

# Under attack - Again:

## Farmers' rights to save, re-use, exchange and sell seeds

**A** bounty of seeds and foods form the base of our agriculture and the base of our civilization. Our seeds have been carefully selected and improved by hundreds of generations of farmers. And that careful selection and improvement relied on farmers' rights to save, re-use, and exchange seeds. Those rights are under attack again.

In 2005 the NFU and citizens across Canada successfully stopped proposed changes to Canada's seed laws that would have effectively criminalized the age-old, customary practices of farmers.

Today, behind closed doors, the federal government is negotiating the "Comprehensive Economic and Trade Agreement" (CETA) with the European Union (EU). There are several aspects of CETA that will have a severe impact on seed if the measures we are seeing in the leaked draft versions are implemented.

In the first leaked draft text that the NFU obtained in 2010 there was an EU proposal to have Canada adopt the UPOV '91 Plant Breeders Rights regime. This is what we fought successfully in 2005.

Canada's current Plant Breeders Rights (PBR) regime is based on UPOV '78 (International Union for the Protection of New Varieties of Plants Convention, 1978 framework). The UPOV '91 framework was created in 1991 but many countries, including Canada, have not adopted it.

UPOV '91 would extend plant breeders' protection and royalty periods from the current 15 years to 20 years or more, extinguish farmers' automatic right to save and re-use seed, empower seed companies to collect royalties at elevators and seed cleaners on farmer-saved seed as well as on the whole crop grown from such seed, and allow patenting of seeds protected under Plant Breeders' Rights. UPOV '91 would expand the scope and the duration of seed companies' power to demand payment from farmers – making seed much more expensive.

The NFU immediately called attention to the danger of including UPOV '91 in CETA, and the clause was taken out of the next version. However the deal is still being negotiated so UPOV '91 could be slipped in again in return for concessions from the EU on other matters.

The CETA draft text also calls for pre-emptive seizure of a farmer's property, crop and bank account if merely *suspected* of infringing on a seed patent. Once the farmer's property is seized he or she will not have the means to mount a defense in court.

We know from the Supreme Court decision in the Monsanto v. Schmeiser case that Canadian law

(over...)

### **Our seeds were created by farmers, not by Monsanto**

North American agriculture rests upon seeds developed by indigenous peoples and farmers from around the world. This original seed stock has been further developed by public institutions and universities, introduced into North American agriculture, and adapted to our growing conditions. All this happened before the ascendancy of large seed companies.

Farmers, indigenous people, government, and our public research institutions created the seeds upon which we rely. Now, transnational seed companies are trying to put restrictions on farmers in order to increase these companies' profits and to protect their rights to "their" seeds.

considers a farmer to be in violation of seed patent law regardless of how the patented seed or plant arrived on the farmer's land – whether deliberately planted, blown in by wind, or as a result of cross pollination by foraging bees. There is potential under the precautionary seizure provision for farmers to lose everything as a result of accidental contamination of a field being deemed patent infringement. In order to avoid risk, farmers may decide to simply purchase and plant patented or PBR protected seed every year and pay the royalties.

It is not only the European Union that is pushing to have Canada adopt UPOV '91, but also Canadian agribusiness corporations. The Canadian Seed Trade Association, an industry lobby group that includes companies such as Bayer, Dow, Monsanto and Cargill, calls for amending Canada's Plant Breeders Rights law to conform with UPOV '91. In January 2012 a spokesperson for Bayer Crop Science said that to attract private sector investment, Canada must strengthen its existing plant breeders rights legislation and adopt provisions contained in UPOV 91. (Western Producer Jan. 27th, 2012: *Wheat eager to partner up in research*)

The above proposed measures under the CETA negotiations, along with increased use of contracts demanded by seed companies restricting seed use, and a proliferation of gene patents, are taking away farmers' rights to save, re-use, select, and exchange seeds

This loss of farmers' rights creates grave harm to farm families. And by making it harder for public universities and research institutes to access seeds and genetic material, this takeover of our seed supply threatens to impede innovation in plant breeding—further hurting farmers and the Canadian economy as a whole.

Farmers' rights to their seeds can be protected in the long run only if we have a well-funded, public, not-for-profit plant breeding program in Canada. If we, as a nation, withdraw our resources from plant breeding, then all new seeds will be owned and controlled by global agribusiness corporations. Ultimately, those who control the seeds control most of the food we eat. Do we want to grant that kind of power to Monsanto, Bayer and Dow Chemicals?

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## **Work with us to protect YOUR RIGHT to save, re-use, exchange, and sell seeds**

The **National Farmers Union (NFU)** is fighting back on behalf of farm families and all Canadians who believe that the seeds of life are too important to be controlled by foreign transnationals.

### **You can help in four ways:**

1. *Join the NFU. Working together, farmers can retain control of their seed supply.*
2. *Donate to our work. Your donation will help finance our work on this issue.* \*\*Please note: The NFU does not have Charitable status, therefore, donations and membership fees may only be deducted on self-employed business statements/farm statements as a membership fee or as a business promotion.
3. *Help spread the word. Talk to your neighbors and pass out this information.*
4. *Help collect signatures on our petition to parliament.*

*Additional information is available by contacting the NFU.*

**For three decades, the NFU has worked to maximize farmers' access to productive and affordable new seed varieties. Please join with us to protect Canadian family farms and to create better food and agricultural policies for Canada.**

*To join, please send a cheque for \$195 (farm family membership) or \$65 (associate membership) to the address below.*



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