Seedling

Biodiversity, Rights and Livelihood

October 2006

FREE TRADE AGREEMENTS?

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GRAIN is an international non-profit organisation which promotes the sustainable management and use of agricultural biodiversity based on people's control over genetic resources and local knowledge. To find out more about GRAIN, visit www.grain.org.

Seedling

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Contents

Privatisation digs deeper into our lives, and at the same time everything these days seems to be proclaimed a 'commons' (that is, something to which everyone, or everyone in a certain context, has right of access): water, air, seeds, even food, health and education. It's a very popular notion, at least in the anglophone part of the world. Part of the trend towards 'reclaiming the commons' is an effort to fight against privatisation. And that is good. But if the movement to recognise and build old or new commons does not handle the concept carefully, it could actually facilitate privatisation. It is especially crucial to distinguish 'commons' from 'public' and to remember that 'commons' are supposed to be about communities.

The clamour for 'commons'

BREWSTER KNEEN AND GRAIN

The notion of 'commons' is both familiar and puzzling. Even though collective and communal systems of land use have been practised since long ago, the term often evokes a picture of rural England or Wales some time in the Middle Ages, when certain tracts of land were known as 'commons'. These commons were unfenced areas that were open to community use for grazing, fishing, firewood gathering, foraging, and so on. The people who relied on them were called 'commoners'. The commons were not necessarily public lands. Many were privately owned by the gentry who had replaced the feudal lords. Others were simply unowned. Who could use these commons, and how, was highly regulated and based on customary law. Fundamentally, these commons were:

- identified with and accessible to communities (usually linked to a parish or village), and not outsiders
- collectively managed, which didn't necessarily mean equally or non-hierarchically
- associated with natural 'resources', providing a set of rights and responsibilities for their access and use.

The old English commons were destroyed through a long process of 'enclosure', whereby the gentry took over land that had long been commons, enclosed it by hedge or fence, and turned it over to private commercial use. This brought on farm specialisation (for example in sheep rearing), an increase and concentration of landholdings

creative commons

The Creative Commons logo – *... rather than do away with the exclusionary relationships of copyright, the Creative Commons initiative brings those relationships to a new level of social acceptance, supposedly more in tune with the technology (the internet) and alternative temperament (pro-sharing and collaboration) of the times. While from a legal point of view these licences do promote sharing in an age of increased copying restrictions, they also reinforce the whole proprietary basis of the copyright system.*

and, eventually, the whole train of the industrial revolution. But it robbed the commoners of their livelihood, their very means of subsistence. The 'tragedy of the commons', a phrase made infamous by Garret Hardin (a US professor who in 1968 wrote *The Tragedy of the Commons*, a highly controversial book on the subject), was not that the resources of the commons were depleted, but that the destruction of the commons generated poverty and insecurity, creating a new class of disenfranchised rural families forced to become cheap waged labour in the newly emerging cities and factories. (This tragedy has been repeated in many forms across many lands, and continues brutally today.)

What is understood by the word 'commons' has evolved quite a lot since the 18th and 19th centuries. It is sometimes regarded as an Anglo-Saxon concept, and in many other languages and cultures there is no easy translation or conceptual equivalent. (The term 'commons' makes no sense in Latin America, for example, although the indigenous peoples of the region have a tremendous history of many different kinds of collective systems.) But over time, it has been reinterpreted in so many ways that, today, it is fair to say that there is no clear single definition of it.

Commons today

There are many people promoting the idea of commons today. We hear about the 'digital commons', a conviction that information on the internet should be kept free of cumbersome barriers to its circulation and use. Indeed, some people see the internet itself as a commons. Water is frequently described as a commons when a new water utility privatisation project is proposed. Similarly, a treaty initiative to define the gene pool, the world's DNA, as a 'global commons' was launched a few years ago. All sorts of written works are published today using a 'Creative Commons' license, taunting the restrictions of copyright law. It seems that every frontier susceptible to 'new enclosures' by advances in technology or changes in legislation – the oceans, outer space, the human genome, public or state school systems, even indigenous people's traditional knowledge – gets hurriedly baptised a commons.

What does this mean? While it may sound like a coherent movement to resist privatisation or neoliberal capitalism, it most certainly is not. The World Bank, George Soros and other 'open access' advocates, the Ford Foundation, the World Conservation Union (IUCN) and many others are involved in studying, encouraging and supporting initiatives related to different kinds of so-called 'commons'. The ideological confusion of it all may actually subvert the work of social movements working to strengthen communities' control over biodiversity and entrench the opposite of what commons means to them. That is why sharper, more critical thinking is needed.

Privatisation through the backdoor?

The idea of the commons clearly means different things to different people. To some it is mainly about 'common property' – how property can be managed collectively. To others, especially activists and campaigners, commons seems to make up for a weakened 'public' realm. Either way, both of these approaches, which are quite contradictory, can actually support privatisation.

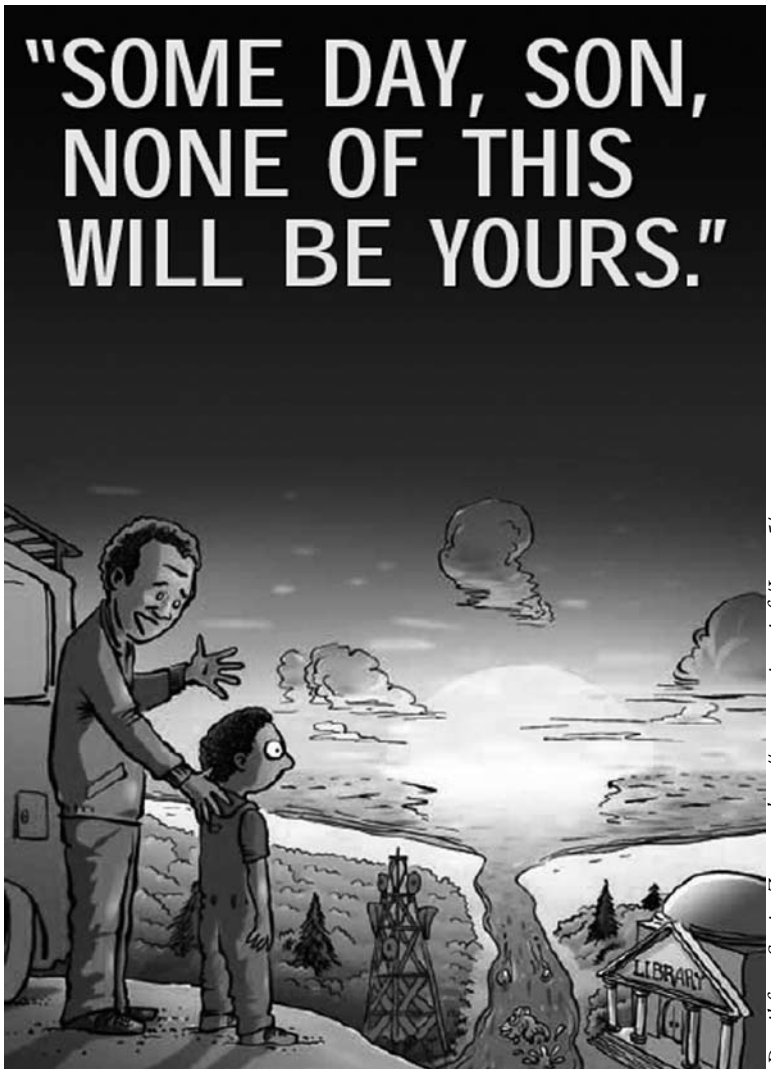
In the old English system, common property was just one form of commons. For a big chunk of the academic community involved in promoting commons today, it appears that common property is what it should all be about. In their commons crusade, property is the very foundation of whatever enterprise or relationship – say, a sustainable fisheries programme – they are supporting, and their goal is to achieve efficiencies through collective management. Perfect for the development banks! In fact, while hardcore neoliberal development planners prefer, and do push, individual property rights over collective property, it is logical that they

can live with common property systems that are essentially about collective private property. All the investment in environmental services – where market mechanisms are merged with participatory administration schemes – promoted by the World Bank and others follows this logic.

Similarly, many in the scientific community are proposing different kinds of commons today because of increased intellectual property restrictions making research more difficult. A good example of this is the 'protected commons' that CAMBIA, a biotech research organization in Australia, promotes through its campaign for open-source science. Under CAMBIA's protected commons, scientists get "a secure [electronic] platform where discussion concerning an invention or improvement can take place without the invalidation of future patent applications". In other words, a space is created to work collaboratively without affecting anyone's private property rights. This does nothing to challenge the privatisation of research, it merely allows a little more collaboration.

Among social organisations and activists, on the other hand, commons are more typically viewed as something that should rise from the ashes of fast-withering public institutions. The main issue in this battle is securing rights of access and rights to share – often under the banner of some kind 'public interest', which goes undefined – in a world where everything seems to be being turned into private property. But this approach can actually contribute to privatisation as well. For example, rather than do away with the exclusionary relationships of copyright, the Creative Commons initiative brings those relationships to a new level of social acceptance, supposedly more in tune with the technology (the internet) and alternative temperament (pro-sharing and collaboration) of the times. While from a legal point of view these licences do promote sharing in an age of increased copying restrictions, they also reinforce the whole proprietary basis of the copyright system.

Others seek commons with no boundaries, no rules, no definition of who is to participate and how, as happened with the treaty initiative to share the genetic commons. A poorly defined commons risks creating a free-for-all for privateers, thus facilitating what it aims to prevent. If the Brazilian Amazon were to be declared a global commons, on the valid grounds that the entire world benefits from it serving as a planetary lung (as long as we don't denude it), does it follow that patent-hungry Monsanto should have the same rights to its treasures as the Kayapó people? Of course it should not, but that's what vague calls for commons, much like unclear definitions of public interest, can lead to. In the struggle to prevent appropriation, we have to be mindful of all the routes that lead to it.



Detail from SectionZ cover - http://www.sectionz.info/Issue_5/

The confusion between commons and public, and around what 'public' itself means, is critical. Historically, 'public' – as in public education or public park – has meant that which, after long social struggle, has been kept out of or taken away from private control and put under the jurisdiction of the state, to be enjoyed by or to serve all. This was done under the assumption that states had the duty and ability to protect and provide for the welfare of the population as a whole. Neoliberalism destroys this. We currently see states serving as the most active agents of privatisation, be it through open bids, leasings, outsourcing or legislation. If 'public' means 'under state control', the present practise of the neoliberal states, in its most extreme form, shows that there is no guarantee that it will benefit people. Quite the opposite: state control may be a key factor in maintaining or aggravating

inequity and injustice. We must not forget that much of what a state, and indeed many citizens, considers 'public resources' were violently taken from, or built upon that which was taken from, indigenous peoples.

So 'public' is by no means the same as 'commons', even if 'public' is still part of our social landscape today. 'Public' has a universal reach: all citizens are supposed to have the right to benefit from what is public. Commons, by distinction, have historically been built by and for specific communities. If we are to learn anything from history, we should recognise that, today, 'public' is a word increasingly used by states to serve market agendas.

A need for more clarity

There is a need to scrutinise more closely the idea of the commons today, and to be more mindful of what social movements are trying to achieve through various campaigns and initiatives to (re)build people's control over seeds, forests, coastal areas, the media and many vital public services. If you look back historically (which is not to suggest that the English had it completely right), two things seem to be lost from view in today's embrace of commons as defence against privatisation: the link to the very notion of community and the possibility of non-proprietary relationships. If we don't anchor the defence of social control over seeds, water and other basics in well-understood communities, we risk promoting the kind of free-for-all that leads to their exploitation and privatisation anyway. And if we don't look outside the exclusionary private property box, we risk furthering the agenda of today's dominant push toward neoliberalism.

The fight for commons as a movement to resist and overcome privatisation deserves critical support. As part of that struggle, however, we need to be clearer in what we're fighting for and mindful of the hidden traps.

Going further

Websites

(there are so many commons-related initiatives today – the following give just a general glimpse of what is in the air)

Asia Commons - http://asia-commons.net/

The Commoner - http://www.commoner.org.uk/

On the Commons - http://onthecommons.org/

The Forum on Privatization and the Public Domain - http://www.forumonpublicdomain.ca

Articles

George Caffentzis, "A tale of two conferences: globalization, the crisis of neoliberalism and question of the commons", August 2004.
http://www.globaljusticecenter.org/papers/caffentzis.htm

John Hepburn, "Reclaiming commons – old and new", 15 September 2005.
http://www.zmag.org/content/showarticle.cfm?ItemID=8739

"Unearth the knowledge commons", Mute, Vol 2, No 1, 2005.
http://www.metamute.org/en/Underneath-the-Knowledge-Commons

Olivier de Marcellus, "Who made this movement? Commons, communities and movements: Inside, outside and against capital", *The Commoner*, 2003.
http://www.commoner.org.uk/demarcellus06.pdf

Later this year some Kenyan farmers will be planting a new kind of maize seed – StrigAway – a maize seed that is resistant to the weed Striga. Are farmers simply swapping the stranglehold of the Striga weed for the treadmill of patented seeds and herbicides? GRAIN reports on the introduction of StrigAway in Kenya.

Swapping Striga for patents

Yet another quick fix for Africa's farmers?

GRAIN

A new patented technology, known as Clearfield, is being introduced into Kenya this year with guarantees of a better harvest. Clearfield crops are owned by the German transnational chemical and biotechnology corporation BASF and are resistant to BASF's Imazapyr herbicide. They are thus similar to Monsanto's notorious glyphosate (Roundup) resistant crops, except that Clearfield crops are not considered to be genetically modified (GM). The resistance to Imazapyr is conferred through mutagenesis rather than genetic engineering (see page 6). Just like Monsanto, BASF forces farmers growing its seeds to sign strict contracts that forbid them to save seeds, that detail the production methods that they have to follow, and that restrict them to spraying only BASF proprietary herbicides.

Now BASF has joined forces with two high-profile non-profit organisations, CIMMYT and AATF (see page 6), to bring its technology to maize farmers in East Africa. The promise is that Clearfield maize seeds will rescue African farmers from the parasitic tentacles of the Striga plant, a weed that destroys huge tracts of Africa's maize production. If things move according to plan, the seeds, which are called StrigAway or Ua Kayongo (Swahili for "Striga killer"), will be commercialised in Kenya before the end of 2006.[1]

This consortium is careful to highlight that StrigAway seeds are not genetically engineered (GE) and that this private–public partnership is a win–win situation for everyone, especially African farmers. But StrigAway seeds raise many of the

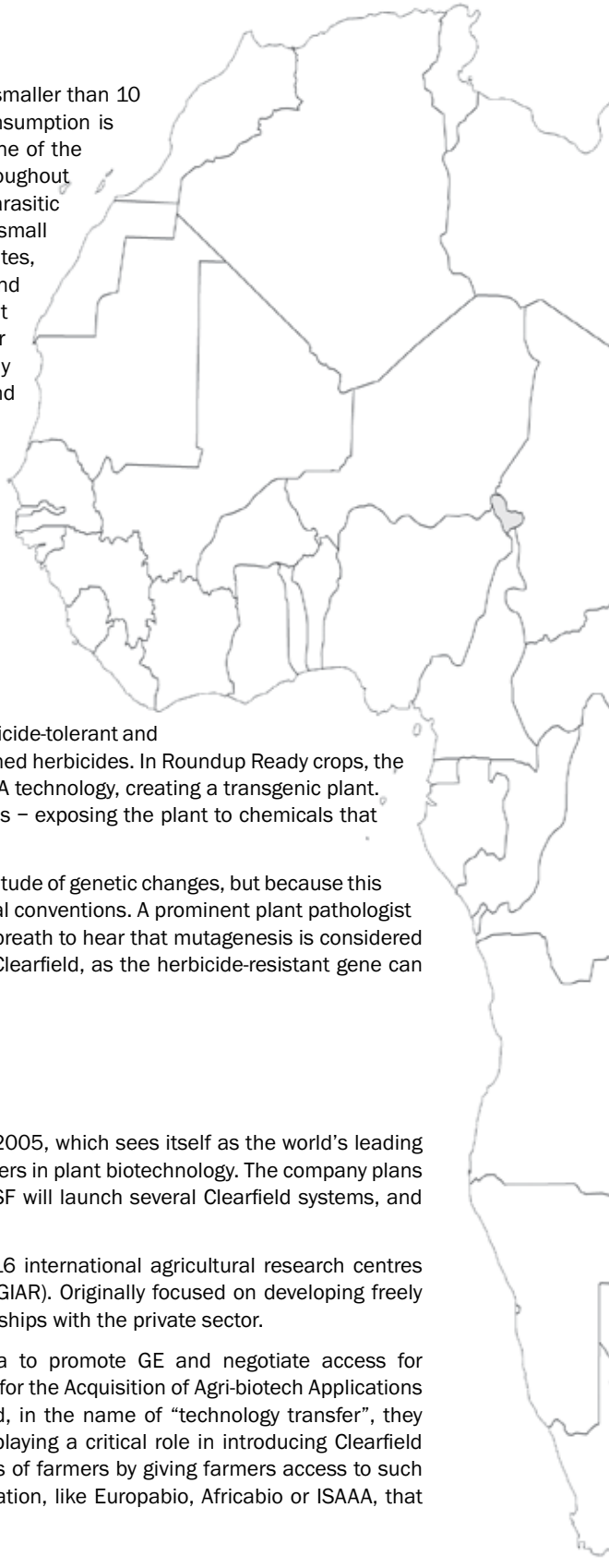
(continued on Page 8)

1 - Africancrops.net, "A Web-site on Improvement of African Crops and Seed Systems", Partnerships to control Striga, www.africancrops.net/striga, October 2006

Kenya, Maize, Striga, Stri

The problem of Striga in Africa

Ninety-five per cent of maize in Africa is grown by small-scale farmers on plots smaller than 10 hectares. Maize is a major staple food in Kenya, where annual per capita consumption is around 100 kilogrammes. Farmers are faced with numerous pests; Striga is one of the most serious, infesting an estimated 20–40 million hectares of farmland throughout sub-Saharan Africa. The witchweeds (*Striga hermonthica* and *S. asiatica*) are parasitic weeds that attack the plant before it emerges from the soil. Thousands of small seeds are hidden in the soil, and as soon as a maize or sorghum seed germinates, it activates the Striga seeds, which then attaches to the roots of the plant and extracts water and nutrients, destroying the harvest. It is notoriously difficult to control, and becomes more difficult when farmers stop rotating crops or practise monocropping. Methods to control Striga have been researched for many decades and focused on developing resistant plants, herbicide applications, and management practices. These include crop rotation, intercropping, weeding (preventing seeds from forming), and host plant resistance. CIMMYT has developed nine Striga-tolerant varieties of maize for Kenya, one of which is also tolerant to drought. More recently the "push–pull" system based on a habitat management system, which includes the intercropping of *Desmodium* species, was able to suppress Striga, increase maize yield and provide extra fodder for cattle.



Mutagenesis versus genetic engineering

The Clearfield Production System is similar to Roundup Ready crops or other herbicide-tolerant and resistant crops in that it matches herbicide-resistant varieties with custom designed herbicides. In Roundup Ready crops, the herbicide-resistant gene is spliced into the gene construct with recombinant DNA technology, creating a transgenic plant. Clearfield technology in maize was developed through a process of mutagenesis – exposing the plant to chemicals that mutate its genetic code.

Mutagenesis produces plants with all kinds of morphological changes and a multitude of genetic changes, but because this technology does not rely on gene splicing it escapes regulations and international conventions. A prominent plant pathologist at Washington State University is quoted as saying that he "chuckles under his breath to hear that mutagenesis is considered safe and genetic engineering is not". He adds that one has to be careful with Clearfield, as the herbicide-resistant gene can easily mutate, with weed resistance following on.

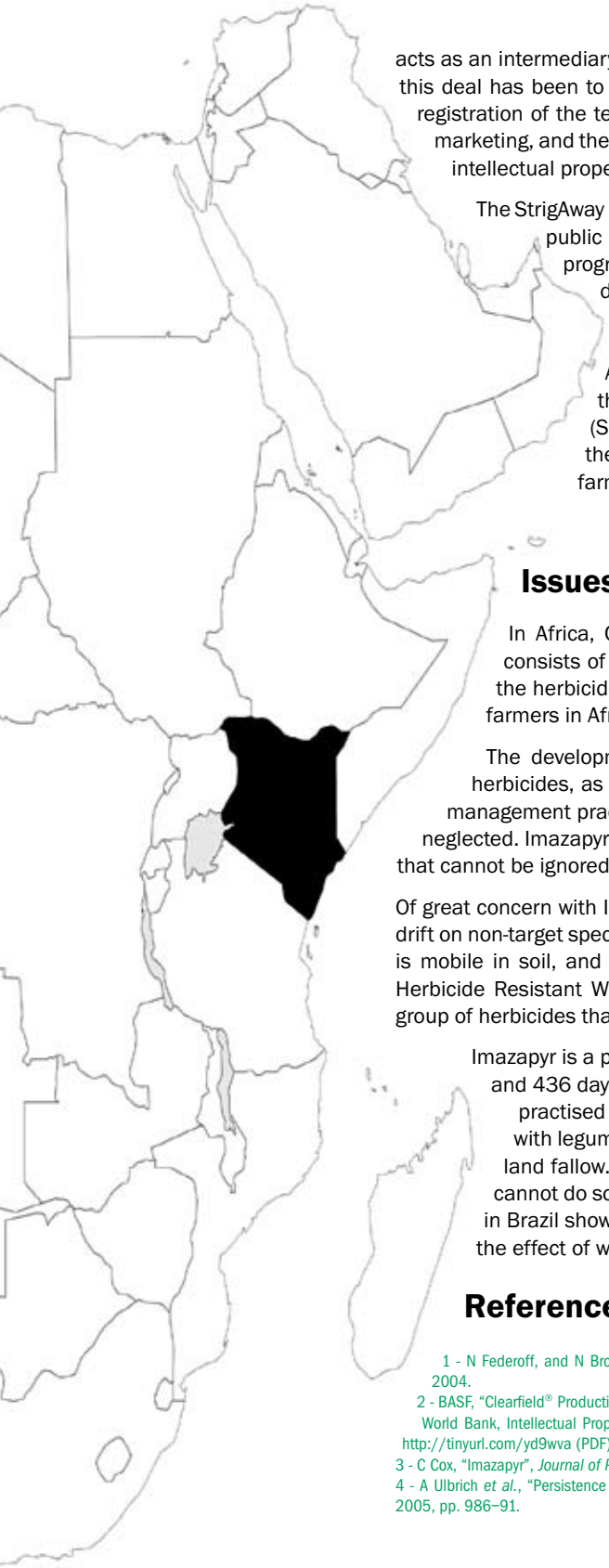
The faces behind the Striga killer

BASF: a German transnational corporation with sales of over US$50 billion in 2005, which sees itself as the world's leading chemical company, has announced its intention to become one of the major players in plant biotechnology. The company plans to invest US$675 million over the next 10 years in plant biotech research. BASF will launch several Clearfield systems, and expects them to yield annual sales of approximately US$300 million.

CIMMYT: The International Wheat and Maize Improvement Centre is one of 16 international agricultural research centres supported by the Consultative Group on International Agricultural Research (CGIAR). Originally focused on developing freely distributed, open pollinated varieties, it has now moved towards GE and partnerships with the private sector.

AATF: The African Agricultural Technology Foundation was formed in Kenya to promote GE and negotiate access for biotechnology companies. Organisations like AATF and the International Service for the Acquisition of Agri-biotech Applications (ISAAA) play a critical role in brokering public–private deals all over Africa and, in the name of "technology transfer", they create entry points for the global seed industry to new markets. The AATF is playing a critical role in introducing Clearfield technology in Africa, masquerading as an organisation that acts in the interests of farmers by giving farmers access to such new technologies. However, the AATF is just another GE industry front organisation, like Europabio, Africabio or ISAAA, that

gAway and Imidazolinone



acts as an intermediary between multinational corporations and public opinion. The role of the AATF in this deal has been to assist in the development of the intellectual property-sharing agreements, the registration of the technology in Kenya, the launching of the product, the expansion of the product marketing, and the liaising with NGOs and farmer organisations to ensure implementation of BASF's intellectual property rights and the correct handling of the seed.

The StrigAway maize is being distributed through an impressive marketing system, which co-opts public institutions, NGOs and farmer associations. First, a large-scale demonstration programme was launched in 2005 and 2006, with Ua Kayongo field days, and the distribution of 7,000 packets of seeds for free. Three seed companies, Kenya Seed Co., Western Seed Co, and Lagrotech Co., will commercialise the technology and are being trained in the application of the herbicide and the selling of the seed. AATF works through a network of 12 NGOs and 4 farmer associations to market the technology on behalf of BASF and to train and monitor farmers. Currently (September 2006) the seed is being bulked and has to undergo certification by the Kenya Plant Health Inspectorate (KEPHIS), after which the aim is to release it to farmers in November, ready for the next planting season.

Issues with Imidazolinone-resistant technology

In Africa, Clearfield technology is marketed as the StrigAway Production System, which consists of a herbicide-tolerant maize seed and herbicides. The maize seed is coated with the herbicide Imazapyr, which provides protection against Striga, a major problem for maize farmers in Africa.

The development of herbicide-resistant plants has led to a huge increase in the use of herbicides, as it makes it possible for farmers to spray more often and to neglect other weed-management practices. The increased risk of this practice to health and the environment is often neglected. Imazapyr is a poison, and its widespread use will have health and environmental impacts that cannot be ignored.

Of great concern with Imazapyr use are the environmental risks, which include the impact of herbicide drift on non-target species, because Imazapyr kills almost all plants it comes into contact with. Imazapyr is mobile in soil, and is able to contaminate water and groundwater. In an International Survey on Herbicide Resistant Weeds, 79 common weed species worldwide have developed resistance to the group of herbicides that Imazapyr belongs to.

Imazapyr is a persistent herbicide, and in field studies its persistence in soil varied between 60 and 436 days. The residue in soil could have an impact on intercropping, which is commonly practised by farmers. In Kenya it is recommended that farmers carry out rotation cropping with legumes. In the US, farmers are required by contract to intercrop with soya or leave the land fallow. But if farmers want to plant a food crop rather than a cash crop like soya, they cannot do so, as their seeds are unlikely to survive or they may experience yield drag. A study in Brazil showed that maize is one of the most sensitive crops to soil persistence of Imazapyr, the effect of which is yield drag.

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1 - N Federoff, and N Brown, *Mendel in the Kitchen: a Scientist's View of Genetically Modified Foods*, Joseph Henry Press, Washington DC, 2004.

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World Bank, Intellectual Property Rights. Designing Regimes to Support Plant Breeding in Developing Countries, Report No. 35517-GLB, 2006, http://tinyurl.com/yd9wva (PDF)

3 - C Cox, "Imazapyr", *Journal of Pesticide Reform*, Vol. 16, No. 3, Fall 1996, pp. 16–20, http://www.pesticide.org/imazapyr.pdf

4 - A Ulbrich *et al.*, "Persistence and Carryover Effect of Imazapic and Imazapyr in Brazilian Cropping Systems", *Weed Technology*, Vol. 19, issue 4, 2005, pp. 986–91.

(NOTE: more references for this page are available online at www.grain.org/seedling/)

same issues as GM crops and, while the benefits for BASF are clear, the project presents a number of significant risks for farmers that could easily trump any potential benefits.

Is BASF helping farmers or opening new seed and herbicide markets?

The problems with StrigAway begin with the claims over intellectual property (IP). BASF owns patents over the Clearfield technology that it guards ruthlessly in all the countries where Clearfield crops are commercialised. BASF is one of the world's largest agricultural biotechnology corporations and it hopes that its Clearfield crops will secure its competitiveness in the lucrative market for herbicide-tolerant crop systems.[2] The company's strategy is to form licensing agreements with breeding centres and seed companies, and it expects royalties from its Clearfield technology shortly to bring in US$300 million a year.[3]

Farmers who purchase Clearfield seeds have to sign a contract called a "stewardship agreement", which BASF enforces aggressively.[4] In the US state of Arkansas, the company, responding to tips from other farmers, sued 25 farmers for the US$2.5 million by which, it said, they economised in 2005 by planting saved seeds. Early in 2006, BASF successfully sued a father and son for US$400,000 for sharing seeds with one another without its authorisation.[5] There is a toll-free phone number that BASF urges US farmers to call to report on other farmers breaking or sidestepping the BASF contract.[6]

BASF insists that its contracts are mainly there to ensure that farmers use the technology correctly. They claim that, if farmers save their own seeds, they increase the risk of weeds developing resistance to Imazapyr, thus destroying the advantages of the technology. Of course, the contracts are also a convenient way for BASF to increase seed sales.

When it comes to StrigAway, BASF claims that it is donating the technology and will not be collecting royalties. But the complete story is not so cut and dried. A web of contracts is involved in this project and the different players have been sending mixed messages. CIMMYT claims to have no involvement in contracts with farmers, saying that it is AATF's role to develop and implement such contracts.[7] AATF is vague about contracts and says that it will focus on working with NGOs and seed companies in training and monitoring farmers to ensure that they use the technology correctly.[8,9] BASF has an IP agreement with

Striga hermonthica *(shown above) and* Striga asiatica *are parasitic weeds that attach themselves to a crop such as maize, millet, sorghum or cowpea. Striga species grow naturally in grasslands where they live with their host plants with little damage. But with the intensification of agriculture and the loss of crop rotations and intercropping, Striga plants are able to produce abundant flowers and seeds and each subsequent crop plant can be parasitised by several Striga plants.*

CIMMYT, and it has signed herbicide supply agreements and trait technology sub-licences with the local seed companies. Local seed companies will be responsible for "stewardship", and it seems that they will have leeway to set their own seed prices. AATF says that the price of StrigAway seed will not exceed the price of other maize hybrids, but other reports say that the seed is likely to cost US$4/ha extra.

Meanwhile, it has also been reported that CIMMYT is pursuing plant breeder's rights over the StrigAway varieties in Kenya, which would impose harsh legal restrictions on what farmers can do with the seed.[10] Complicating all of this is both the common practice among Kenyan farmers of crossing and selecting among their maize crops and the fact that the Clearfield trait is genetically dominant, making it highly likely that the trait will transfer to other varieties of maize, including the traditional farmers'

2 - C Sine, "Am-Cy buy boosts BASF", *Farm Chemicals*, July 2000, tinyurl.com/t6j82

3 - BASF, "Clearfield® Production System", October 2006, tinyurl.com/wj98s

4 - S Cox, "Aimin' at the public's stomach", *Crop Choice*, 23 April 2003, tinyurl.com/y7u6d7

5 - BASF, "BASF continues stewardship of Clearfield technology with Louisiana injunction", Research Triangle Park, North Carolina, 20 January 2005, tinyurl.com/sfsts (PDF file)

6 - Horizon Ag, " Protect Your Investment", *New Horizons*, Vol 1, No 1, Page 4, August 2006, tinyurl.com/ynhc83 (PDF)

7 - Personal communication, Fred Kanampiu, CIMMYT, September 2006

8 - See also: World Bank, Intellectual Property Rights. Designing Regimes to Support Plant Breeding in Developing Countries, Report No. 35517-GLB, 2006, tinyurl.com/yd9wva (PDF)

9 - Personal communication, Gospel Omanya, AATF, September 2006

10 - GRAIN, "Africa's seed laws: red carpet for the corporations", *Seedling*, July 2005, p.28-35, grain.org/seedling/?id=342. Kenya passed a revised Industrial Property Act in mid-2001, placing very little restriction on the patenting of life forms, including even human genetic material.

varieties.[11] So, while the consortium is clear that farmers will not be permitted to save seeds under the StrigAway system and that the various IP claims will be respected, no one is taking responsibility for ensuring that farmers fully understand the tangle of IP that is involved.

Complex technology

The Clearfield system was designed for industrial monoculture farms, not Kenya's traditional mixed farming systems. The requirement that farmers purchase seeds every year is at odds with the deeply rooted cultures of seed-saving and exchange in Kenya. Over 50 per cent of the area planted with maize is still planted with farmers' own varieties, and farmers regularly multiply and integrate purchased varieties, including hybrids, in their own seed systems.[12] BASF has decided to withdraw its Clearfield technology from Eastern Europe because it says that farmers there were not "technified" enough.[13]

The use of a herbicide seed coating is also completely alien to Kenya's small farms. Farmers will be vulnerable to a number of risks. If they plant the StrigAway maize too close to other crops they will harm them. The StrigAway system can also leave herbicide residues in the soil that can harm crops in subsequent seasons. To avoid this problem, farmers are supposed to rotate their crops, but economic considerations often make this impossible. Moreover, the herbicide resistance of the Clearfield crops is not guaranteed. There have been a number of cases in the US where Clearfield crops seem to have lost their resistance and to have been damaged by herbicides.[14] CIMMYT admits that this is just a stopgap technology and that Striga can develop resistance to Imazapyr, and say that to control Striga, farmers must integrate this technology with other methods. The long-term solution, they say, is to develop genetic materials with Striga resistance. So, even though CIMMYT is currently making a virtue out the fact that Clearfield crops are not genetically modified, it is suggesting, indirectly, that the future lies with GM. CIMMYT is already testing Syngenta's Bt maize in Kenya.

CIMMYT says that while it is not practical to have stewardship agreements with farmers, it would be practical to educate each and every farmer in the use of the technology. During a meeting to launch StrigAway in July 2005, Kenyan farmers expressed interest in accessing the herbicide as a treatment for their own traditional seeds, so that they could avoid the high costs of purchasing new seed. Clearly they did not understand that if they applied the StrigAway seed coating to their own seeds it would immediately kill the seeds, producing a disastrous loss of their own varieties. Indeed, it is very easy for a farmer to make a mistake with the StrigAway technology and accidentally kill off her or his own seeds. Farmers can destroy their own seeds simply by not washing their hands properly after coming into contact with StrigAway seeds. In short, with the StrigAway system, there is always the risk that the herbicide will contaminate and destroy the farmers' other seeds, as has already happened during preliminary field trials.[15]

In Conclusion

Clearfield technology clearly presents almost all of the risks of GE crops, but has escaped scrutiny because it is developed by mutagenesis and not transgenesis. So BASF enjoys the same protection of its intellectual property rights without any of the public scrutiny.

Clearfield, or StrigAway, is another misguided attempt to introduce an excessively complex and risky technological solution into African farming systems. It is also too expensive to be widely affordable and it ties farmers into a disempowered relationship with seed companies and multinationals. CIMMYT has collected germplasm from farmers' varieties over the years, and it is these public seed-breeding resources that are being sold off to a multinational company so that it can market them all over Africa and stand to make a big profit from the substantial seed market. Ultimately the farmers will be left at the mercy of local seed companies, and it is these local seed companies that the project is supporting with the larger goal of breaking the Kenya Seed Company monopoly and giving multinationals like BASF a foot in the market. This is of course completely in line with the goals of Rockefeller and the new Gates Foundation Initiative (see page 22), which are using organisations like AATF and ISAAA to implement their strategy.

There is no doubt that Striga is a very serious problem for farmers, but, with the same amount of resources and education that are being put into promoting Clearfield, they could make substantial headway in controlling this pest with more sustainable and readily available methods of weed control. Are these farmers merely exchanging the stranglehold of the parasitic weed for the stranglehold of patented seed and the chemical treadmill? And how is this different from a GE crop?

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Genetic modification and bioprospecting threaten not only local farmers' control over their natural resources but also the culture that sustains their communities. Walter Ritte and Bill Freese describe the Hawaiian experience.

Haloa

WALTER RITTE AND BILL FREESE

The Gods – *Wakea*, the sky father, and *Ho'ohokukalani*, the star mother – gave birth to *Haloa*, the first born. Haloa was stillborn and placed in the earth outside the front door. Haloa grew into kalo, the first taro plant. The second-born of Wakea and Ho'ohokukalani was man, whose *kuleana* (responsibility) was to care for Haloa, his elder brother. Haloa, the kalo, became the staple food crop of the Hawaiian people.

This kinship ties Hawaiians directly to nature and places upon us a spiritual obligation to *malama* (take care of and protect) our eldest brother. Haloa is also a metaphor for all living things in Hawai'i, as survival on little dots of land in the middle of the world's largest ocean demands an intimate and reverent spiritual relationship with nature. Understanding and knowing our *mo'oku'auhau* (genealogy) informs us of where we come from, and who our *kupuna* (ancestors) are, both human and gods, as well as all life of the sea and land. Mo'oku'auhau gives us our place in the world. All these traditional Hawaiian concepts have played a significant role in guiding our work in response to research at the University of Hawai'i (UH) both to genetically modify Haloa and to claim patents or ownership over him.

In general, the Hawaiian community was not concerned about genetic manipulation and biotechnology until word spread in early 2005 that UH was genetically manipulating Haloa, our sacred taro. Some Hawaiians immediately demanded that UH's College of Tropical Agriculture and Human Resources (CTAHR), which carried out the genetic manipulations, put a stop to it. CTAHR's dean, Andrew Hashimoto, then signed a memorandum of understanding in which the university agreed to a moratorium on genetically modifying Hawaiian varieties of kalo.

On the island of Moloka'i, Hawaiians have expressed their deep concern about genetic engineering by referring to this technology as *mana mahele*, which means owning and selling our *mana* or life force. Mana is the spiritual force that comes from our knowledge and intricate relationship with nature. Part of mana is what westerners call "biodiversity".

In 1848, the foreign concept of owning land was introduced by western business interests for the purpose of securing title to lands in Hawai'i. The time when the traditional land tenure system was supplanted by private land ownership was called the *mahele*, or land division. This mahele severed the Hawaiians from their lands. Today, land in

In the third and last demonstration, the front doors of the medical building at the University of Hawai'i were blocked

Hawai'i is so expensive that it can be purchased only by the rich.

The genetic modification and patenting of our kalo, Haloa, has become the symbol of the second mahele, now called the mana mahele. The biotechnology industry now operating in Hawai'i cannot succeed without the manipulation and ownership of our mana or biodiversity and related traditional, indigenous knowledge. The first westerners took our lands, and now their followers come to take our mana, our very soul.

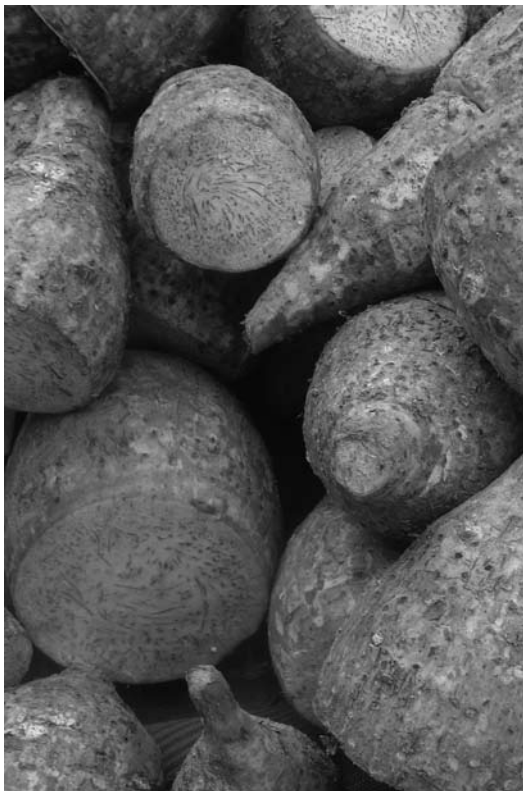
This began to waken the Hawaiian people to the broader issues of bioprospecting, biopiracy and biotechnology. Although there was a growing movement against genetic engineering among *haole* (Caucasian) environmentalists and organic growers, it had not significantly included Hawaiians. Furthermore, although some Hawaiian organisations have introduced and lobbied for bills in the Hawai'i state legislature to regulate bioprospecting in Hawai'i since 2003, concern amongst the broader Hawaiian community did not ignite until more Hawaiians understood that Haloa, our first ancestor, was in harm's way.

Later in 2005, it came to light that the UH had obtained three US plant patents on varieties of taro derived from the Hawaiian variety, Maui Lehua, in 2002. Hawaiians began to ask the question: "Who gave the University the right to patent taro plants?"

Maui Lehua is one of 300 Hawaiian taro varieties that have been developed over centuries through extensive breeding by Hawaiians to suit differing micro environmental and cultivation conditions, for special qualities of colour and taste, and for different cultural, social, medicinal, and ceremonial purposes.

Hawaiians have never claimed an exclusive, monopolistic ownership over kalo through patenting. As aptly explained by respected native activist Alapa'i Hanapi:

"Ownership of taro is like slavery … it is as if someone owns your relatives. If anyone owns the kalo, we do collectively as Hawaiians, and as Hawaiians we have demanded the UH give up its taro patents and return these varieties to Hawaiians. We are the custodians who have guided the appropriate use of kalo for millennia as a benefit for all people of Hawai'i. Given that the male parent of these hybrids is a Palauan variety, the indigenous peoples of Palau, who are responsible for the Ngeruuch variety, should also be involved



David Monniaux

Colocasia esculenta *(Taro or Kalo)*: *the plant on the left growing, and on the right as sold in a market*

with the rightful repatriation, stewardship and custodianship of these new varieties. In any case, UH does not have a right to claim ownership."

Taro farmers were also outraged by the patents. Chris Kobayashi, a taro farmer from Hanalei on the island of Kaua'i, put it this way:

"As a farmer, I strongly object to patents on taro or any other crop. Why should farmers have to pay for *huli* [the upper part of the root, used for replanting]? Our taxes have helped to fund UH. Some of us have been co-operators with UH on different taro research programmes including breeding, cultivation and diseases. More importantly, how can anyone claim ownership of plants that have evolved and been selected or bred by farmers for specific environmental conditions and desirable properties over generations?"

In the first half of 2006, hundreds of Hawaiians – including taro farmers, Hawaiian Studies students and faculty, Hawaiian culture-based charter school students, and other supporters – held several protests, demanding that the University withdraw the patents. The protesters' overwhelming political message of "no patents on kalo" was uniquely brought to life through cultural means, including the erection of an *ahu* (altar) on the grounds of the University, dancing *hula* and offering chants in honour of Haloa. The initial response of University officials was that faculty contracts required them to protect the intellectual property rights of their scientists. Under increasing pressure, the University eventually offered to assign the patents to a Hawaiian organisation, but Hawaiians rejected the offer and made clear that we objected to anyone patenting kalo, even ourselves. As a result of protests, discussions and negotiations, however, UH finally agreed to terminate the plant patents. The University filed legal documents with the US Patent Office that disclaimed all proprietary interest in the three patented taro varieties, effective 16 June 2006. On 20 June, Hawaiians celebrated their victory with a ceremony that included tearing up the three patent documents.

The treatment of Haloa, the kalo, by the University has become the window through which Hawaiians can view their future with biotechnology. It has become painfully clear that unacceptable manipulation and ownership of nature, the biodiversity that has sustained Hawaiians for thousands of years, is a major foundation for the economic success of biotechnology in Hawai'i. Although the kalo patents no longer exist, we know that much of Hawai'i's biodiversity remains in jeopardy of manipulation and patenting. For instance, the University continues genetic manipulation of non-Hawaiian taro. Accordingly,

while we appreciate the University's willingness to cooperate with our demands regarding kalo, we also requested that in future, "UH consult the Native Hawaiian community before claiming or obtaining intellectual property rights over living organisms of these Islands".

The spiritual relationship of Hawaiians to the biodiversity of Hawai'i as represented by the genealogy of Haloa, the firstborn, has been ignored by the State of Hawai'i. Haloa, the kalo, has now become the rallying point for efforts to control or stop the advance of biotechnology in Hawai'i. It is becoming clear that unless the concerns of Native Hawaiians are met, the future of biotechnology is at best dubious. This uncertainty will keep away the capital investment that the new industry desires.

Through our experience with protecting Haloa or kalo, it appears that a fundamental conflict of interest exists between the biotechnology industry and Hawaiians. The biotech industry demands manipulation and ownership of sacred things. The Hawaiian people, meanwhile, continue to assert the rights and responsibilities inherent in our understanding of kuleana over Hawai'i. We respect our genealogy, the gifts of nature and traditional knowledge that our ancestors have passed down to us over the centuries. It is our kuleana to maintain and protect these gifts and this knowledge for the benefit of future generations, *na mamo o Haloa. E ola mau no Haloa* (Haloa will live on).

Demonstrations in Hawai'i against the patenting of taro

Walter Ritte

Walter Ritte is a long-time Hawaiian activist who is currently the Coordinator of Traditional Fishpond Restoration on Moloka'i. Before this he worked for the State Office of Community Services creating community-based jobs for Moloka'i. He was one of the founders of Hui Alaloa, a group on Moloka'i in the early 1970s, which fought for Hawaiian rights of access and gathering. He was one of the founders of the "Protect Kaho'olawe Ohana", which was successful in stopping the bombing of Kaho'olawe Island by the US Navy in the mid-1970s. More recently he has led the successful campaign to drop patents on taro, as detailed in this article.

Bill Freese

Bill is currently a Science Policy Analyst for the Center for Food Safety in the United States. Before this he was a campaigner for Friends of the Earth (USA) in which, among other things, he played a key role in the discovery of illegal Starlink maize in the food chain. In his work he is continually questioning the regulation and safety of GM foods in the US.

As FTAs (free trade agreements) are being signed around the world, their impact on society as a force pushing for deregulation and privatisation is starting to be felt. And grassroots struggles are fighting back. But these struggles, on varying issues, are often cut off from each other. So in July 2006 a workshop brought together 60 participants, from 19 countries, all of whom have been fighting FTAs, to share their experiences and to build a strategy to fight FTAs.

Sharing FTA experiences

GRAIN

In recent years, the US, Europe and other industrialised powers have been stepping up their efforts to sign bilateral free trade agreements (FTAs) and bilateral investment treaties (BITs). This increased attention to bilateral deals goes hand in hand with the deadlock in global trade talks at the World Trade Organisation (WTO). FTAs not only commit countries to accelerated liberalisation of trade in goods, such as agricultural products, but also bring in new rules for trade in services, intellectual property rights, investment, and so on. Negotiated outside the multilateral system (which means that they are even further away from public scrutiny) they provide greater freedom for the world's most powerful governments to push developing countries, and smaller industrialised countries, to adopt policies that are much worse than those agreed to at the WTO.

Despite their name, these agreements are about much more than trade, for they provide transnational corporations (TNCs) with vast, new, legally enforceable rights in foreign markets. As a result, countries are being hand-picked for bilateral agreements on the basis of geopolitical concerns. Much of the FTA "chess game" today is a competition between large powers trying to secure spheres of political and economic influence. Competition between the US and the EU is a key

"For the WTO resistance, it is easier to gather people across countries and continents to mobilise together. But with FTAs, we are struggling on our own"

Participant at the International Strategy Workshop.

part of that dynamic. But China, India, Japan, Brazil and others are also vying for a place in the emerging new landscape.

People's movements have been fighting FTAs ever since the North American Free Trade Agreement (NAFTA) was signed between Mexico, the US and Canada in 1993. Over the years, that fight has multiplied and grown, from Morocco to Korea, from Ecuador to Thailand. To our knowledge, only one FTA negotiation process so far (in Ecuador) has been stopped as a result of social mobilisation and pressure. In other instances, particularly in Korea, social movements have caused significant disruptions and delays to their governments' FTAs. Still, many grassroots struggles against FTAs and BITs have remained cut off from each other, a direct result of the "divide and rule" logic of bilateralism. FTA Watch, a loose coalition at the forefront of the struggle in Thailand, felt a strong desire to break this logic and share experiences with anti-FTA movements in other countries. It called on bilaterals.org, GRAIN and MSF – all of whom had been involved in global work against FTAs and BITs for many years – to help them to organise an international strategy meeting, which was held in Bangkok on 27–29 July 2006.

This workshop brought together for the first time, from many different countries, movements that have been fighting FTAs and BITs. There were nearly 60 participants from 19 countries across every time zone. Many have been directly involved in grassroots struggles to derail these agreements. Rather than attempting to set up a new network or build a common agenda, the workshop's objectives were to share people's experiences fighting FTAs and to build strategy ideas to strengthen national, regional and international struggles against FTAs.

The FTAs do much more than make up for a failed WTO. For nearly two decades now, they have been used deliberately to lock countries into political, economic and social policies – such as stronger patent monopolies on medicines – which are far more extreme than the US and Europe could ever achieve in the multilateral fora. The push for FTAs is a complex global phenomenon, with both North–South and South–South agreements on the rise. The North–South deals are comprehensive (they cover a huge number of issues) and serve to open up new opportunities for TNCs to extract more profits from developing countries. They further help to dismantle states through privatisation and deregulation, and by pulling jurisdiction over disputes away from national courts. The South–South deals tend to be less comprehensive and less oriented towards an overhaul of national laws, but their impact on farmers, workers and the environment has been devastating.

The term "free trade agreement" is a misnomer. FTAs basically give corporations in one of the signatory countries a very broad set of new rights in the other: rights to dictate the terms of their investments there, rights to buy state industries, rights to deliver local services such as education and health, rights to get access to natural resources and energy sources, and rights effectively to sue the government of the other country if it does not fully meet their wishes. FTAs are also highly geopolitical treaties, aimed at cementing political alliances between specific countries. FTAs with the US are inextricably linked to American military and national security interests, invariably requiring support for US foreign policy.

In all countries, North or South, the secrecy surrounding these agreements is often more intensive than any Green Room process at the WTO. The public and its parliamentary representatives are routinely denied the right to see any text before it is signed. In FTAs with the US, some countries are even obliged to keep the negotiating history secret for several years. For all the hype about democracy, FTAs are profoundly anti-democratic. To speak of FTA "negotiations" is, in this sense, another misnomer. It is more accurate to say that FTAs are imposed rather than negotiated.

It is clear from many different countries' experiences of FTAs that they do not benefit farmers or workers. This is sometimes hard to explain to people, because governments and the corporate media bombard us with the message that agricultural exports will increase. Yet even where they do increase, none of the gains go to the producers; they tend to go instead to retailers and traders.

When experiences of resistance to FTAs are compared, it becomes clear that some countries have been successful in building broad anti-FTA coalitions at the national level. This happened because people mobilised on the basis of an understanding that the FTA will affect every aspect of social and economic life in the country. In Morocco, for example, the protection of human rights (to food, to health, to education, to self-determination, and so on) was the banner uniting a broad range of social sectors campaigning against the US–Morocco FTA. In Korea, the opposition movement started in the peasant sector, but quickly spread to trade unions, the cultural sector, health

FTAs are...

- FTAs are all about allowing corporations new rights in signatory countries
- FTAs are principally based on privatisation and deregulation
- FTAs take away jurisdiction over disputes from national courts and take power away from national parliaments
- FTAs go much further than agreed multilateral deals such as the WTO
- FTAs cover a very wide range of issues which are all endorsed by one signature – major legislative decisions are often bolted on to FTAs to ensure that they are included
- FTAs are often linked to military and national security interests
- FTAs are highly secretive
- FTAs are signed despite mass pressure put on national parliaments and the media
- FTAs rarely benefit farmers (especially small holders) or farm workers
- FTAs benefit an elite few, usually large businesses

workers, teachers, consumer groups, and the media. In Costa Rica, the anti-CAFTA movement has also been highly diverse and strongly decentralised, making it hard to manipulate. In Thailand, the cooperation between people living with HIV/AIDS and farmers has been a backbone of resistance.

Detailed, independent research and analysis has been crucial to our campaigns. Rather than focusing on one issue, research on FTAs needs to cover all the issues in order to be relevant and support movement-building. In Korea, a team of 300 was mobilised to investigate different aspects of the proposed US–Korea deal, illustrating how it will affect farmers, workers, film-makers, and service sectors. Mapping the impacts in detail is difficult and time-consuming, especially when the proposed text is not available. But looking at what happened in other countries that have already signed FTAs, such as Mexico and Chile, has often been very useful.

Some groups have been able to use parliamentary and other legal processes (freedom of information laws or constitutional provisions, for example) to obtain information and arouse public concern. In the Philippines and Costa Rica they succeeded in delaying the signing of the agreement.

In a number of countries, building and sustaining common ground and tactical alliances with small and medium-sized businesses has been important to the campaigns. FTAs usually benefit only a small minority within the business community. It is common for some local firms, such as pharmaceutical companies or livestock operations, to come out in opposition to FTA talks. Social movements have various (and mixed) experiences working with them in the national campaigns.

But FTAs do get signed, despite people's resistance. We cannot rely on parliamentary processes, media exposure or sporadic actions. We need to build mass public pressure through sustained campaigns to stop the agreements. If our struggle does not succeed in stopping the signature or ratification of an agreement, it is not the end of the struggle. We need to continue the fight.

Resistance to the FTAs provoke a counter-attack by their proponents and defenders. We find the language of social movements and concepts such as "partnership" and "commons" (see the editorial in this *Seedling*) increasingly being deployed by promoters of neoliberalism. Governments co-opt NGOs and communities, even creating pro-FTA "community organisations" in their drive to sign FTAs. USAID and other "development assistance" agencies have been effectively supporting this strategy in all of our regions. When processes of "dialogue" and "participation" are designed to neutralise opposition and legitimise neoliberal policies such as FTAs, we need to expose them and counteract them with our own analysis and action.

When fighting FTAs, social movements are often challenged to come up with an alternative. Many workshop participants felt that there was no need to engage in such an argument. Our coalitions are built around stopping the advance of neoliberalism, and we have to uphold consensus positions and baseline objectives. In many cases, we do not need to create an alternative: the things that FTAs aim

to destroy, such as peasant agriculture or collective rights, already exist as an alternative. Besides, as FTAs are much more about investors' rights than trade, what are we supposed to develop an alternative to? Rather than provide governments with an alternative, the onus should be put on governments to explain – and attempt to justify – what they are trying to achieve through an FTA.

People's organisations value solidarity and cooperation, and some have been open to discussions about redesigning trade relations at the regional or subregional level based on these principles. The example of ALBA – the Bolivarian Alternative for the Americas, promoted by Hugo Chávez to oppose George Bush's Free Trade Area of the Americas – was particularly debated in this respect. However, as ALBA is still at an experimental stage, some people felt that more time was needed to assess how far it can meet its aims without running into contradictions. Others, however, argued that, given the non-representativeness of governments, South–South trade arrangements and regional blocs will not deliver any better results for the majority of the people than the North–South agreements. As one participant put it, "Neoliberalism is never questioned. That's where the problem lies."

It is important to draw the line, take a clear "No" position and lay bare the real issues early on in the struggle against FTAs. Many participants commented that the most successful struggles, among the experiences we shared, were those that linked FTAs to neoliberalism more generally. Privatisation affects everyone – from high school students to pensioners. So does deregulation. FTAs are Trojan horses for these things plus investors' rights and geopolitical–military alliances. While we focus on free trade agreements as very specific instruments, we need to be clear about what is at stake, what our positions are, and what the battle is really about.

[*This is a GRAIN-edited version of another report written by the organising team of the International Strategy Workshop held in Bangkok in July 2006. This more comprehensive report can be found at: http://www.grain.org/i/?id=162*]

David and Goliath: Central America's Battle over Free Trade

Stop CAFTA Coalition, "Monitoring report: DR-CAFTA in Year One"

GRAIN

The USA has long dreamt of turning the whole of the Americas from Alaska in the north to Tierra del Fuego in the south into a giant Free Trade Area. Largely because of opposition from some of the larger countries in South America, particularly Brazil and Venezuela, the Bush administration realised in 2001 that it was not going to achieve this ambition by its target date of 2005. Undeterred, it opted for a piecemeal strategy, negotiating bilateral deals with some countries and regional deals with others.

A key element in the Bush administration's new tactic was the US–Central America Free Trade Agreement (CAFTA). In May 2004 five Central American nations (El Salvador, Guatemala, Nicaragua, Honduras and Costa Rica) signed a trade agreement with the United States. In August, a single Caribbean country – the Dominican Republic (DR) – joined the pact.

CAFTA was initially intended for implementation on 1 January 2006 but, just a fortnight before that date, the United States Trade Representative (USTR) decided that the countries had not enacted sufficient changes to make their legal systems compliant with CAFTA's requirements. The USTR decided on a process of rolling implementation by which each country would be accepted into CAFTA once it was deemed to be ready. This decision was greeted with consternation by some Central American organisations, which feared that this case-by-case approach would greatly increase the vulnerability of their small countries (which have, on average, an economic output worth 0.3 per cent of the USA's).

So how has the process been going? It is early days yet but, in what promises to be a fascinating series of monitoring reports, the Stop CAFTA Coalition has produced its first analysis. In one section the report looks at El Salvador, considered in February 2006 to have carried out enough reforms to be allowed into CAFTA.

It is no surprise that El Salvador was the first country to be admitted, as it is governed by the right-wing ARENA party, a staunch Bush ally. But, says the report, even here the process was fraught, with the government facing considerable opposition both inside and outside the legislative body. In 2004 the government managed to get CAFTA approved, in principle, by the National Assembly only by holding the vote at 3 a.m. with the building surrounded by riot police. And the subsequent reform process too, was difficult. Among other demands, the USTR insisted on far-reaching changes to the laws on public acquisitions and contracts, insurance, branding and intellectual property. ARENA managed to get its reform bill approved by the National Assembly only by introducing it very late in 2005 and by refusing to hold a proper debate; the main opposition party walked out in protest and abstained from the vote.

According to social movements, CAFTA is likely to unleash a new wave of privatisations in El Salvador: the first on the list is the public water utility, to be followed by health care. In the past Salvadoreans have fiercely resisted the privatisation of social services, and in 2003 they successfully blocked an attempt to privatise the health service by introducing a new law that protects the people's right to affordable social services. Under CAFTA, however, free trade agreements supersede national laws, so this law is now likely to be challenged in the courts. But opposition will be fierce, for many Salvadoreans are determined to cling on to their hard-won social advances.

The process is less advanced in the other countries. CAFTA was implemented by Nicaragua and Honduras on 1 April 2006 and by Guatemala on 1 June 2006. The Dominican Republic has yet to comply with the USTR's demands and Costa Rica has not yet even ratified the agreement.

The Stop CAFTA Coalition report has interesting sections on emerging economic and political trends and what to expect in the future. Particularly disturbing is the section on farming in Nicaragua. The neoliberal reforms that were imposed there after the defeat of the left-leaning Sandinista government in 1990 led to the dismantling of the state's support for the farm sector. "While Nicaragua's farmers receive no government assistance, US farmers are highly subsidised to grow crops that directly compete with crops in Central America, including corn, rice, sugar, cotton, meat and milk ... Whereas the United States is ranked as number two in competitiveness in agriculture, Nicaragua is ranked as number 73 in a sample of 75 countries and the gap is growing."

CAFTA was negotiated without any recognition of the enormous asymmetries between the US and Nicaragua. "The United States negotiators did not allow the subject of its internal subsidies even to be discussed." Nicaragua's farmers are currently protected by tariffs which, according to the US Department of Agriculture, average 60 per cent. Once CAFTA is fully implemented, they will be reduced to zero for most products. This will have a devastating impact on the local population, many of whom make their living from farming.

Here too, however, the battle is far from over. Nicaragua holds presidential elections on 5 November 2006 and there is a real possibility that the FSLN candidate, Daniel Ortega, will win. Ortega headed the government from the time of the Sandinista revolution in 1979 to their unexpected electoral defeat in 1990. Although, if re-elected, Ortega is promising a far more moderate government this time, he is likely to create more political space for those social movements fighting CAFTA's damaging agenda.

Stop CAFTA Coalition, "Monitoring report: DR-CAFTA in Year One", 12 September 2006

Download from: www.stopcafta.org

Foundations for GM crops in West Africa are being built – a battle looms ahead

GRAIN

On the surface all appears quiet in West Africa when it comes to GM (genetically modified) crops. In 2004, GRAIN reported about how Bt cotton was being introduced into West Africa, in particular in Mali,[1] and yet since then it would appear that little has changed. Still Burkina Faso continues to support the growing of GM crops, and just recently announced an expansion of the GM planting by Monsanto and Syngenta, growing six strains of GM cotton. This is in addition to the 316 hectares of Bt cotton that has already been planted by 663 farmers.[2] Benin still has its moratorium on GM products, yet still accepts food aid from the US with the high possibility that the grain itself is GM. Mali still talks of introducing Bt cotton.

Yet, under the surface, the pressure on governments, researchers and farmers' organisations to accept GM crops is huge. Bt cotton is the main contender, mainly because it is one of the biggest cash crops being grown in West Africa. The irony with cotton is that growers in West Africa are having a hard time selling their product at a reasonable price, due mainly to the huge subsidies received by US cotton farmers that are forcing the global price of cotton down. But overall, the pressure on these countries in West Africa is more about getting all GM crops and food accepted – cotton is just the Trojan horse. In the past, biotechnology corporations were more than happy if countries did not have a legal framework to either accept or reject GM crops and food. But now these corporations, with the backing of international bodies such as the World Bank and USAID, have changed tack, and are now keenly pushing for a legal framework to control biotechnology – a legal framework commonly known as biosafety legislation. By taking the initiative, such biosafety legislation can now be steered in a direction that overall will accept the introduction of all GM products. And this is precisely what has been happening in West Africa.

In June 2006, a number of organisations publicised how the World Bank was blatantly pushing forward with its own version of biosafety legislation – the West Africa Regional Biosafety Project. Harmonisation of legislation is the key to success here, in that a few countries with model (pro-GM) laws are used as a template to be imposed on other countries in the same region, and ultimately globally.

"The World Bank project is the next step forward in this harmonisation process. ECOWAS covers a large market, covering all 15 countries of West Africa, but, according to the World Bank, it doesn't have the authority to force member countries to adopt common legislation; it can only make policy recommendations. The World Bank project, therefore, focuses instead on WAEMU – a smaller grouping of 8 West African states that has the power to impose the 'fast-track adoption' of compulsory 'enabling' legislation on its members. As stated in the project proposal: 'If WAEMU is able to harmonise national biosafety legislations and later to enforce a decision taken in one country in the other countries, it will drastically improve the investment climate in biotechnology for cash and food crops in the WAEMU area ... by diminishing the costs of doing business.' Once adopted within WAEMU, the Bank says it will then look to 'scale-up' the project to the much bigger market of ECOWAS."[3]

So far, the project has had a complete disregard for public debate. The project proposal itself was available only in English, yet all the countries of the WAEMU are French-speaking. And public consultations have been organised on an invitation-only basis with the introduction of GM crops seemingly a foregone conclusion.

With all of this, resistance is building up, both within each country and also in a large network of activists and farmers across Africa. COPAGEN (Coalition for the Protection of African Genetic Heritage) is one example of a broad coalition of national and regional organisations which is helping to resist the imposition of these biosafety laws and the introduction of GM crops and food. To do this, COPAGEN's members provide information on what is really happening in Francophone Africa through educational materials and information on the rights of local communities and farmers and laws on access to biological resources (see their news release on the opposite page). Farmers are also resisting, and this is particularly evident in Mali, with regular demonstrations against the introduction of GM crops.

It is also in Mali that an interesting event, called a Citizen's Jury, was held in January 2006. Here farmers (from around the Sikasso district) were asked to attend a series of debates and discussions on GM technology. The objectives of the Citizen's Jury were to allow farmers of the region to: 1) better understand what GMOs are and what risks and advantages they carry; 2) confront viewpoints and cross-examine expert witnesses, both in favour of and against GMOs and the industrialisation of agriculture; 3) formulate recommendations for policies on GMOs and the future of farming in Mali.[4] The final verdict was very clear – a condemnation of the introduction of GMOs in Mali. Furthermore, in February 2007 Mali will host the Nyéléni World Forum for Food Sovereignty – a conference to step up the struggle for the adoption of food sovereignty.

So the foundations are being laid on each side in this highly polarised topic: on the one hand pro-GM legislation and a fistful of cash; and on the other hand information and activism. All may appear quiet at the moment, but a large battle looms in the future as the momentum in West Africa to resist GM crops increases rapidly.

1 - See: GRAIN, Bt cotton on Mali's doorstep, *Seedling*, April 2004, http://www.grain.org/seedling/?id=283; GRAIN, GM cotton set to invade West Africa, *GRAIN Briefing*, June 2004, http://www.grain.org/briefings/?id=184

2 - EIU Viewswire, Monsanto and Syngenta to expand testing of GM cotton in Burkina Faso, 22 September 2006, http://tinyurl.com/y9anky

3 - African Centre for Biosafety, ETC group, GRAIN, Red por una América Latina Libre de Transgénicos, "Groups in Africa, Latin America condemn World Bank biosafety projects", http://www.grain.org/front/?id=92. [WAEMU – West African Economic and Monetary Union, ECOWAS – Economic Community Of West African States]

4 - IIED, "Citizens' Space for Democratic Deliberation on GMOs and the future of farming in Mali: What were the Objectives of the Citizens' Jury?", January 2006, http://tinyurl.com/y4bums

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PRESS CONFERENCE: 20 SEPTEMBER 2006 - Opening remarks

A meeting of great importance to the WAEMU (West African Economic and Monetary Union) countries will be held on 21 and 22 September 2006, i.e. tomorrow and the day after tomorrow, on what is known as the "REGIONAL PROJECT FOR BIOSAFETY IN WEST AFRICA". This is nothing less than a Trojan Horse that will bring genetically modified organisms (GMOs) into West Africa. The stated aims of the meeting say little about what is to happen. In fact, for some months now, the World Bank and the Global Environment Facility (GEF) have been putting pressure on the WAEMU to endorse a regional project that aims to introduce GMOs into West African agriculture. The project has two stated aims:

• A global environmental objective aiming to "protect regional biodiversity from the potential risks associated with the introduction of GMOs into West Africa"

• A development objective aiming to "put in place a biosafety framework for field trials, trials in contained environments and commercial production of transgenic plants and their derivatives, starting with cotton".

The fact that cotton is identified as the prime target reveals the stratagem being used. In 2003, Burkina Faso, under combined pressure from Monsanto, Syngenta, USAID and the US Federal Department of Agriculture, decided to begin trials of Bt cotton without any regulatory controls being put in place, which is a serious breach of the Cartagena Protocol. Bt cotton was therefore introduced into the country without any public debate. It was only after trials had begun that Burkina set up provisional regulations to ratify what had already taken place.

Civil society in the sub-region, in particular the Coalition for the Protection of African Genetic Heritage (COPAGEN) expressed great concern at this situation. As the whole of West Africa can be targeted from Burkina Faso, there is now a rush to legalise a de facto situation, in order to catch the sub-region in the trap of Bt cotton. The problems of cotton in the sub-region today have nothing to do with seeds, or productivity, or yields. They are:

• The subsidies that the USA and Europe grant to their own cotton producers, disregarding the rules of the WTO, which they contributed to making, thus acting according to double standards. The USA and Europe brandish the rules of the WTO in order to force African countries to sell off their agricultural products at low prices, but they scorn these same rules when they do not serve their own interests.

• The inadequate organisation of the sector in almost all the African countries concerned, which acts as a disincentive to producers. We only have to look at how the cotton industry has been mismanaged in Benin over the last ten or fifteen years: growing seasons are poorly organised; inputs arrive late on farms; when they do arrive, they are often of poor quality; and when farmers finally harvest and deliver their cotton after all their hard work, they are not paid on time. And so on.

• Our cotton is not processed within the sub-region to provide added value.

Whilst these three problems remain, any other solutions will be futile, in particular the adoption of Bt cotton.

In general terms, GMOs are not a solution for Africa. The major problems that agriculture faces in our countries include incompetent water management, low soil fertility in many regions, lack of access to the means of production, in particular around issues related to land, lack of access to loans at acceptable interest rates, and the processing of our raw materials on our own continent. Faced with these problems, there are a number of solutions other than GMOs, solutions that are scientifically controllable, economically profitable and socially sustainable. Instead of this, the World Bank, which has already contributed significantly to the destabilisation of our countries' economies through structural adjustment programmes, now wants to trap farmers in a situation that will be irredeemably prejudicial to the production of cotton in the sub-region.

In the first place, WAEMU should concern itself with resolving the serious problems confronting our currency, problems that the President of Mali, as quoted by Erik Orsenna, describes as follows: "As a result of our membership of the franc zone, we are tied hand and foot to the euro. As soon as it increases in value, our cotton is worth less, because it is purchased in dollars. Does that seem right to you? One of the poorest countries locked in to one of the highest currencies? The higher it climbs, the further we fall. And no one protests. Least of all the World Bank." (E Orsenna, *Voyage aux pays du coton, Petit précis de mondialisation*, Paris: Fayard, 2006, page 47).

This is why the JINUKUN network and the Coalition for the Protection of African Genetic Heritage (COPAGEN), which are active in all the WAEMU member countries and Guinea, are launching a solemn appeal:

To the leaders of the sub-region, to urge them not to lend their support to the regional biosafety project, which in reality serves only to pave the way for the Bt cotton that Monsanto, Syngenta and others, supported by the USA, want to impose on our agriculture. To adopt Bt cotton is to open the door to the introduction of all genetically modified seeds in agriculture and food.

To farming organisations, consumers' associations, development organisations and trades unions in the sub-region, to urge them to:

• resist the current attempts to introduce GMOs into agriculture,

• demand information so that they are better able to understand the issues around GMOs, so that they can act in full possession of the facts.

"Green Revolution (Africa) Beta" programme out now (trial version only)*

Microsoft's Gates throws $100 million at a "new" Green Revolution for Africa

In a fanfare of publicity, the Bill & Melinda Gates and the Rockefeller Foundations announced on 12 September their new joint "Alliance for a Green Revolution in Africa".

The core of this initiative is the breeding of new seeds and getting Africa's small farmers to use them. Gates will put up US$100 million, and Rockefeller will contribute another US$50 million plus its long experience in this field. The Gates Foundation, which had been focusing on health care since it was started, has only recently spotted agriculture as an issue to spend money on. At the press conference launching the initiative, Bill Gates stressed that this is the first of many investments in the agricultural arena likely to come from his foundation, currently the world's richest charity, with over US$60 billion in funds.

While the head of the Microsoft computer software empire puts up most of the money, the Rockefeller Foundation is the real mover behind this initiative. The new money provides a tremendous boost for its programme and strategy in Africa. Rockefeller was the leading agency behind the original Green Revolution, launched at the height of the cold war in the 1950s to counter the threat of red revolution in large parts of Asia and Latin America. The Green Revolution was based on breeding new crop varieties that respond better to fertiliser, agrochemicals and irrigation. Its impact on farming and food production has provoked bitter controversy: its proponents claim that it has saved millions of lives by increasing agricultural productivity, while its critics point to the devastating impact it has had on small farmers and the environment. Nobody denies that it generated a massive global market for seed, pesticide and fertiliser corporations.

Another point that everybody agrees on – proponents and detractors alike – is that the Green Revolution didn't work in Africa. Do those promoting new agricultural technologies know why it didn't?

Learning from the past?

The Rockefeller Foundation explains that the Green Revolution largely bypassed Africa, pointing to the complexity of the continent's agriculture and its lack of infrastructure. But Green Revolution technology didn't bypass Africa: it failed. It was unpopular and ineffective. Fertiliser use, for example, increased substantially from the 1970s onwards in sub-Saharan Africa, while per capita agricultural production fell. Yield remained stagnant or increased only marginally across Africa in important crops such as maize, cassava, yams, rice, wheat, sorghum, and millet.

With this evidence on the table, and Rockefeller's own senior officials questioning the Green Revolution's single focus on improved seeds, one would expect the new initiative to take a different approach. Instead, we get more of the same. A background document that the people at Rockefeller drew up to explain the initiative concludes: "A main reason for the inefficiency [of Africa's agriculture] is that the crops on the great majority of small farms are not the high-yielding varieties in common use on the other continents".

From this rather simplistic analysis (essentially saying that the problem is Africa, not the technology), we then get a straightforward action plan repeating Rockefeller's approaches in the past:

- Breed new crop varieties: at least 200 new varieties for Africa in the next 5 years.
- Train African scientists to work with them, spearheading the new revolution.
- Get the new seeds to the farmers through seed companies and by providing training, capital and credit to establish a network of small agro-dealers "who can serve as conduits of seeds, fertilizers, chemicals and knowledge to smallholder farmers".

Bad transportation and overpricing because of government taxes and other tariffs are identified as the main bottlenecks in getting new seeds and more chemical fertilisers to farmers. In essence, despite some lip service to the shortcomings of earlier efforts, this initiative replicates exactly the approach of its ill-fated predecessor: farmers don't have access to new technology, so we are going to produce it and ensure that it gets into their hands.

The broader picture

It is incredible that this simplistic line of thinking is still being followed after so many years of Green Revolution debate. The tremendous environmental damage caused by the Green Revolution model of agricultural development, relying on the lavish use of water, fertiliser and pesticides, is ignored. The soil erosion and degradation caused by the use of chemical fertiliser and pesticides, and the resulting

(*) This programme is a trial version only and may expire suddenly and without warning in a few years time. Hotfixes for this trial version Beta programme may or may not be available for implementation. Parts of this programme will almost certainly be protected by various international and national intellectual property laws.

destruction of agricultural productivity, are not mentioned. Instead, the mantra of new seeds and more fertiliser is repeated. The explosive question of genetically engineered crops is studiously avoided in the propaganda – but both the Gates and Rockefeller foundations are among the most active supporters of genetic engineering in Africa.

Also ignored, despite increased international recognition of its crucial importance, is the central role played by local communities, their traditional seed systems and rich indigenous knowledge. Rather than building on these foundations and utilising the treasure of biological diversity available in the villages, Rockefeller has decided to rely on "improved varieties".

Perhaps the starkest omission is the project's failure to consider the socio-economic consequences of its model. As more than 600 NGOs put it in an open letter to the Director General of the FAO in 2004: "if we have learned anything from the failures of the Green Revolution, it is that technological 'advances' in crop genetics for seeds that respond to external inputs go hand in hand with increased socio-economic polarisation, rural and urban impoverishment, and greater food insecurity. The tragedy of the Green Revolution lies precisely in its narrow technological focus that ignored the far more important social and structural underpinnings of hunger."

This reality has grown steadily more dramatic. Structural adjustment measures imposed in the past by the World Bank and the International Monetary Fund forced African governments to dismantle public agricultural programmes and drop protection mechanisms for their small farmers. The same agencies forced those governments to devote their most fertile land to growing export commodities for the North, thus pushing small farmers off their land and food production out of rural economies. Now, under pressure from the World Trade Organisation and the impending Economic Partnership Agreements with the European Union, African governments are increasingly opening up their markets, forcing farmers to "compete" with the heavily subsidised food and produce dumped into their economies by the US and the EU.

The bitter irony is that many of the measures now destroying African farming are being supported, if not instigated, by the very corporations whose charity foundations are coming to Africa's "rescue" with technology programmes.

The seeds of privatisation

If there is anything new in the Gates/Rockefeller push for a Green Revolution in Africa, it is its reliance on the private sector. A substantial part of the funding is earmarked for seed companies and 'agro-dealers' to get the seeds and chemicals to the farmer. The farmer is the final object to reach, rather than point from which to start. In the mindset of such corporate foundations, progress is guided by the vision and interests of transnational corporations, not by the collective wisdom of rural communities.

The problem is not that the Green Revolution has bypassed Africa. It is that several decades of experience, lessons and new insights have bypassed the sponsors of the Green Revolution – now backed by corporate foundations – who insist on an outdated technology model that benefits corporations, not farmers.

This "Sprouting up" is a shortened version of a longer report by GRAIN, Another silver bullet for Africa? Bill Gates to resurrect the Rockefeller Foundation's decaying Green Revolution*, "Against the grain", September 2006, http://www.grain.org/articles/?id=19*

We have two interviewees in this issue, both from Colombia: Mario Mejía, and indigenous Colombian leader Lorenzo Muelas

Mario Mejia

Please tell us about your personal experience with agricultural biodiversity work.

I was indoctrinated at the National University of Colombia to destroy the biodiversity of the Colombian jungles. After graduating in the 1950s, I became involved with mechanised agriculture, growing cotton in the Colombian Caribbean region. This was the "boom" period, involving nearly 400,000 hectares of land. We stopped importing this fibre and began exporting it, following the theories of CEPAL (the UN Economic Commission for Latin America and the Caribbean) and other illustrious economists of the time. We contributed to the burning of thousands of hectares of jungle without the slightest notion of what we were burning. And this was called "civilising" the land.

My first encounter with agricultural biodiversity occurred in the traditional Caribbean fishing villages of Colombia, in sections of Bajo Magdalena and the coastal area. I conducted studies on "adapting" the land for the law of Agrarian Reform 135 of 1961. The idea was to drain the marshes in order to convert them into cattle ranches. From this work, I discovered that the traditional farming systems were both socially and productively superior to the supposed economic benefits of the "improved" systems. Where the "improved" systems would accommodate only one landowner, the traditional systems could accommodate one hundred fishing families on the same amount of land, producing more food in fish than in kilos of meat from cattle.

My second encounter with biodiversity occurred through academic projects which I designed for Marine and Inland Fisheries Engineering and Wildlife Captive Breeding programmes at three universities.

After that, I spent three years in the Amazon jungle with the Amazonian Radargrammetry Project. The results from this project were published in 1979 by the Agustín Codazzi Geographic Institute of Colombia. Through this work, I came to understand that there were other cultural and functional ways of relating to nature. I wrote about these other points of view in 1987 in an introduction to the natural history of the Colombian Amazon, and in 1993 in a history of the land use in the Colombian Amazon.

As a professor at the National University of Colombia from 1979 to 1989, I developed research, especially through graduate theses, on promissory plant and animal species of the Pacific, Orinoquia and Colombian Amazon regions. Of the more than 40 species I have studied, I'd like to make special mention of the publication from 1991, "Diversidad de yuca *Manihot esculenta Krantz* en Colombia: visión geográfico cultural" (Diversity of the cassava *Manihot esculenta Krantz* in Colombia: a geographical–cultural view). I am now retired from the university and have dedicated myself to working with local, afro and indigenous communities in various parts of the country.

What is your view of the agroecology movement and the small farmer movements?

The agroecology movement was created by intellectuals of the environmental movement, beginning in the 1970s. It is a concept that is presented as all-encompassing, and it subordinates values that are, for me, superior, such as the political, the ethical, the spiritual, and the religious. Agroecology is an expression of European environmental colonialism, manifested primarily through organic certification.

What advances and setbacks have you observed?

The indigenous and afro movements in Colombia are governed by constitutional statutes that ignore small farmers. The diverse sources of dominant power exercise that power principally through violence, which has displaced 3 million small farmers in the last 10 years – the highest number in the world today. The system of government is oriented in favour of the gringos and the wealthy involved with import and export businesses, in order to facilitate the Free Trade Agreement. The horizon is dark. I hope we survive.

In addition, the Forestry Law of 2005 deprives all Colombians of the right to "return" to the jungle,

A Farida Akhtar
B Benny Haerlin
C Carlos Correa
D David Quist
E Johnson Ekpere
F Francisca Rodriguez
G German Velez
H Hope Shand

in order to allow foreign lumber companies to come in.

What is your view of the procedures and mechanisms established for organic certification and the registration and certification of seeds?

The certification of organic foods is a foreign commercial tool that bureaucratises organic products, makes them "elite", and increases their price. It excludes the farmers who cannot pay the exorbitant fees for certification. It is currently the principal parasite of ecological agriculture. It distances consumers who are poor from healthy food.

The registration and certification of seeds are instruments of private appropriation, involving the exclusion of local seeds, the domination of "improved" varieties, and the impoverishment of farm workers. Seeds are the patrimony of the people. By right, they are free and available to all humanity. They are the result of 10 million years of development, beginning with the earliest cultures. They are not merchandise. They are cultural values. They are natural.

In your opinion, what are the principal challenges today for protecting agricultural biodiversity?

To survive the entrepreneurship of genetic engineering and nanotechnology, and to overcome it.

Lorenzo Muelas Hurtado

Lorenzo Muelas Hurtado is a member of the indigenous Guambiano people in Colombia. At 68 years old, he has served as governor, senator, and representative to the National Constituent Assembly, which wrote the new Constitution in Colombia. He also attended the Eighth Meeting of the Conference of the Parties to the Convention on Biological Diversity (COP8), in Curitiba, Brazil, in March 2006, where he participated in the working group discussions on agricultural diversity, particularly those relating to the debate on terminator technology. Here Lorenzo Muelas Hurtado is interviewed by Oswaldo Braga de Souza from the Instituto Socioambiental, just prior to the COP8 meeting.

Why do you reject the research regarding terminator technology?

These seeds were created to enslave us. The terminator technology was developed to obligate us to buy more and more seeds from the suppliers. On the other hand, the Terminator seeds also threaten our cultural identity. For us, the Guambianos, seeds are not merely our sustenance, providing us with food and clothing. They also play an important role in communicating with our ancestors and the spirit world. They have an important symbolic value as an offering to the spirits who are high in the mountains and in the lakes.

But don't you believe that genetically modified seeds can be a good economic alternative if the traditional varieties are also preserved?

Our seeds have been sufficiently tested over millions of years through innovation and experience. If one wants to consider the issue from merely an economic point of view, I can guarantee that our seeds are very good and resistant. But this kind of view is for capitalists and our seeds cannot be reduced merely to good economics.

What is your expectation regarding the negotiations of the COP 8?

The Convention on Biological Diversity (CBD) was not created by necessity of the indigenous peoples, but by governments and biotechnology multinationals. These negotiations caused us worry and fear, and made us uneasy. I believe that the decisions made at the COP do not protect or guarantee the rights of indigenous peoples. I don't expect anything good to come of the COP. They are blind, deaf and dumb to our problems and our rights.

What is the solution, then, to protect the biological resources and traditional knowledge associated with the biodiversity of traditional peoples?

The solution is for us indigenous people to form a mass mobilisation, a large organisation on an international level that can advance our struggle.

Ibrahim Ouedraogo
Jack Kloppenburg
Joseph Eve
Laxmamma
Mario Mejia
Lorenzo Muelas Hurtado

How do you view the actions of the International Indigenous Forum for Biodiversity (IIFB), the official auxiliary organ of the secretariat of the Convention on Biological Diversity?

I don't believe the IIFB is acting correctly. Their perspective is that the CBD is going to find a way to implement mechanisms for a just and equitable distribution of the benefits. I don't believe that's going to happen.

Do you believe the indigenous delegates should remove themselves from the COP 8? Could this be an effective political tactic?

Some indigenous people believe in the idea of a just and equitable distribution of the benefits. They are thinking of money. They should not even be here. The representatives of the indigenous people should be fighting against the sale of their resources. Our struggle is to defend our dignity. We have been fighting for it in America for thousands of years.

Don't you believe it is possible to institute an international system of fair distribution of the benefits of biodiversity?

The colonisers of America were responsible for looting the continent. They left us poor, and we were not poor before. Today, the large multinational corporations want to take the last resources. They are never going to divide them in a fair way, but they will want to snatch away the maximum – our water, our land, our biological resources, and even our blood. This was all that our ancestors left us, and it is what we should leave for our sons and daughters. This is our legacy.

Do you believe the resources and knowledge of the indigenous people can be commercialised?

Our fight must be to remain on our original land. Our wisdom tells us that we are the proprietors of our land and our resources. We are their caretakers, and the gods give us guidance how to use them. We also take pride in always repaying the gods with the fruits of these lands and resources. In that way, they continue to bless us.

What would be the alternative to an international system of access to genetic resources and the distribution of the benefits?

We have two cultures: the west and our traditional culture. We accept that there must be exchanges between them. Traditional cultures also develop science and it should be used by western science for the development of technology. But it should not be done to serve the large multinational biotechnology corporations. It should be done carefully, with devotion, involving people of honesty and dignity – not liars. We indigenous people have ourselves appropriated western technology for our own advantage. We use computers and email for our organisations, for example. This is a positive thing.

In general, how does Colombian legislation deal with this matter? Are the indigenous people of Colombia satisfied with the legislation?

Colombia ratified the CBD, and the Colombian Constitution reproduces various positions of the CBD. In addition, the legislation is very broad, covering microorganisms to material extracted from human beings, such as blood. We are not satisfied with this. We have denounced this legislation, because it liberalised access to our resources and knowledge. A researcher with the law in his hands has free access to our territories and our resources. We are against this free access for bioprospecting – biological research for commercial ends. The researchers will come by whatever means, including force, and we intend to prevent that.

Are there many cases of stealing the knowledge and resources of the indigenous people of Colombia?

In 1992, five hundred years after the arrival of the colonists, for example, Colombian scientists went to many small villages, telling people that they were going to cure or investigate health problems. They took blood from various people, claiming they were going to analyse it to cure illnesses. When we realised what was happening, the material was already in genetics laboratories in the United States. When I was a senator, I fought for the repatriation of this material, but to this day we have not been able to make that happen.

A Farida Akhtar
B Benny Haerlin
C Carlos Correa
D David Quist
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H Hope Shand

The Lorenzo Muelas Hurtado interview was conducted by Oswaldo Braga de Souza from the Instituto Socioambiental (http://www.socioambiental.org)

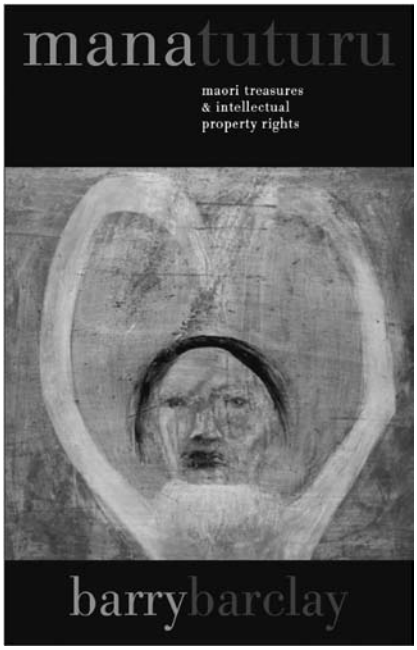
Mana Tuturu: Maori Treasures and Intellectual Property Rights

review by GRAIN

Barry Barclay's name should ring bells for people who measure in decades the time they've been involved with the international political struggle over crop biodiversity. He is the man who put together *Neglected Miracle*, a two-and-a-half-hour feature film on genetic erosion and "the seeds issue" back in 1985. At that time, it was the only feature-length film that existed on the subject, and it was not uncommon to see activists going from meeting to meeting, from Rome to Addis, carrying a print of it in an enormous metal can.

With such memories in mind, we were eager to pick up a copy of Mana Tuturu and see what Barclay had to say 20 years later about the intellectual property conundrum as it relates to Maori lives today.

Barclay is a Maori film-maker, and this book is 75 per cent about copyright issues and 25 per cent about patents on life. The most interesting aspect of reading it, apart from learning about Barclay's own experience trying to make the film industry respect Maori principles, is looking at conflicts over intellectual property through the eyes of someone who works with moving images.



Outside/inside games

Barclay is fully against patents on life and any attempt to construct an "indigenous intellectual property rights" system. He explains from his own experience that efforts to bring indigenous concerns into the world of intellectual property – *sui generis* systems cooked up by the World Intellectual Property Organisation (WIPO), the World Trade Organisation (WTO), other UN agencies or Western universities – have been and are useless. For the struggle is not about accommodating two world views or two systems of law. Maori values and principles have to stand on their own. And law – "with a big L", as he puts it – has to recognise that it is not a matter of fitting indigenous cultures into dominant ones. His own efforts to subject the work of the New Zealand Film Commission, an archive otherwise bound by national copyright law, to Maori "tikanga" (customs, principles, ethics), and "mana tuturu" (prerogative, what is right; in this case, Maori spiritual guardianship) provide an example of how this might, or might not, work.

While the information Barclay draws on to discuss the gene patenting problem is a bit out of date, he makes an important point about the difference between it and the conflicts going on in the copyright/arts world. While it is a charade, he points out, to put a monetary value on a genetic resource as the patent system requires, the concepts of copyright and public domain (the status an artwork acquires after copyright expires) are a death knell to indigenous cultures. In the Maori world, the value of an image grows over time. How can copyright, or indeed public domain, possibly respect that?

In a sense, Barclay's book reminds us that the struggle over intellectual property is not really our problem. There are those who believe that farmers should pay for the right to use seeds, or that we should pay and repay corporate research or development expenses time and time again, through never-ending expansive royalty schemes – the hundreds of millions of dollars they claim to have dished out to come up with a new drug, the millions to produce a new crop variety, the $12bn to shoot a film. These are the people who need to justify their point of view. Farmers have the right – or whatever you want to call it – to save and re-use seeds, end of story. That is what farming is about. The peasant women of Mexico never charged Monsanto for domesticating maize. Nor did the goat herders of Ethiopia present Nestlé with a bill for discovering coffee. The point is that Maori have rights and rural communities in Mexico and Ethiopia have rights and the constructs of intellectual property law – "with a big L" – want to efface them. It is up to us not to accept that, and to help those rights to prevail despite the relentless pressure from those would like us to give up and to give all.

Barry Barclay, Mana Tuturu: Maori Treasures and Intellectual Property Rights, *Auckland University Press, November 2005, 300pp, ISBN 1869403509*

Copyright in the global South

review by GRAIN

The global commodification of information, that is books, articles, drawings, photos, music, songs, films and computer programs, continues at an alarming rate, mostly in the form of copyright. Copyright has greatly increased in importance in the last decade, especially for those living in the South, where copyright (usually via bilateral free trade agreements) is being imposed. The excuse for the imposition of copyright is the protection of the author's creativity and innovation. Or as WIPO puts it " ... a region cannot have significant cultural production without a strict copyright regime ...". Hogwash. Reality shows that copyright does little to protect diverse cultural productions and ultimately provides more profits for the publishers and distributors. And these publishers and distributors make up a very important part of the economy in many industrialised countries. It is these industrialised countries who are very keen to protect their corporate-owned information economy, especially as much of the more traditional economy of manufacturing is now based in the South. International protection of copyright really started under the WTO with the TRIPS (Trade Related Aspects of Intellectual Property Rights) agreement, but this has stalled, and bilateral FTAs that go much further than the WTO TRIPS (TRIPS plus) are now the way for industrialised countries to ensure copyright compliance. So while corporations (mostly based in the industrialised North) own the vast majority (a monopoly) of the global information economy, these corporations are going to make sure that profits can also be gained in the South.

But won't the South gain anything from copyright protection? Very little, it turns out. As most information is owned in the North, copyright is more about protecting information coming from the North, rather than information produced in the South. Different cultures around the world do not see that information needs to be protected, especially for financial gain. For example, both Japan and China have long literary traditions in which copying is a form of flattery. The diverse variety of traditional music and stories, often unwritten and passed on through generations by word of mouth, cannot be copyrighted. Sharing of information, rather than protection of information, is one common aspect of many cultures. So copyright is also a way to extend privatisation. And now copying, even if no profit is made, is a criminal act, often called "piracy". This criminalisation of copying information, particularly copying works from the North, lies at the heart of enforcing copyright: children, students or lecturers in schools and universities wishing to copy educational books are now criminals; buying a copied music or software CD in a market is a criminal act; librarians who do not police copying could be considered criminals; a non-profit organisation translating copyrighted text without consent is a criminal organisation. Indeed it would appear that copyright, rather than helping society, is actually part of a barrier to "knowledge" and technical information, especially such information from the North. Copyright (and more recently patents) has also now come to software, an increasingly important aspect of the information world. Yet one consequence of copyrighting software is a large increase in the costs of its purchase, and for the South these costs become intolerable. For example, to purchase Windows XP operating system, an average person living in the UK would have to work 10 days, whereas in Bangladesh this would be over 1.5 years, and in the Congo this rises to more than five years' earnings. Individuals often resort to copies of software to reduce costs, but for government (and educational) institutions more money might be spent on software than on other crucial budgets such as hunger alleviation.

It is within software and the internet where resistance to copyright is strongest, such as the "General Public License", the creative commons and other such initiatives. Historically, the South has resisted copyright, and continues to do so, albeit in a rather passive way on the part of governments. Alternative paradigms to copyright are also being created, such as use of open source/access information (and software) in Brazil or the complete rejection of privatisation and individual property rights by some indigenous groups.

From a GRAIN perspective the issues of copyright are similar to many of the struggles against the corporatisation, privatisation and commodification of agriculture, seeds, farm animals and peasants themselves. Many of the issues are so similar that there is much "convergence" between these issues. Resistance is building up across the different issues, all fighting intellectual property rights from health, information and agriculture. For more information on this, visit our "Freedom from IPR" section (http://www.grain.org/i/?m), which looks at the bigger picture of resistance to IPRs.

The Copy/South Research Group, The Copy/South Dossier – Issues in the economics, politics, and ideology of copyright in the global south*, April 2006, 207pp, www.copysouth.org.*

Available for free either as a download (www.copysouth.org) or send an email to contact@copysouth.org and the Research Group will send you a copy (maximum 5 copies). Highly recommended reading, so do grab yourself a copy.

Copy / South posters by Ulrike Bruecker

The basic values of copyright

- **individualism**: this annexes a right (ownership) to an individual.
- **commodification**: books, songs, photos etc. ... are commodities, property which can be exchanged for something else.
- **reward**: usually financial, without which, it is argued, such works would not be produced.
- **consumerism**: linked to commodification and reward, the need to sell more leads to selling for profit's sake only, hence a concentration on the selling of a few profitable works whilst a much larger mass of works are ignored.

Seedling would like to hear from you!

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• Would you like to comment on any aspect?

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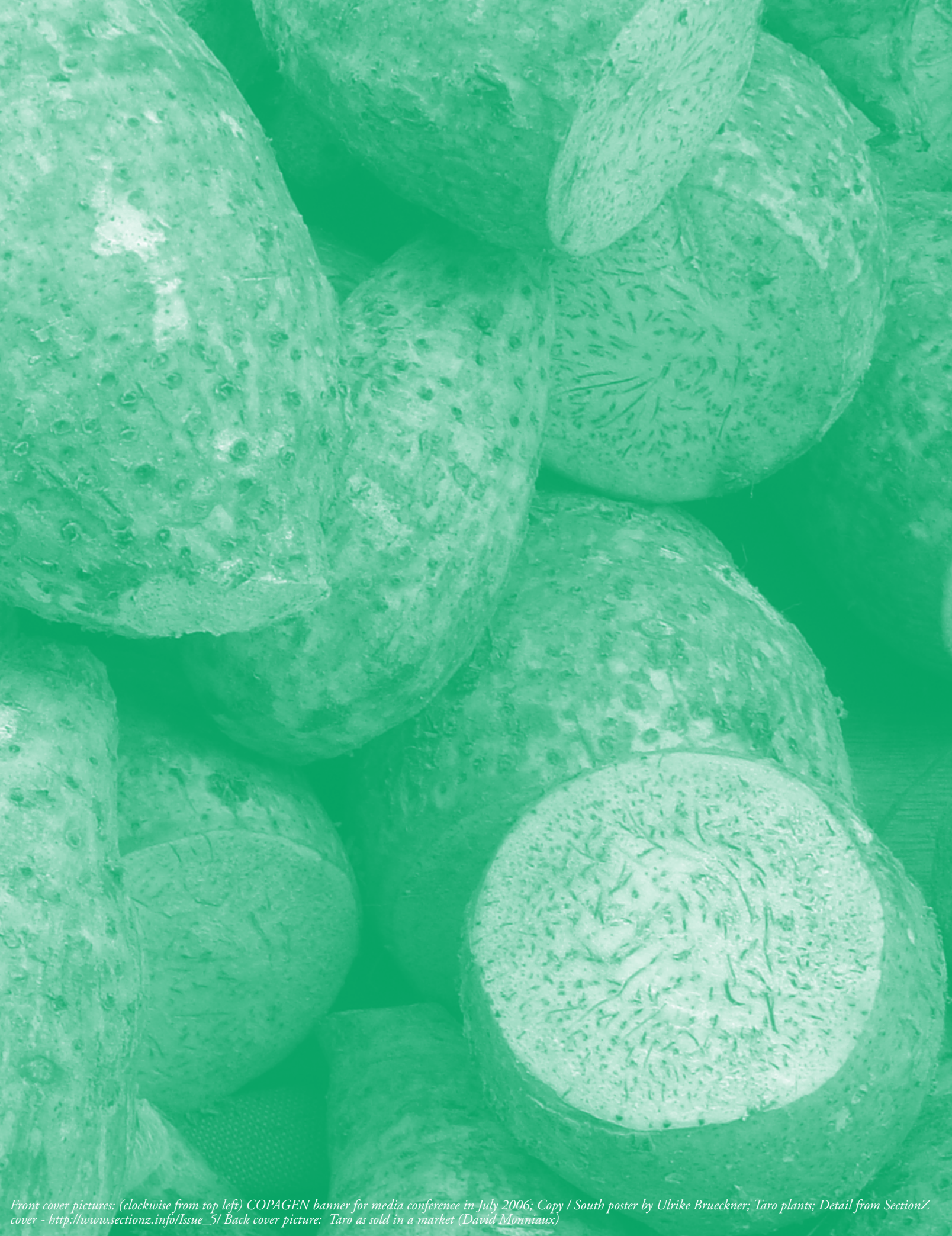

Front cover pictures: (clockwise from top left) COPAGEN banner for media conference in July 2006; Copy / South poster by Ulrike Brueckner; Taro plants; Detail from SectionZ cover - http://www.sectionz.info/Issue_5/ Back cover picture: Taro as sold in a market (David Monniaux)