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## **DRUG COMPANIES LOOTING SA'S BOUNTY OF MEDICINAL PLANTS**

*State to protect shrubs, and traditional healers' rights*

by Bobby Jordan

The government has stepped in to save a tiny South African plant from extinction after hundreds of tons were harvested for foreign drug companies, one of which has patented its use to fight HIV/Aids.

Now traditional healers, who have used the plant for centuries, are trying to win back the patent which they claim is rightfully theirs.

The matter has become so heated that the Eastern Cape government has banned all further harvesting of the plant pelargonium -- part of the geranium family -- until further notice.

But illegal harvesting of pelargonium, also known as umckaloabo and klawerbossie, continues in the hills around Grahamstown and Alicedale and has led to dozens of arrests, according to Eastern Cape researchers.

Now the Department of Environmental Affairs has decided to review all biological prospecting projects to make sure they conform to new regulations that protect the commercial rights of traditional healers.

The pelargonium tug of war will be discussed next week in Canada at a special United Nations working group meeting on biopiracy and biodiversity.

At the heart of the row are three drug patents granted to German drug firm ISO Arzneimittel for the use of extracts from pelargonium to treat a wide range of diseases and symptoms such as pain, fatigue, depression, insomnia and all Aids-related infections such as tuberculosis, herpes and pneumonia. But traditional healers say they have been using the plant to treat some of these conditions for hundreds of years.

ISO Arzneimittel has now reserved the right to apply for a South African pelargonium patent on the use of extracts of the plant to treat HIV/Aids. If successful it would stop South African companies using the plant to develop medicine to fight the pandemic. This means the company could make billions out of a plant that South Africans have harvested for centuries.

ISO Arzneimittel, linked to giant German drug company Schwabe Pharmaceuticals, has teamed up with South African firm Parceval Pharmaceuticals, which has a permit to harvest pelargonium.

Extracts of the plant are contained in homeopathic remedies and sold in Germany as "Umckaloabo" and in America as "Umcka".

Existing patent law makes no provision for traditional knowledge, although this is likely to change.

In what is seen as a significant step towards patent reform, a group of community leaders near Alicedale in the Eastern Cape this week appointed legal advisers to help protect their traditional knowledge of pelargonium, which they say has started to disappear from the wild due to commercial demand.

The move has also sparked a fierce backlash against the pharmaceutical companies from South Africa's Traditional Healers Organisation and environmentalists, who now want ISO Arzneimittel's patents revoked.

"I grew up knowing that this plant is very important," said Nomthumzi Sizani, spokesman for the Eastern Cape group. "The community wants to stop [companies] from saying they were the first to know that this medicine is important, because we grew up knowing that."

She said it was unfair for a foreign company to make millions while unemployed villagers earned only R4 per kilo of pelargonium: "When the buyers come they are like thieves, just stealing the indigenous knowledge," Sizani said.

Patent experts said these issues would be addressed by at least two new laws which will soon be tabled in South Africa.

Currently, foreign companies do not have to enter into community-sharing agreements with communities if they develop medicines based on traditional knowledge. Although a plant may not be patented, any company can patent extracts of a plant or a new use for plant extracts if they can prove they are the first to discover this use, experts said.

Rich foreign companies have snapped up hundreds of patents this way despite ongoing protests from traditional healers who do not have the resources to compete.

ISO Arzneimittel could not be reached for comment this week. However their South African partner, Parceval, said the German company's patents did not clash with traditional use of the plant.

Parceval spokesman Ulrich Feiter said: "The patents cover only one certain preparation and not pelargonium in general. Pelargonium is used by a number of companies, in South Africa and elsewhere, and they have not been challenged by the patent holder in any way."

But traditional healers say they don't believe the company should qualify for any patents at all because it did not discover its powerful properties. It's a view shared by some environmental groups fighting for social justice, including the African Centre for Biosafety (ACB).

ACB director Mariam Mayet said: "Just because the traditional healers didn't write down the chemical formula, doesn't mean they didn't know all about the plant and how it could be used."

According to an ACB report, pelargonium was "discovered" in 1897 by a mechanic from Birmingham who sought medical advice from a Basotho healer. The plants were later tested in Europe and, after studies at the University of Munich, some of their biological properties were patented by ISO Arzneimittel in 2002.

Pelargonium is one of dozens of South African plants being targeted by drug companies eager to develop new medicines. Other plants successfully targeted in recent years include sutherlandia and hoodia, a succulent plant used by San communities to suppress appetite and thirst on long hunting journeys.

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### **GOING FURTHER** (compiled by GRAIN)

Yolandi Groenewald, "Stealing SA secrets...", Mail & Guardian, Cape Town, 16 January 2007.

[http://www.mg.co.za/articlePage.aspx?articleid=295725&area=/insight/insight\\_\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=295725&area=/insight/insight__national/)

Fifth meeting of the ad hoc open-ended working group on access and benefit-sharing of the Convention on Biological Diversity (ABS-5), Montreal, 8-12 October 2007.

<http://www.cbd.int/meetings/wgabs-05/default.shtml>

International Institute for Sustainable Development's upcoming reporting services on ABS-5

<http://www.iisd.ca/biodiv/abs5/>

African Centre for Biosafety

<http://www.biosafetyafrica.net>