



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 La Via Campesina on 12 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

La Via Campesina

BALI SEED DECLARATION

Peasant Seeds: Dignity, Culture and Life Farmers in Resistance to Defend their Right to Peasant Seeds

Farmers throughout the world are the victims of a war for control over seeds. Our agricultural systems are threatened by industries that seek to control our seeds by all available means. The outcome of this war will determine the future of humanity, as all of us depend on seeds for our daily food.

One actor in this war is the seed industry that uses genetic engineering, hybrid technologies and agrochemicals. Its aim is the ownership of seeds as a source of increased profits. They do this by forcing farmers to consume its seeds and become dependent on them. The other actor is peasants and family farmers who preserve and reproduce seeds within living, local, peasant and indigenous seed systems, seeds that are the heritage of our peoples, cared for and reproduced by men and women peasants. They are a treasure that we farmers generously place at the service of humanity.

Industry has invented many ways of stealing our seeds in order to manipulate them, mark them with property titles, and thereby force us, the farming peoples of the world, to buy new seeds from them every year, instead of saving and selecting them from our harvest to plant the following year. The industry's methods include genetically modified organisms (GMOs) and hybrid seeds, which cannot be reproduced by farmers, as well as industrial property over seeds, including patents and plant variety certificates, all of which are imposed through international treaties and national laws. These are but different forms of theft, as all industrial seeds are the product of thousands of years of selection and breeding by our peoples. It is thanks to us, peasants and farmers, that humanity has at hand the great diversity of crops that, together with animal breeding, feeds the world today.

In their drive to build monopolies and steal our natural wealth, corporations and the governments who serve them place at risk all of humanity's food and agriculture. A handful of genetically uniform varieties replace thousands of local varieties, eroding the genetic diversity that sustains our food system. Faced with climate change, diversity is a strength, and uniformity a weakness. Commercial seeds drastically reduce the capacity of humanity to face and adapt to climate change. This is why we maintain that peasant agriculture and its peasant seeds contribute to the cooling of the planet.

Our communities know that hybrid and genetically modified seeds require enormous quantities of pesticides, chemical fertilizers and water, driving up production costs and damaging the environment. Such seeds are also more susceptible to droughts, plant diseases and pest attacks, and have already caused hundreds of thousands of cases of crop failures and

have left devastated household economies in their wake. The industry has bred seeds that cannot be cultivated without harmful chemicals. They have also been bred to be harvested using large machinery and are kept alive artificially to withstand transport. But the industry has ignored a very important aspect of this breeding: our health. The result is industrial seeds that grow fast have lost nutritional value and are full of chemicals. They cause numerous allergies and chronic illnesses, and contaminate the soil, water and air that we breathe.

In contrast, peasant systems for rediscovering, re-valuing, conserving and exchanging seeds, together with local adaptation due to the local selection and reproduction in farmers' fields, maintain and increase the genetic biodiversity that underlies our world food systems and gives us the required capacity and flexibility to address diverse environments, a changing climate and hunger in the world.

Our peasant seeds are better adapted to local growing conditions. They also produce more nutritious food, and are highly productive in agroecological farming systems without pesticides or other expensive inputs. But GMOs and hybrids contaminate our seeds and put them in danger of extinction. They replace our seeds in their places of origin and lead to their disappearance. Humanity cannot survive without peasant seeds, yet corporate seeds put their very existence at risk.

Let us not be mistaken. We are faced with a war for control over seeds. And our common future depends on its outcome. It is through this lens that we must analyze the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), in order to understand what is at stake and what positions we should take.

The International Treaty on Plant Genetic Resources for Food and Agriculture

First we must situate the Treaty in its historical context of constant attempts to steal our seeds. The industry and most governments are using the Treaty to legitimate the industry's access to those peasant seeds that are stored in collections around the world. The Treaty recognizes and legitimizes industrial property over seeds, thus creating the required conditions for theft and monopoly control. In the Treaty, the florid language used to describe Farmers' Rights entrusts individual states with the responsibility for their implementation. However, states do not apply them. Therefore the mentioning of these rights is only an attempt to inoculate the Treaty against our possible protests and denunciations.

The result is a treaty that legitimates the World Trade Organization (WTO) and laws on industrial property rights. It is therefore legally binding with respect to industrial property rights and the rights of plant breeders, while allowing states not to respect Farmers' Rights. It is a contradictory and ambiguous treaty, which in the final analysis comes down on the side of theft.

This does not mean that all is lost. The Treaty can be amended from the peasant point of view, but the changes would have to be major and immediate. La Via Campesina affirms that:

1. We cannot conserve biodiversity and feed the world while our rights to save, use, exchange and sell our seeds are criminalized by laws that legalize the privatization and commodification of seeds. The Seed Treaty is the only treaty to date to contemplate farmers' rights. However states do not respect these rights, in opposition to their respect of industrial property rights. Therefore, the Treaty must give peasant rights the highest priority, and these rights must be legally binding. They must be guaranteed in every one of the 127 countries that have ratified the Treaty.
2. The Treaty itself contradicts farmers' rights when it promotes patents and other forms of industrial property over seeds. All forms of patents; plant variety protection and its royalties on farm-reproduced seeds; as well as all other forms of industrial property over life must be banned in the Treaty.
3. Industry incurred an immense debt by appropriating our seeds and by destroying cultivated biodiversity in order to replace it with a few manipulated varieties. Industry must repay this past debt, but doing so by no means gives it the right to continue appropriating our seeds. Industry must pay and it must also stop with the appropriation of seeds and the destruction of biodiversity.
4. The Treaty proposes the "sharing of the benefits" of the industrial property rights that it recognizes. These "benefits" result from the very theft of our peasant seeds. We do not want to be offered the proceeds from the theft of our seeds; we do not want benefit sharing because we do not want industrial property rights on seeds.
5. We demand public policies in favor of living, farmers' seed systems, systems that are in our communities and under our control. These public policies should promote reproducible local seeds, but not non-reproducible seeds, like hybrids. They should prohibit monopolies, and favour instead agroecology, access to land and good care of the soil. These policies should also facilitate participative research in farmers' fields and under the control of farmers' organizations, not the control of the industry. We call on our communities to continue to conserve, care for, develop and share our peasant seeds: this is the best form of resistance against theft and the best way to maintain biodiversity.
6. Centralized gene banks do not respond to the needs of farmers. They are seed museums for the benefit of biopirate corporations, and offer no real access to peasant peoples. Moreover, our seeds are in danger inside these banks, threatened by genetic contamination and industrial property rights. We cannot trust governments or the Treaty to conserve them. We refuse to turn our seeds over to the gene banks of the multilateral systems and of the industry as long as the following remain in existence: patents on plants, their genes or other plant parts; other industrial property rights systems such as plant variety protection which demand royalties on farm-saved seeds; GMOs.
7. The commodification of seeds is seriously threatening our peasant seeds in Asia, Latin

America and Africa. But in some of our countries, especially in Europe and North America, the commercial monopoly of industrial seeds has already done away with the majority of local varieties. In these countries, we can no longer carry out farmer selection using the varieties that are commercially available, because they are manipulated in such a way that they will not grow well without chemical inputs or industrial processes. They have lost much of their nutritional value and are increasingly modified genetically. We cannot select our new peasant varieties based on the seeds of our parents which are locked up in gene banks. We must have unconditional access to the banks of the multilateral system because it is our seeds that are kept there.

8. We farmers can keep our seeds first and foremost in our fields, but also in our granaries, seed barns and local community seed saving systems which also constitute small “ex situ collections”. We put these “ex situ collections” as close as possible to our fields so that farmers maintain control over them, responsibility for them and access to them. To paraphrase the Treaty, we farmers construct our own “multilateral system”. This is the basis upon which we can collaborate with the Treaty by reminding it that it is not the only entity carrying out seed conservation. If the Treaty wants to collaborate with us, it must respect our rules and our rights, and forbid Industrial Property Rights and GMOs.
9. Since the process of the Treaty is carried out within the United Nations, it is national states that have the responsibility to protect peasant seed systems. Yet, the World Trade Organization (WTO) renders the rights of plant breeders legally binding, while the rights of farmers are not respected. We demand that farmers’ rights be mandatory and that the rights of breeders be subordinated to these farmers’ rights. This necessarily entails the repeal of seed laws that privatize and commodify seeds and deny peasant rights. We demand the adoption of national laws that recognize Farmers’ Rights. La Via Campesina calls for the rapid approval and ratification of an international convention on peasant rights in the United Nations. Agriculture and seeds have no place in the WTO and Free Trade Agreements.
10. This Treaty is but part of a series of challenges that peasant and indigenous peoples are facing today. The Rio + 20 process is a clear confrontation between ‘green washed’ capitalism, and peasant agriculture, agroecology and our peasant seeds. La Via Campesina will act to defend agroecology and farmers’ seeds which represent hope and are the future of humanity. As we have shown, sustainable peasant agriculture can both contribute to the cooling of the planet and feed the world.
11. If governments commit to reforming the Treaty by effectively and actively defending Farmers’ Rights, we are willing to collaborate with the Treaty, including in a parallel committee, modeled on the Committee for Food Security that accompanies the FAO process in Rome. But we do not want to open the door to a collaboration with the Treaty that will thrust us into interminable discussions while GMOs, hybrids and industrial property rights expel us from our fields. Whether or not the Treaty recognizes those of us who are the stewards of biodiversity, we will continue to work within our own peasant seed systems, which have assured genetic diversity and fed the world in the past, and will continue to do so in the future. We are keeping seeds not only for ourselves, but also for our children. Peasant seeds are the heritage of peasant

communities and indigenous peoples in the service of humanity.