

International Seed Treaty (IT PGRFA) **some reflections about priorities for the Governing Body**

As intended by architects of the Treaty, its principal outcomes should be to staunch the haemorrhage of the on-farm diversity of seeds and related agricultural biodiversity and to ensure that this diversity is freely available to future generations of farmers who defend diversity.

The Treaty recognises that this diversity has been developed in fields and gardens by farmers, gardeners, indigenous peoples and other food providers, over millennia, and that they continue to manage and develop it. Without their unrestricted participation in these activities, agricultural biodiversity, enhanced through the free exchange of seeds and other planting material between growers, communities, countries and continents that produced a myriad of varieties suited to every social, environmental and food need, will continue to be eroded.

This participation will not be achieved without international recognition of farmers' inalienable rights over agricultural biodiversity and support for their continued production of food crops in diverse environments. Achieving this should be the key task for the Governing Body of the Treaty.

The translation of farmers' inalienable rights over agricultural biodiversity to the limited interpretation, within national law, of "Farmers' Rights" – as expressed in Article 9 – should not preclude the Governing Body from deciding on actions related to other Articles that also impinge on the rights of farmers in relation to the realisation of the purposes of the Treaty: for example:

- Conservation and Sustainable Use (Articles 5 and 6);
- The proscription of monopoly privileges being granted on any farmers' varieties (Article 12.3.d);
- Sharing of benefits derived from the commercial use of seeds for food (MLS); and the
- Funding mechanism – that should primarily support on-farm conservation (Article 18).

Realisation of their inalienable rights over agricultural biodiversity will require recognition of the collective rights of farmers and other food providers and support for their activities.

These collective rights encompass a broader range of issues than simply access to and use of seeds. La Via Campesina, in 1996, articulated these eloquently at the fourth extraordinary meeting of the CGRFA (see over).

The Governing Body should, therefore, through legally-binding decisions about the implementation of several Articles in the Treaty, find ways of involving and supporting small-scale farmers and other food providers and their organisations, and promoting the diversity that is managed by them.

To do this, the Governing Body will need to find ways, including through influencing the implementation of other instruments such as those of the CBD, of recognising farmers' collective rights to, *inter alia*: agricultural biodiversity, its sustainable use and the benefits derived from this; territory and land; water; local markets; services including research; as well as rights to organise and to be decisively involved in relevant decision making processes.

It is 11 years since the agreement of the Leipzig Global Plan of Action for the conservation and sustainable use of plant genetic resources for food and agriculture. This shifted the priority of activities from *ex situ* to *in situ* and on-farm conservation and sustainable use of PGRFA as the mechanism for sustaining agricultural biodiversity related to crop plants. There was little or no progress in implementing the GPA, pending the agreement of the Treaty. Now, through addressing the issues raised above, the Governing Body could, at its second session, take decisive steps to enable this to be done... but it may not !

Patrick Mulvany
28 Oct 2007

1996 Intervention to the FAO/CGRFA by Via Campesina

VIA CAMPESINA'S CALL FOR RECOGNITION OF FARMERS' RIGHTS

Intervention of Via Campesina to the FAO Commission on Genetic Resources for Food and Agriculture, on the Revision of the International Undertaking on Plant Genetic Resources

Last June, in Leipzig, Via Campesina had the opportunity to present the proposal that *Farmers' Rights*, the Global Plan of Action, and the terms of the International Undertaking should be implemented through a broad-based consultation process with producer's organisations, peasants, indigenous people, and farmers. The fact that our declaration was incorporated in the Leipzig conference report in paragraph 30, recording our request for a permanent and flexible consultation process that will permit the participation and adequate representation of all stakeholders, is very important to us.

Now, we wish to ask you to bring about this consultation, and we restate our position that this Commission and the FAO, as representatives of the international community, should support a consultation process at national, regional and international levels that guarantees the integral participation of farmers, as the best mechanism that governments have to develop policies for implementing the Rights of their peoples.

It is appropriate now to describe the principles on which the international community should recognize *Farmers' Rights*, among which should be included:

1. Farmers' Rights have a deep historic character, have existed since humans created agriculture to serve their necessities, have remained vital through our conservation of biodiversity, and we endorse them with our constant generation of new resources and their improvement. We are the guardians of these genetic resources, which support the evolution of species. We are the inheritors of the skills and knowledge of the generations that have created this biological wealth, and for this we only ask that you recognize our Rights.
2. *Farmers' Rights* include the right over resources and associated knowledge, united indivisibly, and mean the acceptance of traditional knowledge, respect for cultures and recognition that these are the basis of the creation of knowledge.
3. The right to control, the right to decide the future of genetic resources, the rights to define the legal framework of property rights of these resources.
4. *Farmers' Rights* are of an eminently collective nature and for this reason should be recognized in a different framework from that of private property.
5. These rights should have a national application, and the Undertaking should promote legislation to this effect, respecting the sovereignty of each country, to establish local laws based on these principles.
6. Rights to the means to conserve biodiversity and achieve food security, such as territorial rights, right to land, right to water and air.
7. The right to participate in the definition, elaboration, and execution of policies and programmes linked to genetic resources.
8. The right to appropriate technology as well as participation in the design and management of research programmes.
9. The right to define the control and handling of benefits derived from the use, conservation and management of these resources.
10. The right to use, choose, store and freely exchange genetic resources.
11. The right to develop models of sustainable agriculture that protect biodiversity and to influence the policies that support it.

Via Campesina rejects intellectual property rights and the patenting of any form of life or of knowledge associated with these genetic resources because it is a threat to biodiversity and results in the legalization of the expropriation of knowledge and resources by industrial companies and transnational corporations. The fact that 95% of food-related patents are concentrated in only 7 countries and a few companies serves as sufficient example. We want to alert our governments to the danger that the monopolization of knowledge by a few transnationals threatens the future of humanity.

Food security is now one of the great concerns of humanity. Eliminating the hunger of 800 million poor people in the world is a task intimately linked to the work of this Commission. Food security is only possible if there is sufficient support for agricultural biodiversity, whose conservation and sustainable use we farmers have achieved through generations of implementing *Farmers' Rights*. Now, ladies and gentlemen, all that remains is to recognize them.

Thank You.

FAO, Rome, December 10, 1996