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Quinoa Patent Dropped Andean Farmers Defeat U.S. University

Andean farmers have forced Colorado State University (CSU) to surrender U.S. patent #5,304,718 on 'Apelawa' quinoa. The anti-patent campaign that began 14 months ago ended on May 1st when one of the quinoa "inventors" admitted that the patent had been abandoned.

One down - and about 120 Aussie "patent" abuses to go. Could the June FAO "gene" Commission help farmers win other battles?

Bolivia's National Association of Quinoa Producers (Asociación Nacional de Productores de Quinoa - ANAPQUI) calls the defeat of Colorado State University's quinoa patent "...a great victory for the Andes and a wonderful day for Andean farmers." The announcement of the patent's demise came in the midst of the Bolivian May Day holiday. One quinoa farmer, who worked with ANAPQUI to protest the patent at the UN General Assembly last June added, "This proves that small farmers with good friends can even defeat powerful U.S. universities." ANAPQUI was in the forefront of Andean organizations - and well ahead of Andean governments in recognizing the threat posed by the patent and in taking direct action to force its abandonment. ANAPQUI's campaign was joined by a number of church agencies, including Agricultural Missions of the US and Canadian Lutheran World Relief (CLWR). Support also came from the Danish civil society organization, IBIS, and from RAFI.

Alejandro Bonifacio, a highly-respected quinoa researcher in Bolivia summarizes the importance of the victory, "The Apelawa patent was named after a village on Lake Titicaca where the CSU scientists first picked up seed samples. However, the patent covered a method of hybridizing quinoa that also subsumed 43 other traditional Andean quinoa varieties named after villages from Ecuador to Chile. If the patent had been enforced," Bonifacio explains, "Andean exports to the growing quinoa markets in North America and Europe would have been threatened. Even local production might have been affected."

Tribunal: RAFI's Edward Hammond first discovered the CSU patent in October, 1996. Pat Mooney, the executive director of RAFI took the information to ANAPQUI and the governments of the region during a visit to Bolivia and Peru in March/April, 1997. Working with IBIS, Agricultural Missions, CLWR, RAFI arranged for ANAPQUI to attend a special session of the UN General Assembly

last June to publicly demand the patent's withdrawal. ANAPQUI also presented its case before the International Peoples' Tribunal on Human Rights and the Environment held in New York in conjunction with the UN session.

A Matter of Timing: By October, 1997, RAFI suspected that the University wanted to save itself further embarrassment by dropping the patent. Meeting with Bolivian officials at a UN Food and Agriculture Organization (FAO) conference in Rome last December, Mooney cautioned the angry diplomats to wait until the end of April before taking legal action. "We thought the public pressure was working," Pat Mooney recalls, "and there would be no need to incur the enormous cost of a court battle." Meanwhile, however, Hope Shand, RAFI's research director, was working with Alejandro Bonifacio and sympathetic U.S. scientists to undertake a DNA fingerprint analysis of the patented Apelawa germplasm in order to prove that it belonged to the Andes. "In the end, it wasn't necessary." Shand explains, "We knew that the 'inventors' would have to make a major fee payment to the patent office by April 20th or the patent would be automatically lost. We were betting that the injured pride of the scientists involved wouldn't allow them to publicly withdraw but that they would probably let the patent lapse for lack of payment." When the April 20th deadline came and went, Shand contacted Dr. Sarah Ward, one of the CSU "inventors" for confirmation that the patent was dead. Ward replied that the patent had indeed been abandoned.

One of the first to learn the news was Jaime Bravo a Bolivian and Lutheran representative who organized Pat Mooney's visit to the Andes and who was visiting RAFI in Winnipeg, Canada at the time. "Sometimes the people win," Bravo says, "Sometimes truth has a good day. This is such a relief. Quinoa is the meat of the Andes and it was almost stolen from us."

One Down - Thousands to Go: If the patent defeat liberates Apelawa quinoa and its 43 sister varieties, it still leaves thousands of other intellectual property claims on crops and medicinal plants unaffected. The rights of indigenous peoples and other rural communities are still under attack. Public and private institutions are continuing to pirate the knowledge of communities. "We won on quinoa," says Alejandro Argumedo in Cuzco, "but there are more than 120 other claims being made by public institutions in Australia on traditional crop varieties, medicinal plants and ornamentals." Argumedo coordinates the Indigenous Peoples' Biodiversity Network (IPBN). "It amounts to a massive abuse of intellectual property laws and a wholesale piracy of the knowledge of indigenous people," Argumedo adds. The Australian scandal (see RAFI Communique "The Australian PBR Scandal" January/February, 1998 and related news releases at RAFI's homepage www.rafi.ca) will come before the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA) meeting in Rome from 8 - 12 June. FAO will address critical issues related to germplasm access and benefit-sharing - issues that can only be discussed in the context of Farmers' Rights. RAFI and other civil society organizations monitoring the FAO session will be looking for ways in which a new, legally-binding, International Undertaking can safeguard the integrity of farming communities and put a halt to biopiracy.

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RAFI - is a non-profit international civil society organization headquartered in Canada. For more than twenty years, RAFI has worked on the social and economic impact of new technologies as they impact rural societies.