

GLOBAL SEED TREATY THREATENED

A Treaty to Save the World's Seeds for the Benefit of All may Fall at the Last Hurdle

THE PROMISE

At the end of June, the World's governments will meet in FAO Rome to conclude negotiations on a legally-binding agreement that will govern the use of the crop seed varieties and genetic resources which underpin global and local food security. It is urgently required because of the rapid loss of these varieties-- more than 75% in the past century-- and because of the increasing use of intellectual property rights to claim sole ownership over crop seeds and their genes, which is restricting farmers' access.

This agreement is called the International Undertaking on Plant Genetic Resources for Food and Agriculture, or IU for short. It covers many of the major food crops in the world. It aims to ensure the conservation, sustainable use and 'free flow' of the genetic resources of these crops so that they are "preserved... and freely available for use, for the benefit of present and future generations". It recognises Farmers' Rights to access and use seeds.

It also ensures that when these genetic resources are used commercially by industrialised countries for plant breeding or food, farmers in developing countries receive a fair share of the profits generated, in return for their contribution to the crops' development.

THE NEED

For centuries, farmers have developed crop varieties within their diversified agricultural systems - varieties to suit every possible social, economic and environmental requirement. This has been achieved through the free exchange of seeds between farmers who, by planting them in different conditions thereby generate greater diversity. Under challenging conditions, this diversity provides greater food security by spreading risk through the use of many different varieties. The food security of two thirds of humanity is still based on these traditional agricultural technologies and seed exchanges rather than industrial agriculture.

Furthermore, the hundreds of thousands of local varieties of the main food crops developed by these farmers constitute an invaluable part of the world's agricultural biodiversity, which the international community has pledged to protect. Under the Convention on Biological Diversity it is recognised that this conservation must be an active process of sustainable use by farmers in their fields – in other words, farmers are the custodians of this vital source of food and ecological security and manage this on behalf of us all.

At present, the IU only covers 30 food crops. It should cover all those food crops that are important for food security - some 100 or more crops.

THE PROBLEMS

Two substantial problems arise.

First, 'Biopiracy' is rife. Intellectual Property Rights regimes create private ownership rights which remove locally adapted varieties from communal ownership and exchange, threatening future development of these varieties. Universities and corporations are claiming unjustifiable intellectual property rights on them, and industry is now seeking to extend the IPR system as far as it can to seize control of the genes contained in these varieties.

The commercial seed industry held its World Seed Congress in South Africa in May 2001 and, under pressure from the Canadian and US governments, has hardened its attitude against the IU, reneging on its support for "commercial benefit sharing" -- that is, paying back

a little of the profits it makes from the genetic resources into a system which helps conserve them.

Civil Society Organisations (CSOs) regard this as unacceptable and urge countries to stand firm in their demand that those who benefit from the commercial use of genetic resources should pay. These negotiations are meaningless if there are no tangible benefits to farmers in developing countries, who are guardians of these resources.

Second, some Latin American countries are failing to recognise the essential need for a multilateral agreement to cover the complex international composition and origin of most crop plants' genes, which know no national boundaries. These countries prefer to cling on to bilateral deals between countries despite the fact that the stronger always wins. CSOs see no benefit for the world's farmers and consumers in bilateral agreements and criticise those who are destroying the agreement for the unrealisable dream of potential national gain. The views of these countries fly in the face of nearly 10 years of international debate that has recognised the distinctive nature of these crop genetic resources requiring different, multilateral treatment because of their complex cross-boundary nature.

PRICE OF FAILURE

US pressure on the seed industry is part of a concerted attempt to stall or dilute the IU negotiations. These have come close to collapse since November 2000, with the US and its allies repeatedly trying to re-open negotiations in areas which are already agreed by a majority of countries.

If the IU is not achieved there will be serious consequences for:

- farmers' livelihoods
- conservation of agricultural biodiversity
- food security
- the future of public gene banks
- and the implementation of the 20 point Leipzig Global Plan of Action that would deliver benefits especially to developing countries for the conservation and development of plant genetic resources for food and agriculture (PGRFA) - the crop seed varieties and genetic resources which underpin global food security.

Failure would result in paralysis of the free flow of genetic resources for food and agriculture, as they become increasingly privatised and controlled by the private sector. By privatising, access and use are inhibited, which stops the free-flow of crop genetic resources that are the very basis of their evolution.

THE OPPORTUNITY

The IU will provide the mechanism for benefits to be shared with farmers. It will also keep these vital resources in the public domain -- free from privatisation and dominant commercial control. This includes the half a million samples of crops and forage species taken from farmers and already held in trust in international genebanks by the Consultative Group on International Agricultural Research centres – as well as the many hundreds of thousands of varieties in national collections and farmers fields.

The International Undertaking on plant genetic resources (IU) will be legally binding. It will be governed under the auspices of the Food and Agriculture Organization (FAO) in harmony with the Convention on Biological Diversity (CBD). All countries will have the right to participate in its governance together with Civil Society.

Furthermore, the IU has the potential to be a prime example of responsible global governance, ensuring that those genetic resources which underpin social needs are maintained in the public domain. This agricultural biodiversity is our 'life insurance' against

future adversity be it from climate change, war, industrial developments or ecosystem collapse. As these threats grow, so does the need to maintain the free-flow of seeds and thereby the agricultural biodiversity on which we will be even more dependant on in times of instability.

Thus, if agreed, the IU should:

- assure food security in the long term
- recognise the enormous contribution that farmers all over the world have made to the conservation and development of plant genetic resources for food and agriculture (PGRFA) and implement Farmers' Rights,
- ensure the continuity of their work in the future, through returning a fair share of the benefits from the commercial use of PGRFA for plant breeding and food is returned to developing countries, who provide the capital base for food security
- give traditional farmers' knowledge the same status as scientific plant breeding
- include the distinctive requirements of PGRFA in the Convention on Biological Diversity
- conserve the enormous but rapidly decreasing diversity of PGRFA developed by farmers over centuries
- keep PGRFA in the Public Domain.

OUR DEMANDS

CSOs insist governments should achieve a just, equitable and effective IU that facilitates universal access to the genetic resources essential for food and agriculture.

- We will not accept an agreement in which seeds are privatised;
- It should include all the major crops essential for food security
- The agreement should include a fair sharing of benefits from the commercial use of PGRFA and programmes for PGRFA Conservation in order to preserve the resource-base of our food
- We want greater recognition of farmers' contributions and improved benefits through, for example, reopening Article 9 on Farmers' Rights and commending the issue to the Right to Food negotiations at the UN High Commission on Human Rights

MAKE OR BREAK MEETING

From 25 to 30 June, 160 governments will be locked in final negotiations in the headquarters of the Food and Agriculture Organisation of the United Nations (FAO) in Rome, Italy. CSOs observing these proceedings will be reporting regularly on Governments' performance (see www.ukabc.org).

Failure is unacceptable and irresponsible - present and future generations will be affected by the outcome.

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For further information see:

www.rafi.org, www.grain.org, www.ukabc.org, www.evb.ch/bd/food.htm
www.greenpeace.org/~geneng/

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