



# The collective rights of peasants in the global governance of seeds

La Via Campesina: The Construction of Common Content about Peasant Seeds







## **The Collective Rights of Peasants in the Global Governance of Seeds**

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Training Module No. 5

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# La Via Campesina: The Construction of Common Content about Peasant Seeds

*“Our political goal is to achieve Food Sovereignty, whose goal is to strengthen and rebuild local food systems and articulate a new model of economic and social relations based on dignity, solidarity, and ethics.”*

- LVC, Derio, Action Plan / Strategic Lines 2017-2020

## Introduction

Each organization, region, and process within La Via Campesina has the permanent task of sowing, protecting and harvesting Food Sovereignty. Regarding this, we must be capable of fighting transnational capital in all its manifestations, defending our ancestral knowledge and Mother Earth that sustains it, and sowing sovereignty in each of our territories. That is how the reality that the peoples live requires and how we have committed ourselves within our movement.

As an integral part of this fight, since 2003 we have been strengthening our **“Global Campaign for Peasant Seeds, the patrimony of the peoples at the service of humanity.”**

Various organizations of La Via Campesina carry out activities related to the recovery of peasant seed systems. These include political campaigns against threats from the seed industry and the criminalization of peasant seed producers; the defense of peasant seed systems; activities against national and international laws that allow and promote the privatization of seeds. Above all, there is a lot of work with the same seeds, a task in which women are important protagonists: especially in rescuing local varieties and knowledge about them; as well as its revaluation, conservation, reproduction, selection, crossing, multiplication, exchange, distribution through peasant organizations. Within our communities, there is a huge variety of peasant seeds in danger of extinction, as well as a strong need for native seeds in enough quantity and quality to supply peasant and indigenous families and our societies.

In the course of our global campaign of Peasant Seeds, we have found a great amount of experience and knowledge -both political and practical- in the defense of peasant seeds and the rights of peoples to rescue, save, multiply, and put them at the service of humanity.

In many cases, this accumulation is reflected in the production of deep reflections of their own –peasants and indigenous people– about our realities, the common enemies, and the strategies to be developed. At this point of the process, we see that our movement has produced a beautiful and rich diversity of content that synthesizes our perspective on seeds by the time we are giving higher priority to training –politically and technically– to accompany the different processes of social transformation around the world. Without ever neglecting the study of other sources, forming ourselves from our perspective, from our struggle, is a strategic task that we are assuming within the movement, thanks to our organizations, in the struggle for peasant seeds, we have all the conditions to do so.

## **Common Contents & Virtual Shigra**

Within the framework of the celebration of the 25 years of struggle for Food Sovereignty, we share this training material on the construction of common content for study, reflection, and mobilization, as part of the Global Campaign of Peasant Seeds that we assume as LVC. It seeks to strengthen the fight for Peasant Seeds as the heart of Food Sovereignty, but it is also a legitimate right for the peoples guaranteed in Article 19 of the United Nations Declaration on the Rights of Peasants and Other People who Work in Rural Areas (UNDROP), approved in 2018.

These “Common Contents”, plus a “Virtual Shigra”, will be organized by modules. Each module will have content developed by LVC, partner organizations, and publishers that we consider important for the study. The contents will be distributed in three levels – Basic, Intermediate, and Superior – each one with the minimum references that the facilitator can use for the training processes, with degrees of complexity that increase according to the goals.

The modules are

- Food Sovereignty from Peasant Seeds;
- Global campaign for Peasant Seeds, the patrimony of the peoples at the service of humanity;
- Seeds in peasant and indigenous culture;
- History of domestication and diversification of seeds;
- **The collective rights of peasants in the global governance of seeds.**

*Shigra*: Word in the Quechua language that means “net-stitched bag”. For ancestry, the Andean peoples have used the shigra to carry or store food, plants, and seeds, among others.

*La Via Campesina: The Construction of Common Content about Peasant Seeds*

# The Collective Rights of Peasants in The Global Governance of Seeds



## Training Module No. 5

### **Module goal:**

Get to know the situation and the state of the international legal tools that peasants and rural towns have for the defense and protection of peasant seeds.

### **Target audience:**

Training facilitators and militants from the countryside and the city who are in the process of training hand in hand with the peasant movement in their territories, towns, communities, and neighborhoods, among others.

### **Suggested Methodology:**

Collective or individual reading, with subsequent debate to deepen the understanding of the topic. Carry it out within the framework of training processes within an organizational context.



# The ITPGRFA and its relationship with the right to peasant seeds



The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) is the only binding treaty in global multilateral governance that recognizes the collective rights of farmers to their seeds. This recognition is the result of a long struggle by a handful of NGOs, then by La Via Campesina (LVC) since its birth in 1993, throughout the negotiations that preceded its adoption by the FAO in November 2001. Thanks to the work of LVC and its allies, these rights were enshrined in 2018 in the “United Nations Declaration on the Rights of Peasants and Other Rural Workers” (UNDROP). These texts are firm political commitments that regions and national organizations can use as a basis for the implementation of peasants’ rights in each country.

The Treaty is the result of a compromise assumed from the balance of power and world views of the last century: free access

for industry to seeds harvested from the fields of all farmers in the world in exchange for promises of benefit sharing and respect for farmers’ rights. However, the industry has never shared anything and is pressuring governments to pass laws that violate farmers’ rights. To reinforce its hegemony and overcome the strong resistance of farmers in developing countries, the industry is now deploying new tools. Genetic pollution, new biotechnologies, dematerialization of genetic information, and big data allow it to patent everything that lives on the Earth. Meanwhile, global free trade allows pathogens to spread from one continent to another, and climate change and wars destroy everything beyond their control. The scientific, legal, and political concepts of the past century, on which the Treaty and the strategies of social movements are based, have become obsolete in the face of this new industrial offensive. It is time to reconsider them.

## **The Treaty: An Unbalanced and Unstable Commitment**

Industrial seeds are all the result of the adaptation of peasant seeds to the industrial technological package (chemical fertilizers, pesticides, robotization). The global governance of seeds was created to preserve farmers' seeds and at the same time eliminate them from the fields, where they are replaced by industrial seeds. Initially described as the "common heritage of mankind" to justify their collection, seeds selected and preserved in their fields by farmers around the world were stored in gene banks where they became freely accessible "phytogenetic resources" for research and selection. At the same time, industrial property rights and seed laws have prohibited farmers from continuing to use them. The common heritage of peasants has, thus, become the exclusive heritage of researchers, most of whom work for the industry.

However, as early as 1983, the International Undertaking on Plant Genetic Resources adopted by the FAO recognized that seeds are not a fossil fuel resource, and placed their in situ preservation at the forefront of its priorities. Farmers' and civil society organizations then reminded everyone that it is farmers who save seeds in situ and that they can only do so with their collective rights to save, use, exchange, and sell them.

In 1992, the Convention on Bio Diversity (CBD) put an end to the common heritage of humanity as a response to the claims of developing countries, which despite possessing most of the world's biological diversity, saw that the benefits derived from its use are monopolized by the patents of a handful of rich countries. It ended the "common heritage of humanity" by restoring sovereignty over genetic resources to States and making access to these resources conditional on prior informed consent and the benefits derived from their use are shared.

In 2001, ten years before the Nagoya Protocol was adopted by the CBD, the Treaty restored the "common ownership" of seed corporations. It did so by replacing bilateral prior consent and benefit-sharing agreements with a Multilateral System of Facilitated Access and Benefit Sharing. In exchange, the developing countries were promised future financial contributions to a Benefit-Sharing Fund of which they would be the main beneficiaries and the recognition of Farmers' Rights. For those countries, where farmers' seeds produce most of the food available locally, farmers' rights are primarily a matter of food security, unlike rich countries where food is produced from industrial seed cultivation.

Nonetheless, this commitment is unbalanced. If facilitating access to resources is an obligation, benefit sharing is simply a false promise because nothing prevents the industry from claiming it has not used resources of the Multilateral System of Facilitated Access and Benefit Sharing (MLS) but instead from its collections. Likewise, the implementation of farmers' rights is the responsibility of States "subject to the provisions of national law and as appropriate", which prevents them from relying on the Treaty to reject the demands of free trade agreements that impose laws on seeds that are contrary to the rights of farmers.



## Ten years of promotion with the Governing Body of the Treaty

Since the entry into force of the 2004 Treaty, the LVC has participated in its work as observers from civil society, as well as NGOs, the seed industry, seed banks from Consultative Group on International Agricultural Research (CGIAR) and non-member countries. Every two years, the meetings of the Governing Body (GB) provide an opportunity to convene its Working Group on Agricultural Biodiversity on Seeds, since 2017, its International Planning Committee for Food Sovereignty (IPC) partners. LVC is the world's leading peasant organization and the only one involved in the Treaty debates. In coordination with NGOs, its proposals have the support of many developing countries and are increasingly influential in the discussions. Below we share the main concerns and demands that the peasant movement has regarding its implementation:



### 1. The Treaty must choose between intellectual property rights and farmers' rights

At the opening ceremony of the GB2 in 2007 in Rome, LVC denounced IPRs, variety standardization laws, and seed certification, which go against the implementation of Article 9 of the Treaty, penalize farmers' rights and are responsible for a loss of crop diversity that FAO estimates at 75% over the past century.

### 2. For an equitable and effective distribution of benefits

In GB3 in Tunisia, LVC denounced the illusion of benefit sharing based on the promise of greater benefit sharing when accessing seeds provided by the MLS. Noting the powerlessness of the Treaty itself to force companies to contribute to the Benefit-Sharing Fund, LVC supported Norway's initiative to pay a percentage of the volume of seed sales in its territory to the Benefit-sharing Fund each year. They also asked each member country to do the same by levying a tax on the sale of any seed that was not reproducible by farmers. These F1 hybrid seeds, sterile and/or covered by intellectual property rights, hinder the realization of farmers' rights and are the main factor in the erosion of crop diversity. Freely reproducible seeds allow farmers to select new genetic traits and enrich the diversity of the resources they conserve each time they replant part of their harvest. In this way, they allow a non-monetary distribution of biodiversity benefits.

### 3. Reject the contamination of peasant seeds by patented GMOs

The disappearance of peasant seed systems which is happening in almost all rich countries is, fortunately, less significant in other countries. Seventy-five percent of the food available on the planet is produced by peasant seed-based food crop agriculture. This peasant agriculture is particularly efficient since it uses one-fourth of all cultivated land or water resources,

whereas industrial agriculture monopolizes the remaining three-fourth, whilst only being able to produce a quarter of the food. Peasant agriculture is also very cheap in fossil energy (chemical fertilizers and pesticides, mechanization, transportation), and it is free of large livestock farms that pollute and heat the planet, as well as it creates many peasant jobs. It is still very present in developing countries, which are rich in available labor and poor in fossil energy.

To fight against this peasant resistance, multinational seed companies are organizing the contamination of all plant genetic resources and all fields with their patented GMOs. Many US farmers, whose fields have been contaminated, have been criminalized for using a patented Monsanto gene without their authorization, even though they had not bought any seeds from Monsanto.

The mobilization of farmers and civil society worldwide has forced governments to react. The Cartagena Protocol, which came into force in 2003 under the Convention on Biological Diversity, allows states to reject GMOs on their territory and, thus, protect their farmers and resources from such contamination. Since then, industrial propaganda supported by rich countries and corruption has invaded all global governance forums to promote “new bio-technologies” in order to escape GMO regulations. LVC, some NGOs, and many developing countries are opposed to this but do not have the same means at their disposal. National mobilization, country by country, remains essential to convince governments not to doubt the Cartagena Protocol.



#### 4. A multilateral system at the service of peasants is needed



During the GB4 in Bali in 2011, LVC gathered a strong delegation to propose to the Treaty the conditions for a healthy collaboration with the granaries or seed houses of peasants and other seed systems of the local communities. This is work that had already been being carried out in all regions of the world, under its campaign “Seeds, heritage of the people in the service of humanity.”

Farmers like to share their seeds. However, they cannot give them to the MLS without a guarantee that they will not later be confiscated by IPRs. **The LVC hopes that the Treaty will prohibit intellectual property rights that limit farmers’ rights to use MLS seeds.**

Traditionally, farmers renew the diversity of their seed stock by regularly exchanging a few seeds with their neighbors or with farmers in nearby regions. With the acceleration of climate change, more and more seeds are needed from farmers in more distant regions.

However, access to MLS seed is reserved for industrial research and off-farm breeding. LVC demands the right of farmers to access MLS (Multilateral System of Facilitated Access and Benefit Sharing) **seed and to grow and develop it in their fields, as well as the right of small seed companies to multiply it and make it available to farmers in the market.**

## **5. Developing countries reject rich countries' attempts to perpetuate the circumvention of benefit sharing and farmers' rights.**

The MLS covers only 64 agricultural species listed in its Annex 1 or 80% of food crops. In the case of soybeans, tomato, quinoa, and other species not included in the MLS, any company wishing to access a sample of a plant genetic resource must first obtain the consent of the country of origin and sign a bilateral benefit-sharing agreement. Companies circumvent this obligation by not declaring which resources they have used. However, the Nagoya Protocol, which entered into force in 2014, threatens to prevent such circumvention by committing ratifying countries to verify that any new product marketed in their territory has complied with these obligations.

Since the opening of the GB5 meeting in Oman in 2013, rich countries have demanded that the MLS be extended to all cultivated species so that their companies can escape these new limitations. Led by Ecuador, developing countries rejected this request, noting that after 9 years of the Treaty being operational, no company had made any contribution to the Benefit-sharing Fund. LVC and the NGOs recalled that no progress had been made in the realization of Farmers' Rights and called that the Treaty should: **1) put pressure on UPOV, WIPO, and other international agreements to bring their obligations in line with Article 9 of the Farmers' Rights Treaty; and 2) develop operational guidelines for the implementation of Farmers' Rights based on an inventory of best national laws and initiatives.**

Given the strength of this common front, the W\GB5 made opening discussions on the extension of Annex 1 conditional upon prior improvement in the functioning of benefit sharing and the commitment of the Treaty to the realization of Farmers' Rights. They also decided to set up a working group to make proposals for "improving the functioning of the MLS" open to observers from stakeholders (industry, LVC, NGOs, CGIAR) and to call upon Union for the Protection of New Varieties of Plants (UPOV) and World Intellectual Property Organization (WIPO).

After six years of discussions, the industry promised a few crumbs on the condition that it could stop these payments as soon as it got the extension in Annex 1. Developing countries demanded a more serious proposal and put on the agenda the LVC proposal **to make access to MLS seed conditional on the prohibition of the recipient claiming an IPR that could limit the rights of farmers to save, use, exchange, and sell the seed.** Today, the Treaty only prohibits IPRs that limit access to breeding and research. The industry has been quick to seek to override any effective prohibition by conditioning it *"as appropriate and subject to national law."*



## 6. Open access to dematerialized genetic information threatens the survival of the Treaty

In the first ten years of the 21st century, the cost of gene sequencing was divided by 100,000, the time that it took decreased from several years to a few days, and the computational capacity of computer tools (“artificial intelligence” algorithms) increased exponentially. The dematerialization of digital databases of genetic sequences and phenotypic traits allows the identification of plants carrying genetic information that may be of agronomic or industrial interest without the need to access the physical seeds. Genetic information shows the link between the genetic data obtained from the sequencing of plant genetic resources and the traits of interest, the identification of which is based mainly on farmer knowledge. New cultivation techniques allow the manipulation of a plant’s genes to introduce a new hereditary trait, without being able to distinguish the resulting genetic modification from a “native” modification resulting from a natural mutation or cross. On the other hand, the manipulated plant is easily distinguished from all “native” plants, or plants resulting from traditional breeding and crossing. Modern biotechnologies applied to plant cells multiplied in vitro cause hundreds of other identifiable genetic modifications when investigated. However, this is never acknowledged by the industry, which acts as if these modifications do not exist.

Multinational seed companies have computer tools powerful enough to (1) process vast amounts of data, (2) identify new patentable genetic information, and (3) program genetic manipulations to obtain new seeds without the need to touch any physical plant or seed. All of this can be done in a very short amount of time. The next step is to search the genetic sequence databases for plants suitable for programmed genetic manipulation. If nobody can prove that the genetic information, thus, obtained has already been officially made public (another patent, scientific publication, commercial information, etc.), it is patentable. This patent then allows those companies to claim

a property right not only on all plants resulting from the claimed genetic manipulation but also on all plants that are native or the result of traditional breeding and crossing and carry the genetic information described in the patent, without being able to distinguish it from “native” genetic information. Thus, with their patents, the multinationals can appropriate all existing cultivated plants without the need to even access a physical sample, just as soon as they have dematerialized the information on their genetic sequences and the peasant knowledge of characteristics of interest. The same applies to farm animals.



Climate change is increasingly forcing both farmers who have lost their parents’ seeds and traditional small seed companies to resort to the MLS in order to enrich their new selections without using the genetically manipulated seeds available on the market. At the same time, the multinationals are declaring that they no longer need it and are signing their death warrant by patenting the genes of all the plant genetic resources it contains.

## 7. **Divseek: the Secretary of the Treaty loses his position for having collaborated in the organization of biopiracy**

In July 2014, on the tenth anniversary of the Treaty's entry into force, the Secretary of the Treaty announced that he had initiated close collaboration with the Divseek initiative, which aims to "develop standardized data formats, associated repositories, and analytical tools that can link large-scale sequencing and phenotyping data to accessions of genetic material in the public domain, including those in the Multilateral System." LVC immediately denounced this planned biopiracy, which violates farmers' rights to the protection of their knowledge, and announced the privatization of the MLS through industrial patents, and they also denounced it again before the GB6 in 2015 in Rome. Shortly thereafter, the Secretary resigned and the Treaty ended its involvement in Divseek.

## 8. **Farmers' Rights, ITPGRFA, and UPOV**

The GB6 was also characterized by bitter confrontation over Farmers' Rights, which pitted all developing countries against the Canada. Despite its isolation, the Canada managed to block any conclusion. Indonesia announced its willingness to organize a consultation on this issue and increased support for the Treaty. At the consultation held in Bali in October 2016, LVC rejected the usual principle of consensus conclusions, which amounts to giving UPOV, industry, and the rich countries that support it a right of veto. Thus, the conclusions presented at the GB7 meeting in Kigali in 2017 reflected most of the demands made by the LVC and its NGO partners.

At the end of October 2017, UPOV organized the first exchange with the Treaty Secretariat to focus on farmers' rights. Some NGOs are working to lock in their recognition of non-commercial uses of seeds (small-scale food farming, hobby gardening), while LVC rejects any extension of breeder's rights to seeds kept on the farm. Only 62 countries have ratified the 1991 convention, which denies farmers the right to freely use their farm-saved seed, while a quarter of its members have ratified the 1978 convention, which does not undermine that right.

## 9. **Dematerialization, new biotechnologies, and farmers' rights at the center of international discussions**

Prior to GB7 in Kigali, IPC organized two workshops on farmers' rights. It mobilized a large delegation and provided government delegations with written proposals for each GB7 agenda item. This initiative was greatly appreciated. Rich countries tried to get Annex 1 expanded as part of a plan that still allowed the industry to avoid its benefit-sharing obligations. The developing countries, led by Namibia and the African Group, once again rejected this proposal and set a condition of prior resolution of the issues raised by dematerialization and failure to respect farmers' rights. LVC denounced the double language of the rich countries who claimed, on one hand, that access to dematerialized genetic information should not be subject to the same benefit-sharing obligations as access to physical resources while, on the other hand, the scope of their patents on the same dematerialized genetic information extends to the physical seeds that naturally contain it.



The GB7 decided to establish an expert group on farmers' rights, in which three representatives of farmers were appointed, including an African member of LVC. They also supported three regional consultations organized by the ICC to prepare proposals for the next WG. The first consultation took place in the spring of 2018 in South America, and was followed by the other two in July 2018 in Indonesia and then, in Mali.

It then asked the secretariat to prepare a report on dematerialization in relation to other international bodies dealing with this issue:

- the Organization for Economic Cooperation and Development (OECD) organized a conference in June 2018 on new genetic modification techniques ("genome editing") where industry took the lead in calling for deregulation of GMOs obtained through these techniques.
- in July 2018, legal action initiated in 2015 by the Confédération Paysanne and allied NGOs led the European Court of Justice to confirm that all organisms obtained through new techniques of genetic modification are GMOs subject to obligations of prior assessment, authorization, labeling, and traceability. The European Commission has not yet implemented this decision and is preparing a report to be finished by the end of April 2021 in order to circumvent it. In early 2020, France's highest court ordered the government to implement the decision. Nonetheless, regarding pressure from industry and the European Commission, the government has not yet done so.
- The CBD and the Nagoya and Cartagena Protocols met in Sharm El Sheick (Egypt) in November 2018, but postponed the following until their next meeting: any decisions on the status of living genetically modified or non-genetically modified organisms obtained through new techniques of genetic modification, a decision on a moratorium on "genetic unity" and a decision on the status of "digital sequence information" (DSI) with respect to CBD obligations. The next meeting, originally due to take place in China at the end of 2020, has been postponed due to Covid19.
- The FAO Commission on Genetic Resources met in February 2019 but did not address the ISD issue, and postponed the discussion until its next meeting in 2021, as it was felt that it should first be considered by the CBD.

The GB8 meeting in Rome in November 2019 was completely paralyzed by a handful of rich countries led primarily by the US, Canada, Australia, and Japan, with quiet influence from the European Union. Driven by industry, these countries believe that ISDs are not genetic resources and refuse to fulfill their obligations to share the benefits derived from their use. Negotiations on the funding of the Benefit Sharing Fund have stalled. The strong mobilization of the IPC, LVC, its allies, and many developing countries allowed the renewal of the Expert Group on Farmers' Rights with greater participation of farmers so that it could finalize its report for submission to the next GB. Alimata Traoré and Tanmay Joshi of LVC Mali and India are fighting with our allies to challenge the arrogant industrial and rich countries, that want to reduce this report to a few fancy technical proposals and reject any actual legal proposals.



Clearly, the industry's strategy is to interfere in all multilateral meetings to buy time. In this way, it hopes to take control of all existing biodiversity with its patents on ISD and new GMOs before any governmental decision can stop it. The multiplication of electronic meetings in which it is very difficult for peasants to participate and the postponement of all major post-COVID-19 conferences make this task much easier.

# What strategies are is needed to protect the right of farmers to their seed?



La Via Campesina has decided to follow and make its voice heard in all these forums, as well as in UPOV, which is gradually replacing phenotypic variety identification characteristics with dematerialized molecular characteristics, and where many voices calling to eliminate or reduce the breeding exemption. Thus, plant breeders' rights become as bad as patents by imposing the same restrictions without making the genetic modification processes used public.

These changes in industrial strategies challenge both existing international conventions and old civil society strategies:

1• The foundations of the CBD and the ITPGRFA, namely prior informed consent and benefit sharing, are being challenged by the deregulation of access to genetic resources. Regardless of future policy decisions, no regulation can prevent free access to genetic information or genetic resources once they are dematerialized. This information is already widely available on the Internet and registered in industry databases, which is a violation of the CBD, the ITPGRFA, and all attempts to legally protect personal data. The CBD also questions the need for a multilateral benefit-sharing mechanism. But the industry will only pay its debt under duress. As LVC points out, only states can take part in its benefits directly: Will they do so?

2• The deregulation of new GMOs, already decided in the US, makes them invisible and facilitates the extension of patent protection for them to "native" seeds and animals. Strict regulation of all GMOs, new and old, is an indispensable first step in opposing not only the biological, environmental, and health damage they can cause but also the illegitimate extension of the scope of patents.

3. Industry no longer needs to standardize varieties to guarantee its industrial property rights and market monopoly, it is enough to simply patent genetic information. This standardization has become an obstacle for industry because stabilizing plants created through new GMO techniques is a long and difficult process. For this reason, it:

- no longer wants to base regulations on the homogeneity of varieties and the techniques and procedures used to obtain them (GMO or not), but only on the claimed characteristics of plant or animal products, be they varieties, breeds, or “heterogeneous material”. This means that it doesn’t matter what procedure was used to obtain them;
- rejects the right of farmers to sell their own seeds (characterized by the specific process of improving farmers’ seed systems) and replaces it with the characterization and legal recognition of traditional “from the peasants” varieties whose seeds can only be produced and sold;
- wants to generalize the US “free market” seed system to the whole planet, thus allowing its patents and new VOCs to control whatever is in its best interests, thanks to genetic contamination and new GMO techniques. At the same time world trade, the pathogens it spreads from one continent to another, climate change, and wars destroy everything that is out of its control;
- is appropriating terms and concepts that were used against them. Official registers of standardized or “heterogeneous” varieties, “open source” varieties, publications of community registers, and funding of farmers’ seed research are increasingly being used to gather farmers’ genetic data and knowledge about new patentable climate change adaptation traits that are not emerging in their laboratories or computer algorithms, only in the field. The slogans “free seeds” or “open source” used to be used against the monopoly of the industry. However they are becoming their allies in order to justify accessing this patentable data and use it against the right of peasants to use their own seeds.

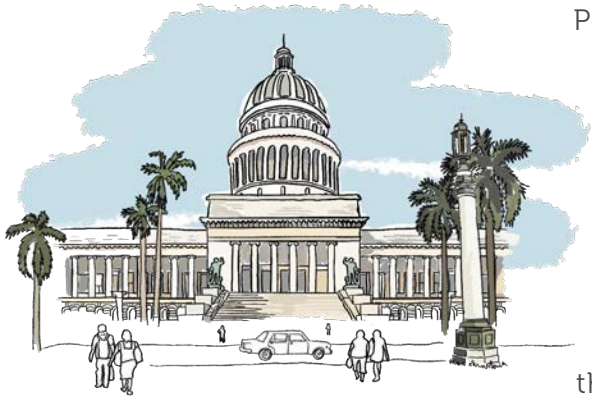
4. The need for the industry to have access to innovations in farmers’ seed systems may in some countries offer opportunities to legalize their development, under the guise of “on-farm conservation”, and/or to access research funding or the Treaty’s benefit-sharing fund, provided only that they are sufficiently watertight to protect them from the confiscation of farmers’ knowledge, biopiracy, the sirens of new GMO techniques and genetic contamination. It is better to lose funding than to lose our seeds, our knowledge, and our rights.

5. The only way to prevent the appropriation of all agricultural diversity and to stop the food chain from falling into the hands of a handful of transnational corporations is to guarantee the primacy of farmers’ rights - to save, use, exchange, and sell their own seeds and protect their knowledge - over the rights of plant breeders and patent holders. The right of people to decide what they need to guarantee food sovereignty needs to come before the needs of the seed trade. Farmers’ knowledge must be protected, starting with the knowledge contained in community records, and its controlled exchange within and between farmers’ communities, must take priority over its “free” public dissemination, which makes it accessible to biotechnology multinationals.

6. Safeguarding farmers’ seeds, developing farmers’ new selections, passing down knowledge and techniques from peasant to peasant, and struggling against the transnational companies wanting to destroy peasant communities are all vital conditions in order to have Food Sovereignty.



# The path to implementing and promoting UNDROP and the right to seeds



While true, the United Nations Declaration on the Rights of Peasants and Other Rural Workers (UNDROP) is not a legally binding document. For the global peasant movement, the Declaration represents a great advance for the recognition of the individual and collective rights of every person and people who work and live from their relationship with the land. This document, approved in 2018, is the result of a collective process undertaken and directed by the peasant movement itself, which has managed to influence the highest levels of international law.



In the Article 19, the Declaration develops all the elements that make up the peasant right to seeds. These are eight paragraphs that stipulate the rights of peasants to care for, maintain and develop their own seeds and traditional knowledge. Likewise, it obliges States to respect and makes effective this right, also providing them with quality seeds, in adequate and accessible quantities.

States also have the duty to support and promote peasant seed systems and agrobiodiversity; as well as establish measures so that research, certification policies, and related regulations take into account and adjust the needs of peasant farmers.

# Coping with the post-COVID-19 context



The instrumentalization of COVID-19 by those who control the dematerialized communication networks to confine social movements, destroy the instruments of multilateralism and entrust all powers to the greats of the digital economy; greatly weakens our ability to act in the forums of global governance. But mouths do not feed on dematerialized whistles. COVID-19 has revealed the fragility of the industrial food chain and has brought peasants closer to populations that suddenly realize in many countries that there are only agroecological and peasant seeds left to feed them when supermarkets are stocked with industrial seed products are empty.

Our main challenge is to strengthen this alliance in each country. This will always be easier with national and international laws to protect our rights to our seeds. However, we can and must also continue to develop farmer's seeds and community agriculture without these laws when they

do not exist and against the bad laws that oppose them. Giving life to the rights of peasants today is the best way to conquer the laws that will recognize them tomorrow.

# GLOSSARY



FTA: Free Trade Agreement

CBD: Convention on Biological Diversity

CGIAR: Consultative Group on International Agricultural Research

IPC: International Planning Committee for Food Sovereignty

VOC: Certificate of Plant Breeding (Plant Breeding Patents)

IPR: Intellectual Property Rights

ECVC: European Coordination Via Campesina

FAO: Food and Agriculture Organization

GB: "Governing Body" (ITPGRFA Board)

LVC: La Via Campesina

OECD: Organization for Economic Cooperation and Development

WTO: World Trade Organization

WIPO: World Intellectual Property Organization

NGO: non-governmental organization

UN: United Nations

LDCs: Developing countries

MLS/SMEs: Multilateral System of Facilitated Access and Benefit Sharing

ITPGRFA: International Treaty on Plant Genetic Resources for Food and Agriculture

UNDROP: United Nations Declaration on Peasants Rights and Other People Working in Rural Areas

UPOV: Union for the Protection of New Varieties of Plants

# Shigra Virtual

*(complementary tools)*



## Read:


**RECOVERING THE CYCLE OF WISDOM: BEACONS OF LIGHT TOWARD THE RIGHT TO SEEDS - Guide for the Implementation of Farmers' Rights**

**NYELENI NEWSLETTER #49 - Food sovereignty and agrobiodiversity**

## Watch:

**Save Our Seeds - Part 1: What is UPOV '91?**

Note: We would like to know your experience with these modules. Which other topics would you like to explore in more depth? When you use this material in your regional, local and organizational processes, please send your reactions and comments to [communications@viacampesina.org](mailto:communications@viacampesina.org), they will be very useful.












La Via Campesina is an international movement that defends small-scale sustainable agriculture as a way to promote social justice and dignity. It brings together millions of peasants, small and medium-sized producers, landless peoples, rural youth and women, indigenous peoples, migrants and agricultural workers around the world. It strongly opposes agribusiness and multinationals that are destroying peoples and nature. LVC comprises 182 local and national organizations in 81 countries in Africa, Asia, Europe and the Americas.

For more information, visit [www.viacampesina.org](http://www.viacampesina.org) and subscribe to receive newsletters and make donations.

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