

Who will gain control over genetic resources vital for global food security?

A crucial conference of the UN Food and Agriculture Organisation body (FAO), which takes place in Spoleta, Italy between 23-28 April, aims to successfully conclude negotiations on the International Undertaking on Plant Genetic Resources for Food and Agriculture. But demands from a US-led group of countries threatens progress.

The central issue confronting the negotiators from 41 countries will be to prevent the establishment of intellectual property rights (IPRs) over plant genetic resources which are essential for production of the world's major food crops such as rice, wheat, potatoes, soya beans and maize.

Progress on negotiations towards achieving the International Undertaking which started in 1983 and now enter the final stage, threaten to founder on objections made by the United States, Canada, Australia and New Zealand.

The potential obstacle to agreement in Spoleta concerns how the International Undertaking can create a mechanism for the sharing of benefits from the commercial use of protected varieties of plants. The demands of the US-led group would give multinational corporations IPRs over basic food crops which would undermine the original intention of the International Undertaking. The majority of the G77 group of developing countries strongly oppose this approach as it would jeopardise the livelihoods of millions of small farmers in the developing world, undermine sustainable agriculture, and endanger global food security.

Danger to diversity of plants

The origin of most of our plants today is in centres of biodiversity such as Asia and South America. Thousands of plant varieties, from which our high-yield crops have been developed, are to be found in those regions.

Conservation of biodiversity is crucial to the future of the world's food supply. It provides the vital genetic resources which are a "life insurance" against future adversity including new plant diseases, ecosystem collapse, climate change effects on agriculture, and other potential problems arising from the widespread development of monoculture agriculture in industrial countries.

Agricultural biodiversity is already acutely endangered by:

- high-yield varieties which increasingly displace less profitable plants:
- multinational corporations who increasingly restrict access to genetic resources through the use of patents so that the "gene pool" is available to a limited group of seed producers and farmers;
- effective "biopiracy" by large multinational companies from the North who appropriate the genes they have "discovered" from the poor countries of the South as their exclusive "property".

The International Undertaking aims to place a ban on the creation of IPRs for genetic resources. Already 150 countries signed a voluntary agreement to prevent such a development as far back as 1983. It was first hoped that this would lead to the conclusion of a formal treaty under the

Convention on Biodiversity adopted at Rio de Janeiro in 1992. It is now hoped that a successful outcome in Spoleta will lead to the International Undertaking being finalised as a legally binding multilateral treaty at an FAO conference in November of this year.

Major issues for a successful agreement include the creation of a financial mechanism to conserve biodiversity, and that access to genetic resources should not be restricted by IPRs. To this end, a list of at least 30 genera of crops essential for food security should be established and preserved in the public domain. Traditional farmers' rights to retain their seeds for plant breeding and future cultivation must not be eliminated.

The worldwide significance of this conference has ensured that it will not remain a project for just a few experts and government representatives, as 255 civil society organisations are closely watching the outcome.

Percy Schmeiser: victim of intellectual property rights

The recent case of Percy Schmeiser, a small farmer in Saskatchewan, Canada, who was accused of illegally using Monsanto GE seed, shows the far-reaching consequences of granting IPRs on seeds. In April 2001 a court ordered him to pay several thousand dollars to Monsanto for violating its patent rights. In this scandalous decision, the court judged that it was irrelevant whether the farmer's seed had been inadvertently contaminated by pollen flow from neighbouring fields, or whether Monsanto's seed had actually been deliberately planted. Priority was given to the enforcement of IPRs.

The extension of intellectual property rights power

The extent to which corporations can now extend their IPRs from seeds to downstream processed products can be seen from a patent issued by the European Patent Office in Munich in

August 2000. Patent EP 744 888 gives Du Pont a patent not only for the "innovation" of genetically engineered maize plants but also for oils obtained from them, including the use of these oils in margarine, salad dressings and cooking oils and also in foodstuffs for pigs and poultry. The patent goes so far as to cover the harvests of all maize plants from seeds having a certain oil content. It covers all relevant varieties regardless of whether they have been made using genetic engineering or not.

The problem here is the blurring of the distinction between innovation and discovery. Du Pont did not invent such plants: they existed long before Du Pont. The seeds of certain regional varieties have an oleic acid content of over 60 per cent. DuPont however makes claim to all varieties of maize from seeds having an oleic acid content of at least 55 per cent. The patent thus applies even to regional varieties which have been grown for a long time by farmers in South American countries. There are apparently no limits placed on the food, feedstuffs, seeds and genetic resources corporations may take into their grasp.

Open letter to conference delegates

Greenpeace, together with over a 100 other organisations, has written an open letter to the Conference Delegates to prevent the conference taking this direction unnoticed by the media and the public.

Greenpeace demands:

- No patents on plant genetic resources;
- A fair division of benefits from the use of these genetic resources;
- Specific measures for preserving the genetic diversity of plants in their countries of origin.

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