

# Don't patent our lives

A campaign against seed privatization in Argentina

A new threat from agro-biotech corporations looms ahead of us: the proposed amendment to the current legislation on seeds. A draft bill lobbied for by large agribusiness corporations proposes to amend the Seeds and Phytogenetic Creations Act [*Ley de Semillas y Creaciones Fitogenéticas*] (Law N° 20,247 from 1973). Its preliminary version is undergoing final review by the Executive Branch before being submitted to Congress for legislative debate.

In a context marked by the aggressive attack of neoliberalism with its impact on the production and trade of food (now transformed into a commodity) on a global scale, the expansion of agricultural extractivism, a slackening of environmental regulations and the disappearance of small farms all constitute part of a strategic corporate offensive which we hereby denounce.

The proposed amendment of the Seeds Act is part of this set of policies. In recent years different strategies aimed at patenting seeds have been attempted throughout Latin America and the Caribbean. In many cases, those initiatives, promoted by the governments of the day and transnational corporations like Monsanto, have been thwarted by social resistance.

In spite of the economic crisis and climate change, the soy-dependent economic model –a paradigm of agricultural extractivism– has continued to expand in Argentina. By devaluating the Argentine peso earlier this year, the Argentine Government allowed the agro-export complex to (once again) pocket exorbitant profits. Soybean farmers recently celebrated the fact that, for the first time in history, the area planted with GM soy surpassed 50 million acres. At the same time, agribusiness corporations and their partners speculate with profiting from further devaluation measures. These could be motivated, to a large degree, by the international financial crisis, current foreign exchange policies and inflation affecting mainly the incomes of the lower classes.

As this paradigm expands, its devastating social and environmental consequences aggravate. The so-called “economic growth” of recent years, celebrated by government and corporations alike, represents the “friendly face” of an agro-mineral export model based on sacrificing people, taking over their territories, and devastating nature. Suffice it to say that in recent years, the expansion of the agricultural frontier has led to deforesting over 6 million acres of native forests; massive agrototoxic spraying, having serious consequences for human health (including cancer and deformities), topped 300 million liters per year; soil depletion is aggravated still further as a consequence of monoculture and no-till farming with its associated technological package (including the use of glyphosate). All of this leads to the forced relocation of rural populations, which stems from the expansion of the agricultural frontier, a further eroding of local economies, the destruction of ancient cultures and uprooting of communities, forcing millions out of their hometowns and into the cities in search of new sources of income to support their families, where they swell the overcrowded and poverty-stricken slums of large cities.

In spite of such a scenario, the criticism levelled at the agro-mineral export model and evidence of its negative consequences, the national government continues to consolidate the agribusiness model, with the acquiescence of a large proportion of the opposition. Thus, the progressive implementation of the 2020 Strategic Agricultural Food and Agro Industrial Program [*Plan Estratégico Agroalimentario y Agroindustrial 2020, PEAA 2020*], designed by the Ministry of Agriculture, establishes as one of its main goals to raise grain production (mostly soybeans) to 160 million tons within 6 (six) years. This implies a dramatic increase in crop acreage from the current 84 million acres to 103 million acres. Such a dramatic expansion would only aggravate the current social and environmental consequences of a production system which is part of the set of extractivist models which are widespread in Latin America.

A number of other facts illustrate the position adopted by the Argentine government in pursuing its goal of consolidating the agribusiness model: ever since Roundup Ready soybeans were

approved for use in Argentina in 1996, the Argentine State—through the National Agricultural Biotechnology Commission, CONABIA—granted trading permits for 30 transgenic events (namely soybeans, corn and cotton) to Monsanto, Syngenta, Bayer, Dow AgroSciences, Pioneer, AgrEvo, Basf, Nidera, Novartis and Ciba-Geigy. Most strikingly, of the total transgenic events, 23 were approved between 2003 and 2014 under Nestor Kirchner and Cristina Fernandez administrations. These events were approved by simple ministerial decisions, bypassing controls, sidestepping public debate and in complete disregard of the Precautionary Principle. Furthermore, the health and environmental assessments of those transgenic events continue to be based on studies provided by the companies themselves.

Within this general context, after approving the new soybean and corn transgenic seeds developed by Monsanto, the Argentine government apparently seeks to amend the seeds act to pave the way for biotech companies to take complete control of food production and agrofood chains.

#### The draft bill proposing to amend the Seeds Act

The Argentine government and agro-biotech corporations seek to reach a common ground on the issue of seeds, patents and royalties. Thus, they have reached an agreement on a draft bill which harmonizes the expectations of the agribusiness interest groups seeking to amend the current Seeds and Phylogenetic Creations Act in order to bring it in line with international standards that regulate the protection of vegetable varieties (i.e. seeds) pursuant to the establishment of intellectual property systems.

Two intellectual property systems are in place in Argentina: (1) the protection of the property of vegetable creations via Breeders' Rights under the current Seeds act; and (2) the Patents and Utility Models system (established under Act No. 24,572). The latter expressly excludes the protection of plants. Regard must be had to the fact that Breeders' Rights also apply to any newly discovered varieties, as they do not require that a plant variety be invented. Pursuant to this system, anyone who discovers or invents a new variety can assert a claim over it without depriving farmers of the right to store part of the seeds harvested from their crops for their own use as seed.

This would radically change if the patent system proposed, almost in a concealed manner, in the draft bill amending the seeds act, is adopted. Farmers' use rights could be severely restricted, and age-old practices such as seed saving, selection, reproduction, improvement, preservation and exchange would be curtailed or, even worse, penalized. Additionally, the draft bill proposes to establish registration and control systems (allowing, for instance, the exchange of seeds only between users registered with the State), and to implement a penalization system for those who fail to meet the required standards. Furthermore, the draft bill seeks to enhance the enforcement mechanisms to facilitate the seizing of seeds, suspensions, bans, etc. It would also bar other breeders from reproducing new plant varieties.

It should be highlighted that patent policies are among the government's top priorities with regards to production, which accounts for the fact that several government agencies have been, in recent years, promoting initiatives for the appropriation and privatization of traditional practices and seeds. This is exemplified by the fact that agro-biotech corporations have developed their own joint patents in crony-style association with State agencies. Such is the case of HB4 draught-resistant soybean, a joint development by the CONICET; the Universidad Nacional del Litoral; and Bioceres, an agro-biotech corporation whose board of directors is staffed by Víctor Trucco and Gustavo Grobocopatel, who have played decisive roles in the development of the soybean-based model in Argentina. That transgenic event, which has been declared by the Argentine Senate to be of strategic importance and which is scheduled to be launched in 2015, will be an intellectual property business in which the patent holders will receive joint royalties.

Given these scenarios, it should be remembered that, ever since the emergence of agriculture 10,000 years ago, farmers have reproduced their own seeds and, in some cases, have tended

to try new forms of genetic improvement by cross-breeding different seeds of the same species. This has given rise to the widespread world wide agreement that the farmers' potential, and thus, their existence as such, should be defended. Indeed, proposals have been launched to recognize a prerogative for farmers to reproduce their own seeds, and it was agreed that seeds should be considered as world heritage. Until the 1930s, most commercial seed traders were small family businesses. Genetic research was carried out by State agencies and other institutions such as cooperatives. The main goal of seed trade companies was to multiply and trade existing seed varieties in the public domain.

The first initiative to provide for legal protection of plant varieties in Argentina was established in 1936. As early as the 1930s in many developed countries, over 80% of farmers' seeds requirements were supplied by farm-saved seeds or seeds obtained through non-official channels. Legislation has been passed ever since restricting that form of seed supply and inducing farmers to get their seeds from private seed traders year after year. Hence in recent years, particularly after hybrid and GM seeds emerged, large transnational seed traders have gained a dominant position in world markets, combining seed production and distribution with associated agrochemicals provided by those same transnationals.

#### "Coexistence" of agribusiness and family farming

Another feature of the draft bill is the proposal to integrate agribusiness with local, small farming (including peasants, indigenous peoples, vegetable growers, smallholders and other rural dwellers). In this way, two paradigms, two opposite world-views, two models hardly compatible with each other from a social, cultural, territorial and environmental standpoint will be merged if the proposed bill is enacted.

Calls for coexistence between agribusiness and "family farming" are part of the strategy adopted by the Argentine government and corporations to legitimize the agro-biotech-based model. This strategy is made explicit in the draft bill amending the current seeds act, and it most prominently takes the form of a tax "exemption" granted to "family farmers", a very broad category confusingly defined on a case-by-case basis including such diverse players as "*chacareros*" (small farmers) and "landless labourers". In any case, the "exemption" seems to have been included in the draft bill as a sort of concession granted by the State in order to give the bill the appearance that it protects those who have been, so far, together with the Indigenous Peoples, the main victims of the expansion of agribusiness. It is worth remembering that the State and private individuals have murdered several peasants and members of the indigenous communities who had been ensnared in order to push those communities out of their lands.

The so called "coexistence" encouraged the main players to establish a "dialoguing framework" or "Roundtable" called by the government (through the Family Farming Department) in order to bring together agribusiness corporations with some of the leading peasant organizations (including the *Movimiento Nacional Campesino Indígena*) and Church representatives. The gathering was the outcome of a new cultural and political scene which seeks a "consensus" and "pacification" via talks—between players with very different economic and political power. History is rife with examples that show that such pacifying encounters are impossible when what is at stake is land that is limited, on the one hand, and large profits and rents, on the other.

This new culture that is emerging throughout the world of agribusiness (and, unfortunately, amidst some social organizations) is expressed internationally and seeks to integrate peasant-and small-farmer based agriculture within the agribusiness model. A fact should not be overlooked is that the FAO has declared 2014 as the "Year of Family Farming" and has suddenly recognized the "importance of peasant-based agriculture" on a similar basis as the other agriculture that follows the logic of the market. This became ever more apparent with the cooperation between Via Campesina and the FAO in Rome, in October 2013. Thus, the "social responsibility" and "earth-friendly" requirements of concentrated agribusiness capital were met through an understanding that seemed impossible until only recently. Via Campesina's own documents used to denounce the FAO as acting *en bloc* together with the International

Monetary Fund and the World Trade Organization in implementing the necessary economic measures for agribusiness to expand worldwide. All that seems to be now a matter of the past.

These international directives are articulated on a domestic level through the new roles assumed by the institutions concerned: state-run universities, scientific agencies, the INTA [Argentine Farming Technology Institute] etcétera.

### Conclusion

If the bill here considered were enacted, this would mean that opportunities for debate over agriculture, food and lifestyles would be shut off. It would also signify a defeat for Latin America, where many countries have managed to stop these initiatives. The expansion of soybean crops represents the territorial counterpart of a general extractivist offensive on a local level and throughout Latin America. Thus, Argentina, with its traditional political parties acting as agents of a colonial economic model, encourages extractive activities in every possible form: the Andes mountains continue to be depleted by polluting mega-mining activities; large urban centers swell, driven by real estate speculation; forestry monoculture and pulp and paper manufacturing companies swarm, and the fishing industry continues to deplete our seas. Furthermore, the Argentine government, despite the pressing need to establish an alternative energy mix—in the face of the unforeseen consequences of climate change—irresponsibly prioritizes hydroelectric and nuclear energy in response to the energy crisis. The government is even fostering non-conventional hydrocarbons through fracking, whose legal framework and strategic orientation is set out in the agreement signed between state oil company YPF and transnational oil company Chevron in 2013.

Fortunately however, it's not all bad news. Throughout the continent, resistance is burgeoning from peoples who stand up for their dignity and defend their territories and common goods from capitalism's neocolonial pillage. The fierce resistance from Andean assemblies against open-pit mining corporations; the anti-spray campaigns; the native people's resistance defending their territories against the soybean farming pressing need for land; the world standard set by the Mothers of Ituzaingó, the Assembly in the town of Malvinas Argentinas and the social organizations that prevented the construction of a Monsanto plant in the Argentine province of Córdoba; the unyielding struggle of the Assembly in Gualaguaychú against transnational pulp and paper manufacturing companies; the emergence of new critical voices among academics, inspired by the legacy of Dr. Andrés Carrasco to denounce the colonization of the scientific system by corporations; the younger generations that struggle to go back to the countryside to build new rural lifestyles based on the attachment to the land and to recover the freedom to grow their own food; are all factors that provide inspiration to continue resisting in spite of the adversities involved, in the hopes that a new society can be built on the basis of equality and deeply connected with nature.

Therefore, in the face of this scenario, we say:

-No to the privatization of seeds. Seeds belong to the peoples of the Earth, and they represent knowledges and cultures. Life should not be patented.

-No to agribusiness, and in particular to all versions of the draft bill proposing to amend the current Seeds Act.

-No to the deceitful, political manoeuvre proposing the "coexistence of family farming with agribusiness".

-We call for an alternative model free from agribusiness, mega-mining, fracking, irrational urbanization, nuclear energy, hydroelectric dams, maritime depredation, artificial forests and paper manufacturing plants.

-There can be no Food Sovereignty with GMOs. We call for a ban on the genetic engineering of food. We call for the repopulation of the rural areas currently controlled by agribusiness; the recovery of ecosystems; and the production of healthy food for the people.

-Over and above any law it is the people's responsibility securing Food Sovereignty for themselves and for future generations.

We hereby make a plural, unitary and widely based call to all social, environmental, trade, student and political organizations who agree on the main aspects of this document to mount a vigorous nation-wide campaign to stop agribusiness and capitalist extractivism in Argentina. We place ourselves in a state of alert and mobilization, and call for a demonstration at the Argentine Congress when the draft bill described above is sent to the legislature for debate.