
Damien Carrick: Debra Harry is a member of the Pyramid Lake Paiute Tribe in Nevada, and she's the founder and director of the Indigenous People's Council on Bio-Colonialism.

Debra Harry: One of the very early cases I think that came to the forefront involved the Ayahuasca plant, which is a medicinal plant; it's a sacred medicine used by people in the Amazon. And a researcher had managed to acquire the Ayahuasca plant and brought it back to the US and patented that plant, or the genetic components of that plant. And the Amazonian people, supported by the Centre for International Environmental Law, and others, were able to successfully overturn that patent, challenging the researcher's claims that he had invented the genetic aspects of this Ayahuasca plant and misappropriated their traditional knowledge about the uses of this plant.

Damien Carrick: Do you know, are there cases where knowledge, knowledge about say, the medicinal uses of plants, is used, or is commercialised, do you know of cases where then that has been acknowledged and where benefits have flowed back to the indigenous people?

Debra Harry: Probably the most well-known case would be the San People from South Africa and the case of the Hoodia plant or the cactus. And in that situation you had the country of South Africa collaborating with scientific researchers to identify the active component of Hoodia, which is a plant that the San people have used for centuries to stave off hunger while they were out hunting and so on, they would use the Hoodia plant and they would not be hungry for a few days. So of course there's the potential of a blockbuster anti-obesity drug here. South Africa Research Institute did identify the active component, it's called P57, the genetic material in the Hoodia, and subsequently licensed the development of P57 to various companies including Pfizer and Phytopharm, all without the San people's knowledge and consent. So this is a situation where there was no free prior or informed consent by the San in relation to the development of the Hoodia plant and the use of their traditional knowledge.

Eventually, because of international outcry and generally an awareness about this type of misappropriation, the South Africa government and Pfizer negotiated a benefit-sharing arrangement with the San people, offering them a certain percentage of profit from milestone payments to the San, which I understand amounts to a good amount of money.

There are some problems with the settlement, however. The actual cash amount that was given to the San is just a miniscule amount in comparison to the actual profit potential of Hoodia-it was kind of presented as a take-it-or-leave-it package for the San at the end of the day.

Damien Carrick: While the use or appropriation of traditional knowledge is a hot potato, there's an even more contentious issue that quite literally gets under the skin of indigenous people. That's when groups provide human biological material to medical researchers for an agreed purpose. And then the material is used in other, non-approved ways.

Debra Harry: Sometime in the '90s, genetic researchers, human genetic researchers, had gone into the Havasupai community, which is very remote, they're down in the bottom of the Grand Canyon, and you can only access their community by horseback or by helicopter. They had gone in to their community and asked the Havasupai to participate in diabetes genetic research. And like many indigenous populations around the world, indigenous peoples were suffering there from Type 2 diabetes which is typically a

lifestyle disease. So they participated in this research and it turned out the researchers based at the Arizona State University in Phoenix, Arizona, had used their genetic samples for other research including schizophrenia, ancient migrations research, in-breeding and so on, all without their consent. And so the Havasupai individual members, as well as the tribe itself, filed suit against Arizona State University for the misuse of their DNA.

Damien Carrick: And why was it so important to them that their samples only be used in a way that they had previously agreed to?

Debra Harry: Well of course, I mean this is very much a human rights issue. I mean someone can't just take your DNA and use it for their own purposes without your full, informed consent, just as they can't take your organs or anything else from the human body. But I think for indigenous peoples, I mean we certainly view our bodies, including the molecular components such as DNA as something sacred, and it's not to be tampered with. And of course the Havasupai have very strong beliefs about the caretaking of their bodies, as well as the remains of their ancestors. And so for them, the fact that their DNA was misused was very much a cultural affront, and it was very important for them to get those samples back. In fact it was a very emotional process for them to actually be able to finally repatriate the DNA samples that had been taken from their community members back to their community once this case was finally settled.

Damien Carrick: And that case, litigation was settled earlier this year.