

SEEDS AND PEASANT AUTONOMY

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Agricultural biodiversity is the result of a thousand years of interaction between nature and the communities which produce the food that the human race needs for its survival.

Peasants (meaning all men and women who produce food) are the main contributors to biodiversity. They preserve, renew and select plant varieties and animal breeds purely within the social, economic and cultural systems in which they develop their production. Peasants do not see themselves as owning living things. Their rights are the opposite of individual property rights on living things, to which they cannot be reduced. Peasants' rights involve not only the genetic resources in plants but also the exchanges that take place between earth, water, animals and peasants' expertise. These are collective rights governing access to resources and their use, and were recognized as such until the 1950s, when industrial agriculture was imposed as the sole reference model.

Peasants cannot make their vital contribution to preserving and renewing biodiversity if their rights to re-sow, preserve, protect, exchange and sell their seeds are not recognized and respected. They must also have free access to the genetic resources of the plants they grow. The seeds produced on the farm and the informal exchange of those seeds lie at the heart of their contribution. Unfortunately, this time-honored practice has now been banned in many countries due to increasingly restrictive international rules.

For the peasants who cultivate biodiversity, a global strategy needs to be established to identify the international institutions where their organizations—which are primarily local or territorial—can participate in the process of defining and implementing the international rules and laws governing access to genetic resources.

THE GLOBAL CONTEXT²

All current industrial seeds have come—directly or indirectly—from traditional seeds selected and preserved by hundreds of generations of farmers. The seed industry has standardized, crossed and genetically manipulated them, but remains incapable of creating new varieties without using traditional seeds as a base—which is why the strategy of this highly concentrated sector³ consists of collecting as many seed types as possible and storing them in large seed banks. The wealthy countries of the north and the World Bank, which together with several private foundations control the international CGIAR⁴ agricultural research centers, have set up seed banks. To get free access to the farmers' fields where they collect the seeds, both in the north and south, they have had to guarantee the public nature of these banks. However, the seed industry then draws upon this “public” reserve to set up its own totally private seed banks.

Recent developments in genetic engineering have led seed manufacturers to focus more on genes than plants. Public seed banks are disappearing in the southern countries (due to lack of funding and political will, when they are not being plundered in times of war) as they are now less useful compared to genetic sequence data

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- 2 In this article we discuss the challenges facing seeds but it should be noted that the same political and legal questions are relevant for agricultural biodiversity as a whole.
- 3 Only 4–5 seed companies share the global market including Monsanto with 27% of world sales in 2009, DuPont (Pioneer): 17%, Sygenta: 9% and Limagrain (Vilmorin): 5%; “Who Will Control the Green Economy?” *ETC Group*, 1 Nov. 2011. www.etcgroup.org/content/who-will-control-green-economy-0.
- 4 See the CGIAR website: www.cgiarfund.org/FundDonors.

bases, while the seed banks of rich northern countries are increasingly becoming privatized. Once the genes have been modified or simply described, they are patented, which privatizes and hampers their distribution. The industrial seed system works by banning the collective rights of farmers to use, exchange, sell and protect their seeds, and by confiscating and subsequently eradicating traditional seeds to the benefit of new industrial varieties controlled by Plant Breeders' Rights (PBR),⁵ to which one or more patents are often added. This system does not only destroy its own resources, but also the only way out of the dead-end it is locked into: dependence on chemical fertilisers and fossil fuels, as well as increased vulnerability in light of greater economic, environmental and climate crises.

Moreover, a patented seed may cause contamination at any time to the peasants' fields (see case of native maize in Mexico).⁶ Peasants are then accused of violating industrial intellectual property rights every time they reproduce their own contaminated local varieties!

Another strategy used by the private sector to destroy competition from traditional seeds works through new European regulations. Its purpose is to replace the current barrier to market access—the *Common Catalogue of Varieties of Agricultural Plant Species*—with environmental and health barriers, bio-safety rules and privatized inspections. It will be extremely difficult for small seed companies or small farmers to fall into line with these new rules, and they will be excluded from producing, exchanging or marketing their seeds.⁷

THE REBIRTH OF TRADITIONAL SEEDS

Traditional seeds are selected and preserved *in situ* in the conditions in which the farmer grows his crops. They are indispensable for diversity and variability and ensure that farmers can continue to adjust to local conditions. They alone are able to boost a crop's resilience in increasingly chaotic conditions due, in part, to climate change.

Peasants cannot select the new varieties they need by using modern seeds which have been standardized and genetically manipulated by the industry. Only local, traditional varieties provide a solid selection basis. However, in many countries where they have disappeared from the fields, the peasants are finding it increasingly difficult to gain access to the gene banks where they are locked away. Before this access is definitively privatized and closed down, a multitude of regional seed systems managed locally by farmers and local communities must be supported and recreated.

Although industry and the financial sector are becoming increasingly influential stakeholders, the private sector is not yet strong enough to impose its rules purely through the market. It still requires public policies to protect its interests in the form of favorable legislation, for example intellectual property rights (IPR) as applied to seeds. Consequently, peasants' organizations must ensure that any global governance strategy monitors how public policies affecting agricultural biodiversity are negotiated. They need efficient lobbying practices in order to maintain control over what the industry is doing.

THE NEW LEGAL FRAMEWORK IMPOSED BY THE INDUSTRY

Exclusively genetic responses to environmental and health questions (tolerance to herbicides, resistance to pathogens or to bad weather, etc.) are the wrong answers

5 Since the 1991 Act of the International Union for the Protection of New Varieties of plants (UPOV), the PBR has banned or taxed seeds produced on the farms.

6 Read in French: L. Ceballos et B. Eddé, *Contamination du maïs mexicain : la controverse scientifique*, Dossier Inf'OGM n°43, BEDE, Montpellier, novembre 2003. www.infogm.org/spip.php?article1306.

7 The Common Catalogue of Varieties of Agricultural Plant Species lists most of the economically important agricultural species and varieties (including vegetable and fruit varieties and certain environmental or ornamental plants such as lawns) which can be marketed as "seeds" by the seed industry or traders.

to problems which are primarily agricultural, not genetic. However, they are the only answers contained in the new seed trade rules.

This trend is strongly reflected in the reform of the European Union (EU) regulatory framework on seeds.⁸ The EU plays a fundamental role in global governance of genetic resources in agriculture and food. For example, it uses “cooperation” agreements to influence seed legislation in developing countries (see the seed legislation of several African or Asian countries) and plays a major role in the International Union for the Protection of New Varieties of Plants (UPOV) and in the World Intellectual Property Organisation (WIPO).⁹ The new laws under discussion leave no room for traditional varieties, which are only tolerated as part of research or in farmers’ networks controlled by gene banks. These rules are already in free trade agreements (see the agreement between Europe and Canada)¹⁰ and will soon be applicable everywhere on the planet, removing forever the possibility of building appropriate legislation to safeguard peasants’ seed rights.

BOX 1

The European Commission is drafting a proposal for a reform of the regulations on the marketing of seeds, plant health and inspections, which is going to be submitted to the vote in the European Parliament in 2013. Small farmers’ representatives and civil society are taking action. In particular Via Campesina’s Europe Coordination is analyzing the most recent proposal which is still under discussion. “Its objective is clearly to control all exchanges of seeds between farmers and gardeners and to lock them into the narrowest niche possible. We cannot support this, nor call for a widening of this niche since this would be abolished at the first opportunity. Peasants’ seed independence and the food sovereignty and self-sufficiency of our communities are inalienable rights and not commercial niches. Exchanges between farmers are not part of a market place and should not be subject to trade inspections. The problem is the expansion of trade in patented and genetically manipulated seeds, not whether varieties are old or new. Rather than limiting the quantity on the market or the size of the traders marketing them, the solution lies in giving farmers the right to freely exchange their seeds and in encouraging widespread trade in seeds, free from both IPR and genetic tampering.”¹¹

However, the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)¹² recognizes the enormous contribution that local and indigenous communities and farmers in all the regions of the world have made and continue to make for the conservation and development of plant genetic resources, which constitutes the basis of food and agriculture production throughout the world. The treaty also entrusts governments with the protection of farmers’ rights and includes a list of the measures which could be taken to protect and promote these rights. These include not only the rights to save, use, exchange and sell farm-saved seeds and other propagating material, but also to participate in decision-making regarding the use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising from their use.¹³ Unfortunately, this treaty has been sidelined and struggles in its implementation. Farmers’ organizations even feel that it is mainly used to facilitate industry’s access to the genetic resources collected from farmers’ fields and that it therefore works against the principles it claims to defend.

- 8 “Animal and Plant Health Package: Smarter Rules for Safer Food.” *Health and Consumers*. European Commission. http://ec.europa.eu/dgs/health_consumer/pressroom/animal-plant-health_en.htm.
- 9 See documents from the WIPO-UPOV Symposium on Intellectual Property Rights in Plant Biotechnology, Geneva, 24 October 2005. www.upov.int/en/documents/Symposium2005/index.html.
- 10 See the Trade Justice Network website: <http://tradejustice.ca/en/section/24>.
- 11 Translated from Guy Kastler, *Réforme européenne sur la commercialisation des semences : où en est-on ?*, 12 février 2013. www.semencespaysannes.org/bdf/bip/fiche-bip-191.html. See also “The European Commission Organizes the Pollution of Our Fields by Industrial Patented Seeds.” European Coordination Via Campesina (ECVC), Press Release, 7 May 2013 and Appendix 1 (technical): *First synthetic analysis of the proposed regulation on seeds of the European Commission* (available on the same page). <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/biodiversity-and-genetic-resources-mainmenu-37/1408-the-european-commission-organizes-the-pollution-of-our-fields-by-industrial-patented-seeds>.
- 12 The *International Treaty on Plant Genetic Resources for Food and Agriculture* was adopted by the 31st meeting of the Food and Agriculture Organization of the United Nations (FAO) on 3 November 2001. [ftp://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf](http://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf).
- 13 *Ibid.*, Preamble and Article 9.

NATIONAL AND REGIONAL INITIATIVES

On all continents, men and women farmers are working to safeguard biodiversity, the key to our future.

BOX 2

The Law on the Protection of Biodiversity in the Region of Latium (Italy)¹⁴

This text has been in force since 2000 and is also accepted as a reference by the European Union. The text distinguishes between tangible goods (the plant) and intangible information—all genetic, cultural and social information associated with each seed. It confirms the existence of private property rights over the tangible aspects of plant and animal varieties by including them on a list managed by the regional authorities, but recalls that the heritage of these genetic resources belongs to local communities. Thus, the physical part of the plant belongs to its owner, but the genetic information which gives it its characteristics belongs collectively to all peasants. The law therefore creates a completely different way of gaining access to genetic resources, unlike the privatization of resources through intellectual property rights.

Recognizing a collective heritage implies that access to information can be negotiated by society. It is not free and does not belong to humanity, but to a local community: the peasants of the Latium region. So if other farmers, or any other person, want access to this material they must negotiate directly with those farmers.

¹⁴ Regional Law n°15 of 1st March 2000. See in Italian: www.arsial.it/portalearsial/default.htm.

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PEASANT INITIATIVE IN SENEGAL

Lamine Biaye¹

The Senegalese Association of Traditional Seed Producers (*Association sénégalaise des producteurs de semences paysannes-ASPSP*) was set up in 2003 by nine peasants in leadership positions from different regions in Senegal. Its goal is to make its members independent and self-sufficient in their use of high quality seeds appropriate for the climate and soil type of the country's different zones. The ASPSP includes associated producers and “nodal farmers”—individuals at the center of the network who promote the exchange and enhancement of seeds. The association's exchange model is not commercial, but reflects the idea of making donations and the principle of social and human reciprocity.

Managed by farmers, the ASPSP is a movement for civic research on biodiversity which proposes alternatives to genetically modified organisms (GMOs) and combats abusive use of pesticides. The ASPSP's research is adaptive and decentralized, focusing on its member federations located in Senegal's main agro-ecological zones. It examines variations in growing conditions and different micro-environments (for example pasture, rice fields, vegetable gardens, strip farming, orchards, etc.). The

¹ Lamine Biaye, farmer in Casamance, is the ASPSP chairman. For more information consult: <http://aspssp-over-blog.net>.

research is also inclusive and the ASPSP promotes a loose institutional structure to encourage dialogue between formal scientific research and peasants' innovations.

To achieve this, the ASPSP draws on culture and local knowledge. It considers traditional seeds to be part of a cultural heritage, transferable from one generation to the next. The association's goal is to intensify cooperation between informal seed and variety exchange systems already in place at the local level, and create a social, semi-formal seed network involving the different organizations which make up the ASPSP. The idea is to make the ASPSP's members independent and self-sufficient in seeds so they can play a leading role in seed production by owning a sufficient quantity of high quality seeds.

Training and skill enhancement is provided to ensure better use of traditional seeds and greater awareness focusing essentially on quality, monitoring, storage, seed management and promoting *in situ* preservation.

BOX 1

The *Semences Paysannes* Network¹

The *Semences Paysannes* Network is composed of over a hundred organizations, all involved in initiatives intended to promote and protect crop biodiversity and its associated expertise. In addition to coordinating and consolidating local initiatives, the *Semences Paysannes* Network promotes collective protection and management methods of traditional seeds. It also contributes to the scientific and legal recognition of peasants' practices, including producing and exchanging seeds and plants.

Recently in France, various peasants' initiatives have been seeking to redevelop local varieties, and sometimes to adapt new species to local conditions as well as reclaiming farmers' independence in seed production, use and preservation. For example, the *Semences Paysannes* Houses are new forms of collective management of crop diversity. By exchanging seeds and know-how, these houses can provide the ground work (answering technical and social queries, etc.) necessary in the promotion of traditional seeds within a regulatory framework which, instead, leans more towards banning them.

¹ For more information consult:
www.semencespaysannes.org

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EUROPEAN ADVOCACY FOR PEASANTS' SEEDS

Bob Brac

Following a seven year process starting in 2005, inspired by annual gatherings of the European movement on agricultural biodiversity, a European Coordination Network for traditional seeds was officially created in 2012: *European Coordination: Let's Liberate Diversity*¹ (EC-LLD). Its members are organizations from different countries and cultures, farmers' trade unions, small seed businesses, associations and networks supporting traditional seeds and agricultural biodiversity. The founding organizations are the *Scottish Crofting Federation* (Scotland), *Pro Specie Rara* (Switzerland), *Réseau Semences Paysannes* (France) and *Red de Semillas "Resembrando e Intercambiando"* (Spain). Membership is open to any organization that shares the values and objectives of the Coordination.

EC-LLD's objective is to coordinate the positions and actions of national networks and other members to encourage, develop and promote the dynamic management of biodiversity on farms and in gardens. In order to achieve this, the coordination network pursues activities in the following areas: the promotion and development of farmers' seeds, the exchange and dissemination of knowledge and expertise associated with farmers' seeds, their use and promotion, the collection, translation and dissemination of existing information, training and inventory, experimenting, researching and advocating for a legislative framework favorable to farmers' rights as well as gardeners' and small seed companies' rights over biodiversity.

The EC-LLD is a new tool of the European social movement, providing a platform for both the exchange of ideas and for developing the arguments which will enable different stakeholders to meet and share their points of view. This pooling of resources is crucial at a moment when European laws on seeds and intellectual property rights are strengthening industrial control of the food chain. Civil society needs to increase its internal consultation in order to effectively coordinate their future actions.

¹ For more information please consult: www.liberatediversity.org.

CONCLUSION

Farmers' rights, as defined in the ITPGRFA, are part of human rights upheld by the UN and arise directly from the right to food. They are collective in nature and form the basis of farming in general and, more specifically, of food-producing and traditional forms of agriculture. Peasants' seed independence, food sovereignty and autonomy of communities are inalienable rights and not niche markets. Exchanges between farmers are not tantamount to marketing a commodity and should not be subject to

trade inspection. The spread of the patented market, where seeds are monopolized by PBRs and/or genetically manipulated, is a danger to biodiversity and will not resolve current crises. The only way out is for the laws of each country to acknowledge and effectively defend farmers' rights.²

If seeds are to remain a pillar of food security and sovereignty, the following urgent issues must be addressed:

- the protection of seeds as part of our common heritage, by recognizing the rights of peasants to develop (in an inclusive manner involving public research or amongst farmers), use and freely exchange their seeds.
- the generalized marketing of seeds without intellectual property rights and free of any genetic tampering, adapted for independent traditional organic farming, for small-scale transformation methods and local supply chains.
- the rebuilding of a multitude of territorial seed systems, managed locally by peasants and communities.
- the involvement of peasants' organizations in defining the rules and laws governing access to genetic resources and their implementation, given their unique expertise in the area.
- citizens' monitoring of discussions on public policy regarding agricultural biodiversity and resistance against any steps by industry to monopolize seeds.

2 The Human Rights Council of the United Nations is working on a Declaration on the rights of farmers and other persons living in rural zones. This process is based on the Declaration of Farmers' Rights—Women and Men adopted in 2009 by La Via Campesina. The Declaration is available at this address: <http://viacampesina.net/downloads/PDF/EN-3.pdf>.