

The Guaymi Patent

One of the best known cases of attempts to patent and commercialize human tissue is that of a still unidentified Ngobe (or Guaymi) woman of Panama. In 1993 and 1994, this case captured not only the attention of the international community of scientists, but also that of Indigenous people world-wide.

by Atencio Lopez M.

In 1991, a very ill 26-year old Ngobe woman sought medical treatment in a hospital in Panama City. Doctors there diagnosed her with a fatal case of leukemia. This woman could not have imagined that the Panamanian doctors, with the complicity of US scientists, would then remove samples of her blood for experimentation and finally store her genetic material in biological laboratories several thousand miles away in the US. The doctors who set this in motion have refused to divulge the woman's name. As a result we have been unable to locate her, nor do we know if she is still alive. Even if she were alive, it is doubtful that she would be able to make sense of the fact that two supposed inventors, Michael Dale Laimore and Jonathan E. Kaplan, nearly acquired monopoly rights over part of her body, or that this action was supported by the US government's Secretary of Commerce through its branch that regulates the patenting of scientific innovations.

These scientists claimed to be searching for clues to understand aboriginal peoples in the Americas and to generate greater understanding of HIV, the virus thought to cause AIDS. But their actions point to different, and significantly more commercial, intentions. In 1993, they filed a "high priority" patent claim, which was given the number

US612,707, and titled "Human Lymphotropic Virus Type 2 from the Guaymi Indians of Panama." According to the application it was based on the "cell line of a 26-year old Guaymi woman who lives in Panama". Internationally, the patent request is registered with the World Intellectual Property Organization as number US9108455.

Not only this unidentified woman, but hundreds of Indians in Panama were treated as guinea pigs for genetic experimentation during this same time period. Kaplan describes the researchers visit for sample collections, "We spent six days in Canquintu. Some of the doctors worked in the health center administering medicines to the Guaymi people, while others worked with nurses interviewing the residents of the village and obtaining more blood samples." The Indigenous community was never informed of the intent or implications of these collections; the purpose of the blood samples was known only to the researchers.

One witness affirms that doctors of the Gorgas Memorial Laboratory of Panama collaborated in this research, that they used the blood samples of hundreds of Ngobe people, and that the blood samples collected in the process were subsequently sent to the Center for Disease Control in Atlanta, Georgia, and to the American Type Culture Collection in Maryland. The ostensible purpose was to investigate the cause of a fatal

form of blood cancer, as well as forms of the Human Lymphotropic Virus, but the patent application followed shortly thereafter.

This Guaymi case was denounced in international human rights forums and before the United Nations, but received little attention in Panama, due in part to a lack of familiarity with the issues. Only a small percentage of the mainstream culture understood what had taken place. Worst of all, the Panamanian government sided with the US scientists and even utilized some Indigenous organizations in an attempt to discredit the protests. Nonetheless, the Ngobe-Bugle General Congress, the Kuna General Congress, and other Panamanian Indigenous organizations issued strong statements against the patent application.

Following public protests in the Geneva meetings for the GATT in October of 1993, in Canada and the United States, as well as widespread international solidarity, the patent claim was withdrawn in the United States—at least that is what we believe, based on a statement in the November 5, 1993, issue of *Science* magazine. There, in sharp contradiction to earlier humanitarian claims, Kaplan is quoted as saying that the claim was being dropped as it "has no commercial interest."

These researchers shield themselves and their actions with the claim that their work is for the benefit of humanity, and that they are innocent of any intent to harm the Indigenous communities involved. Yet, it is undeniable that the rights of an Indigenous woman, as well as the rights of an entire community, were violated. The national sovereignty of Panama was also violated in this process, although the government continues to deny this. What will happen when the results of this research are finally patented, or the rights are sold to a multinational corporation? Shall we always continue to be the objects of research, with no rights in the matter?

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