

# **Declaration on Plant Variety Protection and Seed Laws from the South-South Dialogue**

Durban, South Africa

29 November 2015

We, participants at the South-South Dialogue, are members of peasant and civil society organisations and concerned individuals from Africa, Asia, Latin America and Europe working on issues of food and seed sovereignty, peasants' control of seed production and exchange, and biodiversity. We gathered in Durban, South Africa 27-29 November 2015 to share information and knowledge, and to come to a common understanding on seed and plant variety protection (PVP) policy and laws and strategies for resistance and alternatives in the global South.

We are working in our countries and regions to advance the ongoing global struggle for socially just and ecologically sustainable societies, in which farming households and communities have control and decision-making power over the production and distribution of food and seed.

Human societies and the seeds we use to produce the food that sustains us have grown symbiotically over millennia. Seeds emerged from nature and have been diversified, conserved, nurtured and enhanced through processes of human experimentation, discovery and innovation throughout this time. Seeds have been improved by means of traditional and cultural knowledge transmitted from generation to generation. Seeds are therefore the collective heritage for people serving humanity. Peasants and indigenous peoples have always been the custodians and guardians of the collective knowledge embedded in the wide diversity of seed that has enabled the development of humankind as a species.

However, today capitalist greed poses fundamental threats to the continued conservation, reproduction and use of the biological diversity nurtured for all this time. The forced enclosure of land and other natural resources and its capture and conversion into private property was one disastrous step. This has caused and continues to cause social dislocation and displacement, damaging the social fabric of human societies, severing the connection between people and the land, and consolidating social, collectively-produced wealth in the hands of the few at the expense of the many.

There is a renewed and stronger assault on seed, agricultural biodiversity heritage and the knowledge associated with these. Related law and policy making processes are already far advanced in Europe, the United States and other parts of the world and are being imposed on our countries in the South through multilateral and bilateral trade and investment agreements. They are based on legal systems that permit exclusive rights over seeds on the spurious contention that plant varieties were 'discovered' and improved on. But these 'discovered' varieties are the product of the whole history of collective human improvements and maintenance carried out by peasants. To assert exclusive rights over the whole on the basis of small adjustments is nothing short of outright theft.

Efforts to expand this expropriation to the global South are being pursued aggressively by multinational seed and life sciences corporations and their cohorts in state and multilateral institutions. This takes the form of a coordinated political and technocratic crusade to impose uniform and draconian laws and regulations in favour of intellectual property (IP) rights such as plant variety protection (PVP) for private interests, the proliferation of genetically modified (GM) seeds, and exclusive recognition and marketing of seed and plant varieties that pass through breeding and production systems tightly controlled by economic elites.

There are no benefits for peasant and farming households and communities, or for society in general, from these developments. In a few short decades – just a small fraction of the time humans have been engaged in industrial agriculture – this enclosure of the collective seed heritage has spread virulently across the globe. The historical practices of context-specific peasant-managed seed systems we have relied on are vilified, denigrated as being backward and obsolete, and criminalised. Farmers are taken to court and imprisoned for maintaining the biological base as a living system while seed and food corporations make huge profits legitimised by seed and IP laws.

The result is the alarming erosion of agricultural biodiversity and related knowledge, and a deepening threat to the sustainable use of the genetic base, and consequently to food production and ecological balance, and to humanity. Current seed and IP laws violate the ethos of sharing between farmers, which is the backbone of peasant farming systems, seed and people's sovereignty and the basic human right to food.

We cannot stand by passively and watch this legalised dispossession and destruction. We are compelled to resist. We declare our commitment to work in alliance with one another, with peasant and indigenous peoples' movements, and with other likeminded civil society organisations and individuals, to fight the spread of this aggressive and violent system of domination on the basis of autonomy, collective self-organisation, cooperation, sharing, solidarity and mutual respect.

We declare our principled opposition to any form of IP on life forms, seeds and related information or exclusive rights to their use. We reject genetic modification and other current and emerging proprietary technologies in agriculture as these technologies are built on the disintegration of holistic farming systems, the exclusion of farmers from processes of plant breeding and natural resource management, and the control of seeds and planting material in the hands of corporate and political elites. We reject the imposition of the terms of the Union for the Protection of Plant Varieties (UPOV) as the default framework for implementation of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement through PVP laws, and any other regulation to control intellectual property on seed.

We are opposed to laws dealing with the marketing and certification of seed. These new seed laws undermine peasant seed systems that have been developed locally over generations of farmers and are geared towards creating massively increased private sector participation in seed trade. In addition, these laws promote only one type of seed breeding. The entire orientation of these seed laws is geared towards genetically uniform, commercially bred varieties in terms of seed quality control and variety registration. What is very clear is that these laws criminalise the marketing of farmers' varieties. The ultimate aim of these laws is to facilitate new markets for commercial seed companies and the occupation by multinationals in the seed sector in the global south and displace and criminalise peasant seed systems.

We oppose the fragmentation of genetic information and the divorce of this information from physical resources through the Global Information Systems (GIS) such as DivSeek (– a global information system on genetic sequencing and related knowledge for seed, proposed by the World Bank), since there is the possibility of the use of this information expediting the further privatisation of seeds through international legal systems.

We will fight for laws, policies and public programmes that support and strengthen peasants and communities to continue with their diverse and context-specific practices of plant breeding, selection, production and distribution. We will fight for a more responsible role for public sector activities based on ongoing democratic, participatory and transparent processes of engagement with citizens and

inhabitants of our countries and regions. We will continue to defend our rights to produce, use, exchange and sell all seed and planting material.

We will work to recover, maintain and expand the use of native and local seed, and the revival of diverse food cultures as the most effective routes to protect biodiversity. We recognise the irreducible diversity that can only be managed through peasant seed production systems and maintained by peasants as breeders and users of seed. We believe seeds are the people's heritage in the service of humanity that should be managed collectively, democratically and sustainably. We reaffirm the centrality of agricultural producers as the primary stewards of our collective genetic resources, especially women peasants who continue to play a direct role in the maintenance and enhancement of these resources. We commit to supporting peasant households and communities in their stewardship, and to building links with allies, wherever we may find them, to advance the cause of food and seed sovereignty.

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