

Case 10

Country X, located in Latin America, has recently adopted a policy of strictly limiting the collection of biological specimens, both plant and animal, within its borders. Under the new regulations individual scientists and companies must apply for permits that, in one case, cost \$600,000, and can take more than three years to obtain. Formerly Country X had no policy in regard to collection of biological specimens for research by foreign scientists. During the 1950's and 1960's a major American drug company developed two drugs that turned out to be effective for treating certain types of cancer from plants found in the jungles of Country X. Country X did not share at all in the Company's profit. John R, a scientist with the National Institute of Health in Washington, DC, believes that experimentation with another native plant of Country X could lead to a significant breakthrough in regard to treatment of other kinds of cancers. He has been waiting for Country X to process his permit application for two and a half years now, and fears the plant may become extinct by the time he obtains permission to collect it.

Other nations, which, like Country X, historically did not restrain the collecting of biological specimens within their borders, have begun to impose such restrictions. One driving factor in this regard is the perception of many nations that genetic engineering has significantly increased the potential for commercial use of genes. For example, researchers at the University of Wisconsin have isolated a substance 2,000 times sweeter than sugar from a West African berry. If a table sweetener is developed from this substance it would be produced, in all likelihood, in genetically modified bacteria, which would eliminate the need to use the berry. Another driving factor in the new restrictive policies of several nations is the patenting of genetically modified plants and animals in the United States, which has been allowed since 1980 under a major decision of the U.S. Supreme Court. Some nations take the stance that if, for example, a company genetically engineers a seed taken from a farmer's field, patents the engineered seed, and makes a profit, then, in all fairness, the company should pay substantially for the original seed.

Many scientists agree with the preceding point of view in principle, but complain that existing rules are much too restrictive. One study, conducted by researchers at Columbia University, concluded that in the Philippines, since that nation enacted its permit regulations in 1995, only two permits have been granted out of thirty seven applications. Drug companies contend that some nations overestimate the value of raw genetic resources. They note, in this regard, that in developing a drug a company may have to invest \$500 million dollars over fifteen years.

At the Earth Summit in Rio De Janeiro in 1992, a convention on bio-diversity was developed which states that nations have sovereignty over their genetic resources, and are entitled to "fair and equitable sharing of their benefits." The Clinton Administration supports the bio-diversity convention, but the U.S. Senate has never ratified it.

Question: Assume you are member of the legislature of country X, and the law that specifies country X's policies relative to the collecting of biological specimens within its borders is up for

reauthorization (This means that the legislature has the opportunity to consider whether the law should continue in its current form, or with revisions, or whether it

should be taken off the books entirely) What position do you support relative to reauthorization, and why?