

Video message from the 17th of April for the seed action days.

UN Special Rapporteur on the Right to Food speaks about the measures which ensure the monopoly of big seed companies.

Good evening.

First of all I wish to thank the European Civic Forum for its initiative in informing the European public on the issue of agro-biodiversity and seed legislation. Thank you for giving me the opportunity to address you tonight, with my excuses of course, for not being able to be physically present among you.

As UN Special Rapporteur on the Right to Food, I have worked on the issue of seed policies and the relation between access to seeds and the right to food, focusing my work on developing countries. I would like to summarize the results of my work as follows: For the vast majority of small farmers in developing countries, access to seeds depends on farmers' seed systems in which farmers reuse the seeds from their previous harvest, exchange these seeds, and are thus only dependent on locally available seeds. These seeds are very often uniquely well adapted to specific agroecological contexts. We call these traditional or landrace varieties. In developed countries, however, since the beginning of the twentieth century, since the 1920s or 1930s, the preparation of seeds and plant improvement have been professionalized and separated from the work of farmers. We have seen the emergence of specialised companies which today are increasingly concentrated and which impose on the seed market commercial genetically uniform varieties. These are seeds which can be registered in official catalogues.

We therefore have two systems existing side by side: On the one hand, farmers in developing countries depend mainly on traditional seeds from local varieties which are not genetically uniform but which are in constant transformation. And on the other hand there are the commercial seed varieties which are those most used in developed countries nowadays. What we can see today is that the first system is increasingly threatened by the growing dominance of commercial seeds. This is caused by several factors. First of all the way governments help farmers by providing them with fertilizers, pesticides and also seeds to help them produce. The seeds they provide are commercial and genetically uniform. There is also the phenomenon that a lot of countries adopt seed catalogues and regulations on seeds which prevent traditional and farmers' varieties from being exchanged for the benefit of farmers. So today we have a situation in which the commercial seed system is in the process of imposing itself, at the expense of traditional varieties.

This is worrying for at least two reasons. First of all it reduces agro-biodiversity which is however, even more important today than in the past, because to prepare ourselves for climate shock and for nature's attacks in the future, we will need greater seed diversity. Diversity in the field is a guarantee for resilience against these increasingly numerous shocks which come more and more unpredictably, and against which we have to prepare ourselves. Agro-biodiversity is a source of resilience to these threats.

The second reason why this phenomenon is worrying, is that farmers are becoming more and more dependant on the commercial seeds that are being sold to them, which are in the hands of an increasingly limited number of big seed companies. This can be a problem especially for small farmers who have limited access to loans, who can not afford to invest a lot in order to produce. They can not afford to become over-indebted because sometimes, if the worst comes to the worst, they are forced to mortgage their land, and they lose their land, if they are incapable of facing up to this over-indebtedness.

An important struggle of the European Civic Forum involves the free trade agreements the EU and

other developed countries negotiate with their trading partners. I have observed that several of these free trade agreements contain clauses relating to intellectual property rights which sometimes ask countries to reinforce their legislation on the intellectual protection of plant varieties. In these FTAs countries can, for example, be obliged to adopt legislation which conforms to the requirements of the International Union for the Protection of New Varieties of Plants, the UPOV convention, which has been revised several times since it was adopted initially in 1961. In its most recent version it imposes very strong protection for holders of new plant varieties. The 1991 version is extremely strict. We should stress that developing countries that negotiate these FTAs are much less capable of resisting to these requirements in the bilateral relations which they have with developed countries than they are capable of resisting to such requirements in the framework of the WTO.

The agreement on intellectual property rights linked to trade, the TRIPS agreement in the context of the WTO, contains Article 27 which refers to this question and which in fact leaves WTO member countries a reasonable degree of flexibility, greater in any case than that given by the UPOV convention of 1991. It is therefore paradoxical that in these FTAs supplementary requirements are imposed on these countries, which require them to give up the flexibility that they have in the framework of the WTO. This is often at the expense of the possibility for their own farmers to save and exchange seeds of local varieties; thereby preparing the ground for an extension of the distribution of commercial varieties in these countries.

This is not necessarily in the long term interests of their populations and it is certainly not, even in the short terms, in the interest of farmers in these countries. It is crucial that we do not tolerate a situation in which the distribution of commercial seeds occurs at the expense of the prosperity of traditional and farmers' varieties. In this governments have a responsibility.

They have to fight, I believe, against the excessive concentrations of power in the seed market. Today 67% of the commercial seed market is dominated by ten companies. Competition rules need to be used in order to counter the excessive economic concentration in this field. Secondly, more money needs to be invested in public research, to ensure that neglected crops like sorghum, millet, sweet potato become the subject of research and that this research is not solely dictated by the needs of the private sector and by the dominant seed companies' interest in developing varieties only for the wealthiest farmers of rich countries.

Thirdly and most important of all, it is vital to preserve the possibility for traditional and farmers' varieties to develop and to prosper. For this governments must support the setting up of seed exchange fairs and seed banks allowing farmers to have access to these traditional varieties. Legislation concerning seed catalogues needs to be more tolerant and open towards these traditional varieties, more flexible regarding the requirements which they impose.

The International Treaty on Phytogenetic Resources for Food and Agriculture, adopted at the initiative of the FAO in 2001, which came into force in 2004, contains an article on the rights of farmers, Article 9, which guarantees the right of farmers to harvest seeds of their own produce, and also to exchange these seeds. These farmers' rights absolutely need to be preserved. I insist that countries, including those in the EU, which are member countries of this system established by the International Treaty on Phytogenetic Resources for Food and Agriculture respect their commitment to promote farmers' rights through the support they give to the development of traditional and farmers' varieties.

It is crucial for reasons which concern not only farmers but which concern all of us who depend on agro-biodiversity for the future of our food supply.

I thank you and I wish you success during these two days of discussions.