

land dispute." ESO's member countries then began to apply pressure: Their ambassadors in Santiago petitioned the government, and in mid-March, when Chilean President Eduardo Frei toured Europe, the issue of ESO was raised repeatedly in various capitals.

Back in Chile, however, the situation began to deteriorate rapidly. On 20 March, the court hearing the land dispute ordered ESO to halt construction work until the case was settled. This decision was backed up by the national Supreme Court on 28 March, but ESO insisted it was a domestic issue between the Latorre family and the government and refused to stop work.

The culmination came on 30 March, with the forced entry at Paranal. "This act raises to a new level the quality of harassment to its activity in Chile," ESO said in a statement. "The intervention ... at Paranal created much concern in the European member states," says ESO Director General Riccardo Giacconi, "and it brought it to the attention of higher authorities in Chile. The problem had to be solved." Creola says that

at this point Chilean parliamentarians realized that their opposition was damaging international relations and signaled that the supplementary agreement should go ahead.

On 18 April, the agreement was signed in Garching, and tensions began abating at once. According to West, court officials were due to visit Paranal a second time on that day but did not show up. The next day, some VLT equipment that was being held up in a Chilean port was released "by direct action of the government," says West. According to Creola, the government has now begun negotiating with the Latorre family's lawyers with a view to compensation for the land. "The government is solidly behind us. It is honestly trying to solve the problem," he says.

ESO is not out of the woods yet, however. The Chilean Congress must still ratify the agreement. "There will be some strong discussions, but it will be difficult to say no," predicts University of Chile astronomer Claudio Anguita. But some doubt still remains over ESO's immunity in the whole of Chile. The Chilean government insists that

the original exchange of letters sealed the extension, and hence the supplementary agreement only "confirms" it. However, some Chilean politicians still maintain that the extension by the military government was not legal. According to Enrique D'Etigny, president of Chile's National Commission for Science and Technology, the Supreme Court has said that once the ownership of Paranal is settled, it will then consider whether the extension of the immunity was legal.

The ESO Council is due to meet again in June and will reassess the situation then. A working group set up last summer will report on possible alternative sites for the VLT should the worst happen. For the past year, ESO has had a "seeing monitor" installed on a mountain called Gamsberg in Namibia to assess the viewing conditions there. ESO, however, remains committed to Chile. Says Giacconi: "We are putting together the best array of telescopes in the world. This deserves the best place in the world, and Paranal is certainly that."

—Daniel Clery

## BIOETHICS

### U.K. Panel Weighs Tissue Ownership

A working group of seven British medical and legal experts issued a report\* last week that attempts to settle a vexed legal and ethical question: Who owns a sample of human tissue once it has been removed from a patient's body? Its conclusion: A patient has no claim on such tissue, but to protect patients from having tissue removed for commercial use, the report recommends that the organizations that remove it and store it—hospitals and tissue banks—should not be allowed to "deal" in tissue for profit. The working group, which reported on behalf of the Nuffield Council on Bioethics—an independent body that has, by default, become the United Kingdom's national bioethics committee—is hoping that its report will provide a comprehensive ethical framework for biotechnology using human cells and organs.

Much of the debate over the ownership of human tissue was sparked off by the case of John Moore, a Californian who survived leukemia and later found that researchers at the University of California, Los Angeles, Medical Center had established an immortalized cell line, which secretes large quantities of valuable immunostimulatory proteins, from white blood cells removed from him during treatment. The university patented the work and licensed it to drug companies, which are now using it for commercial production. Moore sued the University of California in

1984, but the California Supreme Court ruled that he had no property rights to cells taken from his body. The court did rule, however, that the doctors had not obtained Moore's informed consent to use the cells, nor had they told him of its potential value—a point which was later settled out of court.

The Nuffield panel, which was headed by Rosalinde Hurley, professor of microbiology at London's Royal Postgraduate Medical School, recommends that a similar legal po-

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**"We followed the principle that you're giving away the tissue for the greater good."**

—Patrick Nairne

sition be adopted in the United Kingdom. "We've followed the long-standing principle that you're giving away the tissue for the greater good [of humankind]," says council Chair Patrick Nairne. But the panel didn't stop there: It sought to cut through the tangle of legal precedents by setting down comprehensive guidelines for future court cases. "Any recent legal provisions ... for example in relation to the donation, sale, or transplantation of organs, have been directed at specific problems; ... [therefore] the result is a very piecemeal legal framework," says Graeme

Laurie of the University of Glasgow's Institute of Law and Ethics in Medicine.

The first of these guidelines is that removing human tissue specifically for commercial gain is unethical, and human tissue should not be treated as a commodity. To guard against a trade in tissue, the report recommends that donors should only ever be paid for expenses, not paid a fee, and that the institutions responsible for removing and storing human tissue must work on a non-commercial basis; they would then act as a buffer between patients and commercial organizations that might wish to use the tissue.

Although the report also recommends that donors have no rights to their tissue once removed, it emphasizes that doctors must fully inform them of its intended uses and the risks they are taking in donating it. And the report stipulates that the only ethically acceptable uses for human tissue are those that contribute to medical research, treatment, or education—any uses that "destroy, damage or degrade" are unacceptable. "The report is unique in that it adopts a particular ethical stance ... from which to approach any problem concerning human tissue," says Laurie.

Although the report is likely to be influential, the council has no power over public policy. The Nuffield Foundation, which promotes science education, established the Council on Bioethics in 1991 as an independent advisory committee because the British government had no body of its own keeping an eye on bioethics.

—Claire O'Brien

Claire O'Brien is a science writer in Cambridge, U.K.

\* "Human Tissue: Ethical and Legal Issues," Nuffield Council on Bioethics, 28 Bedford Square, London WC1B 3EG, U.K.