

Is Europe
threatening
farmers' seeds
und the world?

EXECUTIVE SUMMARY

iles de paix



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For many living beings, plants are an essential source of food and medicine. Whether they are part of our daily diet, our rituals or our celebrations, plants play a fundamental role in our societies. The diversity of environments and agricultural practices has shaped a rich and precious biodiversity, essential to our food security. Biodiversity strengthens the resilience of crops to climatic hazards, diseases and pests, and plays a key role in the diversity of diets that is essential to human health.

Maintaining this biodiversity depends as much on the protection of natural areas as on the conservation, circulation and use of their seeds. For thousands of years, choosing a seed, preserving it and sowing it has been a skill passed down by farmers all over the world. Although this act forms the basis of cultivated biodiversity, it is no longer so diverse.

- Its erosion is based on:
- the introduction of property rights on new plant breeding techniques and new varieties,
- the rise of industrial agriculture, and
- the adoption of laws and regulations favouring the marketing of industrial seeds, and even criminalizing the exchange of farmers' seeds.

Property rights

During the 19th century, discoveries about plant reproduction led to the development of new plant breeding techniques and the creation of new lines and varieties known as “pure”, “hybrid”, “improved” or “genetically modified”. This selection is called “artificial selection”, because it refers both to the fact that reproduction is carried out by human hand and to the fact that it does not occur naturally. Individuals and legal entities behind these innovations quickly sought to exercise property rights over them. These take the form of patents and

plant breeders' rights (The International Union for the Protection of New Varieties of Plants, known as “UPOV”) among others.

Although these property rights should, in principle, only relate to an invention, many cases of appropriation have been reported by civil society. For example, patents are filed on existing plants or parts of plants. The 1991 UPOV Convention, for its part, requires the breeder's agreement not only to sell the seeds subject to rights, but also to save and re-sow. This agreement may be subject to conditions such as the payment of royalties

The spread of industrial agriculture

The creation of new lines and varieties was accompanied by the development of pesticides and fertilizers that they could withstand. In the space of a century, the number of seed companies has shrunk to just a few agri-businesses, with four agro-chemical companies now controlling 60% of the world seed market and 75% of the world pesticide market. This evolution of the seed market is linked to the transformation of European and North American food systems throughout the 20th century, as well as the development of policies in favor of the industrialization of agriculture. This type of agriculture spread throughout the world via colonization and development policies such as the “Green Revolution”.

Although this global trade accounts for only 25% of all seeds used worldwide, most of the seeds worldwide are still in the hands of farmers, in what are described as informal systems. Despite this, farmers' seeds are very much under threat.

Laws and regulations

This threat is based not only on the industrialization of agriculture and the monopolization of plants through the various property rights regimes, but also on national and international laws and regulations.

Since the 20th century, various laws and regulations in Europe have supported the development and distribution of seeds derived from artificial selection. To be marketed, or even given away and exchanged in certain European countries, seeds of main crops must meet a series of standards, including tests for distinctness, uniformity and stability. Most of the time, only seed artificially bred passes these tests, as farmers' seed is generally heterogeneous and evolving.

Property rights, the industrialization of agriculture and policies in favor of this industrialization have gradually led to the homogenization of seeds and the privatization of the seed sector in Europe and North America, supporting varieties derived from artificial selection to the detriment of peasant varieties. The transformation of this seed systems is leading not only to the erosion of cultivated biodiversity, but also to the dependence of farms on seed companies and the appropriation of farmers' seed by these companies.

These seed systems, which favor industrial agriculture, along with the regulations that govern them, have spread throughout the world via colonization, trade agreements and international agreements on plants. Bilateral and multilateral development cooperation is an important tool for implementing these regulations and transforming seed systems. In Africa and South America, these standards imported are gradually replacing farmers' seed systems.

Faced with the deployment of these major privatizations of seed systems

and their consequences, resistance movements have emerged. These include several international agreements that defend cultivated biodiversity and the communities that depend on it:

- The International Treaty on Plant Genetic Resources for Food and Agriculture (2001)¹ and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (2018)² recognize the right of farmers to save, use, exchange and sell farm-saved seed, and to participate in decisions concerning the conservation and the sustainable use of cultivated and wild biodiversity.
- The Convention on Biological Diversity (1992) recognizes the right of indigenous communities to participate equitably in the sharing of benefits arising from the use of “plant genetic resources” for food and agriculture. It also guarantees them the possibility of preserving their knowledge, innovations and practices that contribute to the conservation and sustainable use of biological diversity³.
- The United Nations Declaration on the Rights of Indigenous Peoples (2007) affirms the right of indigenous peoples to preserve, control, protect and develop their cultural heritage and traditional knowledge, including their seeds, and to enforce their collective intellectual property rights over that heritage.⁴

Biodiversity, equity, participation and social values are four key principles of agroecology that are reflected in these international agreements⁵.

1 Article 9 - Farmers' rights.

2 Article 19 - Seed rights.

3 Article 8 - conservation *In situ*.

4 Article 31.

5 HLPE, “[Agroecological and Other Innovative Approaches to Sustainable Agriculture and Food Systems to Improve Food Security and Nutrition](#),” Report of the High-Level Panel on Food Security and Nutrition of the Committee on World Food Security (Rome, 2019).

In order to achieve the right to food and the right to seeds that are defended by these agreements, a change in public policy is essential:

- The OECD should stop imposing its seed system, which recognizes as eligible for certification only “pure” varieties with identity, i.e. varieties that are distinct, homogeneous and stable. These criteria implicitly exclude farmers’ varieties, which are heterogeneous and evolving.
- The EU should stop including membership of the 1991 UPOV Convention in its trade agreements, as the plant variety certificate limits the re-use and circulation of seeds and contributes to the monopolization of plant breeding. This step has already been taken by Switzerland, which has pledged to abolish by 2023 the plant variety protection clause in its free trade agreements.⁶
- International development cooperation agencies should put an end to their projects aimed at transforming farmers’ seed systems into industrial seed systems.

6 Simon Degelo et Tina Goethe, « Un pas en faveur des droits des paysan-ne-s du Sud », Helvetas (blog), 21 mars 2023.

Instead, new standards need to be developed:

- We need to adopt property rights regimes that allow growers to save, use, exchange and sell their seeds.
- Farming communities must be included in the drafting of laws and regulations. They must be able to participate in decisions relating to the conservation and sustainable use of the cultivated and wild biodiversity on which they depend.
- These laws and regulations must recognize the contributions and services provided by cultivated and wild plants to humanity, acknowledge the role of farming communities in this process and aim to conserve cultivated and wild plants in their natural environment.
- Development cooperation projects, for their part, must strengthen farmers’ seed systems with a view to the agroecological transition of food systems.

These issues are highly relevant today: the European Union is currently reviewing its regulatory framework for the production and marketing of seeds. Although various regulatory proposals have already been made by the Commission, Parliament and Council, an agreement has yet to be reached between these institutions. This lengthy process could continue until 2027. Belgium is involved in these negotiations, through the Parliament and its Members of the European Parliament, as well as the Council of Ministers. As seeds are an agricultural competence, the agriculture ministers of the Member States are taking part in the discussions⁷.

In this context, civil society, including international solidarity organizations, has an important role to play in monitoring and influencing the EU’s free

7 Agriculture is a regional responsibility. Belgium has three regions: Brussels, Flanders and Wallonia.

trade agreements, laws and regulations, as well as its development cooperation projects, to ensure that they respect the right to food and seeds.

Many European civil society organizations, such as Arche Noah, Geneva Academy, IFOAM and La Via Campesina, are campaigning to ensure that this new regulatory framework respects the right to seeds. To keep up to date with regulatory developments at European level and to support the movement accordingly, one possible way is to subscribe to the newsletters of these various organizations, as well as to the legal newsletter of the Réseau Semences Paysannes.⁸ And to take a more direct part in this mobilization, you can join in their advocacy work by signing their petitions.⁹

In conclusion

The ability of farmers to select, save, donate, exchange, sell and choose their seeds depends on both plant breeding techniques and food systems, as well as the legislation and regulations that govern them. The agro-ecological transition of food systems requires adapted seeds, and therefore the creation of an environment favorable to their development. Upstream of seed systems, regulatory frameworks must therefore support the deployment of these seeds. Downstream, a varied diet made up of endogenous plants, the use of reproducible seeds and support for farmers' seed networks are all ways of encouraging this transition.

POINTS TO REMEMBER:

- [The privatization of the seed sector, the homogenization of seeds and the introduction of property rights on plants are threatening cultivated biodiversity and food sovereignty.
- [The EU relies on trade agreements, international institutions and development cooperation to impose its regulations and standards on the rest of the world.
- [The “Zero Hunger” objective requires the realization of the right to food, a fundamental human right, which cannot be achieved without the right to seeds.
- [The ability of growers to select, save, donate, exchange, sell and choose their seeds depends both on plant breeding techniques and food systems and on the legislation and regulations that govern them.
- [Farmers' seed systems need regulations distinct from those governing industrial seeds. The current review of the EU's regulatory framework for seeds is an important opportunity to make progress in this area.

⁸ <https://ressources.semencespaysannes.org/themes/motcle-themes-27.html>

⁹ For example, the petition “Raise your forks”, <https://mitmachen.arche-noah.at/fr/levez-vos-fourchettes>.

The Phosphore Collection
is a collaboration between the NGOs
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Cover photo
Iles de Paix
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Printed on recycled paper.

Publisher Responsible
Marie Wuestenberghs, rue du marché 37
4500 Huy.

With the support of
Wallonia-Brussels federation.



and Directorate-general for Development
Cooperation and Humanitarian Aid (DGD)



The Phosphore collection is a series of studies launched by the SIA collective (Humundi, Iles de Paix, Autre Terre) on the challenges of food systems. It is characterised by the analysis of contested issues that drive the decision-making arenas of food systems. It seeks to understand the reading grids that underlie political discourses, the competing arguments and their scientific validity. Each issue is intended to provide an overview of a debate, and aims to equip readers in the controversy.

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