing no real harm and may be providing important jobs.

Further research would bring the same benefits to poor communities as to everyone else: "Environmental health sciences research can contribute to environmental justice most effectively by identifying hazards to human health, evaluating the adverse health effects, and developing interventions to reduce or prevent risks for all members of society." Tony Reichhardt