



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Views, Experiences and Best Practices on the Implementation of Farmers' Rights Submitted by Contracting Parties and Relevant Organizations

Note by the Secretary

This document presents the views, experiences and best practices on the implementation of Farmers' Rights, as set up in Article 9 of the International Treaty submitted by Let's Liberate Diversity- Coordination of the European Forum on 8 October 2012.

The submission is presented in the form and language in which it was received. Minor editorial changes include the full rendering of acronyms and the correction of spelling.

RELEVANT ORGANIZATIONS

Let's Liberate Diversity – Coordination of the European Forum

Declaration of Szeged

On 24 February 2011, we, farmers and practitioners, from 17 European countries, who conserve and renew agricultural biodiversity met in Szeged, Hungary, which currently holds the Presidency of the European Union, and prepared this statement to be addressed to our governments, the European Union and the Governing Body of International Treaty on Plant Genetic Resources for Food and Agriculture.

On February 24, 2004, the European Union approved the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). In the 7 years that have elapsed, it has still not adapted its internal legislation to incorporate the commitments of the Treaty. This anniversary a few days before the next meeting of the Governing Body of the Treaty in Bali gives us the opportunity to highlight what is urgently needed.

We are farmers, gardeners, artisans, consumers and environmental groups organised in associations and networks of European civil society. We represent tens of thousands of people from varied cultural traditions.

In our fields and our gardens, we all contribute to the conservation of traditional varieties in their traditional ecosystems, the collective and local dynamic management of agricultural biodiversity for the purposes of our agricultural production, to its development by the constant creation of new varieties, their widespread use and their added value in local markets.

Assessment

Whenever farmers in Europe resow a portion of their harvest, they create new seeds, adapting them to their local environment and climate change, while reducing their dependence on chemical inputs. These farmers' varieties are always 'new' varieties, hence they are rarely homogeneous or stable.

The local collective organization of seed exchange, of the management of agricultural biodiversity and the transfer of local knowledge guarantee the conservation and sustainable use of PGRFA. Since its origin, agriculture has been shaped by the collective rights of farmers to conserve, use and exchange their seeds, which we wish to preserve. Only 'reproducible' seeds allow for the conservation, renewal and increase of agricultural biodiversity, while nonreproducible seeds, e.g. F1 hybrids or others, are an important cause of the erosion of crop biodiversity.

We wish to reiterate the particular responsibility of the European Union, as the dominant agro-industrial power in the world, which, furthermore, supports in its own region and disseminates to the rest of the world agricultural policies and regulations that destroy agricultural biodiversity by giving preference to agro-industry, facilitating market concentration in the hands of a few international actors, financial speculation on food and land grabbing for industrial monocultures.

We cannot accept that the European Union regulation, restricts Farmers' Rights only to the right for registration of varieties in common or "conservation" catalogues, and to paying royalties to breeders every time farmers multiply their own seeds, while at the same time it permits the widespread introduction of patents on plants and animals. It is for these reasons why we would like to bring to the

attention of the Treaty's Governing Body our contributions to the ongoing debate on the revision of seed laws in Europe.

In relation to the Treaty

We wish to reiterate the importance, for food and farming and for future generations, of Articles 5, 6 and 9, which deal with the contribution of farmers to the conservation and renewal of biodiversity, and their associated rights.

We recall that in relation to Article 5, Contracting Parties (CP) committed themselves to promote and support farmers and local communities in managing and conserving their plant genetic resources and to eliminate the threats to these resources.

We recall that in terms of Article 6, Contracting Parties have undertaken to develop and maintain policy and legal measures with the aim of fostering "the development and maintenance of diverse farming systems" and "maximizing intra- and inter-specific variation" of varieties. In article 9 CPs have undertaken to protect and promote Farmers' Rights. These articles cover all PGRFA and are legally binding for all CPs.

The concept of benefit-sharing has not proved able to mobilize the necessary financial resources for on-farm conservation even though industry's seeds are all developed from seeds collected for free from the fields of farmers who selected and conserved them. Instead, most of the funds mobilized by donor countries go to the Global Crop Diversity Trust for ex situ conservation. This bias is also depriving the Treaty of operating resources.

We observe that our governments are imposing many obstacles to the implementation of articles 5, 6 and 9 linked to Farmers' Rights and instead are focusing their efforts on the facilitated exchange of genetic resources within the multilateral system. Similar to the situation in many other countries worldwide, European legislation is only interested in securing privileges for industry and ignores Farmers' Rights.

In relation to Article 9 of the Treaty, the respect of Farmers' Rights, which are collective, to save, use, exchange, sell and protect their farm-saved seeds and their knowledge is the principal condition for making possible their essential contribution to the conservation and sustainable use of plant genetic resources for food and agriculture.

Thus we demand of the European Union and all of its Member States recognition that European farmers are also contributing to the conservation of plant genetic resources for food and agriculture and to include this positively in legislation on Farmers' Rights:

- to choose freely, select, develop and grow their own seeds (except for GMOs) and then to sell the crop, without respect to whether these come from varieties listed in the catalogue ;
- to be granted free access to plant genetic resources in ex situ seed banks;
- to exchange and sell seeds for conservation purposes and for the dynamic management or selection on the farm used for agricultural production. In this respect, we demand explicit recognition of farmer's rights to select and conserve their own seeds and for this reason to exchange plant genetic resources of varieties not listed in the catalogue, as breeders are doing.

- to reproduce their own seeds in order to adapt them to local conditions. An explicit recognition of the right to use freely, and without need for a license, is needed for all varieties, regardless whether or not the varieties are protected by an industrial property right, in order to be able to develop new varieties.

– to protect their seeds from genetic contamination and appropriation through contamination by patented genes.

We demand that for each newly registered variety it should be mandatory to disclose the breeding method used.

We demand a ban on disseminating in open environment genetically modified (GM) plants (i.e. plants modified in ways which do not occur naturally) whether through transgenesis or any other unregulated genetic transformation. Coexistence between GM and non-GM crops is impossible. All forms of patenting of life should be prohibited.

We demand that industrial property rights on plants such as plant breeders' rights should not affect Farmers' Rights to multiply and exchange farm-saved seed.

We demand that the obligation to disclose all information on the origin of plant genetic resources used for new plant breeders' rights be implemented concretely.

We demand from the European Union and each Member State, which is a Contracting Party participating in the Governing Body of the Treaty in Bali, to support the implementation of Articles 5 and 6 of the Treaty, introducing new agricultural and research policies that:

-Promote participatory breeding, the dissemination and the use of reproducible seeds, in situ on-farm conservation, local seed banks managed collectively by farmers and gardeners and through the transfer of local knowledge;

-Discourage the widespread use of non-reproducible seeds.

These policies must also take into account the right to food sovereignty and the right to preserve local cultural heritage and related activities, which guarantee the added value of plant genetic resources and products derived from agricultural biodiversity on local markets, thereby helping to conserve and renew these resources.

These rights must be complemented by the positive recognition in the law of the possibility of selling non-GM seeds of varieties not included in the catalogue.

The decision of the European Union (Directive 98/95 and following) to take into account the needs of organic farming, of "*in situ*" conservation of biodiversity and locally adapted variety mixtures must be realized by opening the Catalogue to the registration of populations varieties that are not homogeneous and are non-stable for the purposes of organic

farming, conservation of biodiversity or for other specific uses.

As our governments have not yet recognized the urgency for action, we reiterate to them today, 7 years after the signing of the Treaty, that the time has come to implement immediately and resolutely Farmers' Rights in Europe.

In relation to the Fourth Session of the Governing Body

We ask the European Union and other Contracting Parties attending the meeting of the Governing Body of the Treaty in Bali to put in place policies that support the implementation of Articles 5, 6 and 9 with new financial resources and appropriate measures at national level. Particularly in relation to the Treaty's funding status, either through its regular funds or other funds allocated to the support of conservation activities. We ask that members of the European Union make available regular funds for the Treaty's core administrative budget.

Even though we appreciate the effort of some countries to contribute to the Treaty's fund to support on-farm conservation, we reject the principle of funding only on a voluntary basis.

The money raised by the Global Crop Diversity Trust, which is dedicated exclusively to *ex situ* conservation, should also be made available, in equivalent amounts to the Treaty for on-farm conservation.

As already approved by the previous meetings of the Governing Body, we recall the importance of participation in Treaty negotiations of those farmers' organizations that actually participate in the conservation of agricultural biodiversity.

For this reason we request that a space for dialogue and debate be initiated with the Governing Body, with the participation of organizations that are defending biodiversity on-farm, and that this participation be organized in line with the principles that States have agreed during the reform of the Committee on World Food Security (CFS), i.e. autonomy and self-organisation of farmers' organizations and civil society.

We also remind national governments the importance of ensuring active and effective treatment of farmers, practitioners and consumers who actually participate in the conservation of agricultural biodiversity.

Concerning Article 6, we ask Contracting Parties to support the Secretariat's proposal to create an ad hoc working group on the sustainable use of plant genetic resources with the active and effective participation of civil society.

Regarding Article 9, we support, based on the document IT/GB-4/11/Circ.1, *Global Consultations on Farmers' Rights in 2010*, the proposal to have guidelines for the establishment of Farmers' Rights.

***List of signatories**

-European Coordination on Farmers' Seeds:

Réseau Semences Paysannes, France

Rete Semi Rurali, Italy

Red de Semillas “Resembrando e Intercambiando”, Spain

Pro Specie Rara, Switzerland

Arche Noah, Austria

Védegylet/Protect the Future, Hungary

Other organizations:

Environmental Social Research Group, Hungary

Ormánság Foundation, Hungary

Centro Internazionale Crocevia, Italy

ACRA -Associazione di Cooperazione Africa America Latina, Italy

Associazione Italiana Agricoltura Biologica, Italy

Aegilops, Greece

Oikodiktio, Greece

Farmer’s Unions Confederation in Turkey – Cifti-Sen, Turkey

Tohum Izi Association, Turkey

Verein zur Erhaltung der Nutzpflanzenvielfalt VEN, Germany

Dachverband Kulturpflanzen- und Nutztiervielfalt, Germany

Confédération Paysanne, France

BEDE, France

Practical Action, UK

Scottish Crofting Federation, Scotland

Berne Declaration, Switzerland

Clubul Ecologic Transilvania, Romania

ELKANA, Georgia

Latvijas Zemes draugi/Friends of the Earth Latvia

FOLL’AVOINE, France

ÉTER KHE, Hungary

Natúrhaló, Hungary

Kalocsakörnyéki Környezetvédelmi Egyesület, Hungary

Central Trans-danubian Organic Society – Biokultúra, Hungary

Camping Rural “Loma Taivilla” Casarabonela, Málaga – Spain

La Unió de Llauradors i Ramaders, País Valencià- Spain

Asociación de Consumidores/as Ecológicos/as de Castilla La Mancha ‘La Tierrallana’ – Spain

Garden Organic, England, UK

EcoRuralis, Romania