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HOW PATENTS ON SEEDS THREATEN THE LIVELIHOODS OF FARMERS IN DEVELOPING COUNTRIES

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MISEREOR has been engaged in the fight against “patents on life” for years.

Back in 2002 MISEREOR together with the government of Mexico and Greenpeace successfully levelled an opposition to a patent held by DuPont on corn with a naturally increased content of oil. The patent had been awarded to DuPont in August 2000 and included planting, cultivating, harvesting and processing for food and feed purposes or industrial uses as well as marketing of all naturally bred maize plants - if their seeds contained more than 6% of oil and more than 55% of oily acids. DuPont also claimed all rights on products derived from this maize, like animal feed and oil for human consumption. This patent would have had far reaching effects for small farmers and global food security. Eventually the European Patent Office had to revoke the patent. **This was an important success also for those people in Latin America, who have cultivated, bred and maintained maize for centuries, and who would have run the risk to have to pay license fees for their very own seeds or to suffer trade restrictions.**

Why does MISEREOR fight patents on life ? Josef Sayer, director general of MISEREOR, put it this way: “Patent monopolies on seeds and animals are a threat to global food security. Farmers in developing countries lose the rights to their own seeds through such patents. Patents on seeds can also make farming more expensive and thus aggravate the global food situation. Patenting of seeds does not protect an invention, but protects the greed of international companies.”

Such patent applications clearly show what the real aim of these companies is: total control of the entire production process. Companies like Monsanto systematically claim patents on all stages of the food production process, from the seeds right up to the processing of the harvest – no matter if it concerns food, feed or even biomass for energy production.

“Patents on seeds and plants derived from conventional breeding can severely obstruct access to plant (and animal) genetic resources necessary for plant breeding and agricultural production. The spread of such patents will foster concentration, cause price increases, and create even stronger dependencies for farmers and breeders and, in the longer run, also for consumers.” (The future of seeds and food, Then & Tippe, 2009; published by Misereor, Greenpeace and others). In the US we can already observe how prices for monopolised (genetically modified) seeds are rising faster than usual. Already now increasing food prices are a problem in developing countries: the food crisis of 2008 led to price increases of more than 100%; poorer households have to spend nearly their entire income for food. Experience shows us – when resources become scarce, prices rise, no matter if maize oil is needed to make tortillas in Mexico or to produce fuel for cars.

We also actively support the findings of the IAASTD reports (International Assessment of Agricultural Knowledge, Science and Technology for Development), which call for the strengthening of local practices for increase of food security, instead of patents. We also agree with the opinion of the UN Special Rapporteur on the Right to Food, Mr. Olivier de Schutter, who says that the traditional rights of farmers to seeds exchange and seed free planting must be guaranteed and not limited through patent laws. In addition, patents on seeds and the resulting monocultures threaten desirable agro-biodiversity.

The delicate balance between the right to protect IP on one hand, and public interest for access to new

technologies is being severely disrupted. The right to food is threatened – even though the UN's International Covenant on Economic, Social and Cultural Rights, signed in 1996, obliges all parties to guarantee this right “individually and through international assistance and co-operation”. According to de Schutter this obligation also includes to prevent disproportionately high costs for access to seeds and other means of food production. Obviously signing parties do not fulfil these obligations if they allow stronger IP-rights, be it patents or patent-like plant-variety-rights like UPOV 91, to create monopolies and thus strengthen the tendency to higher prices.

What we need is the exact opposite to patents – the unrestricted access to seeds! Locally adapted varieties will also help confront the effects of climate change. Instead of patents and limitations we need more participation and inclusion of the farmers. This is why MISEREOR supports seeds projects all over the world. We support farmers' organisations in India to document and spread traditional knowledge and forms of utilization of agricultural plants and animals. In West-Africa action-orientated farmers' projects help farmers to re-learn how to grow, breed and propagate their own seeds. In the face of climate change this kind of work is more necessary than ever.

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