Article

The battles lines in the power struggle over seeds are shifting in Europe. Authorities are dropping plans to push US-led "first generation" genetically modified organisms (GMOs), so that European companies can develop "covert" GMOs and new "double-locked" seeds instead. In 2008, the Sarkozy regime will use the French presidency of the European Union to promote its own corporate-led agenda on these issues. It is becoming more important than ever that farmers assert their collective rights over seeds. Guy Kastler of the Peasant Seed Network in France explains.

New threat from covert GMOs

GUY KASTLER

Guy Kastler
has a small organic farm in southern France. He is coordinator of the Réseau Semences Paysannes (Peasant Seed Network), a member of the Confédération Paysanne (Peasant Confederation) and European representative in the Biodiversity Committee of Via Campesina.

Two recent events show that an upheaval in the French (and global) seed landscape is picking up pace and exposing new agendas at work. The first of these was the four-month-long French debate known as the "Grenelle de l'environnement",[1] which was organised by President Nicolas Sarkozy and ended in October 2007. It resulted in a ban on the planting of the latest genetically modified (GM) crop that had been authorised for cultivation, and an allocation of €45 million (US$ 66 million) for biotechnology research. The second event was the meeting of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) in Rome at the end of October. It occurred at a time when Europe was preparing to overhaul its seed laws, as part of the "Better Regulation" simplification process, and when France was planning to take advantage of its upcoming presidency of the European Community to organise a "European Gene Summit".

The outcome of the "Grenelle de l'environnement" on GMOs and intellectual property

Ditching first-generation GMOs

President Sarkozy surprised the world by halting, at least temporarily, the expansion of Bt crops[2] in the largest maize-producing country in Europe. Although it was unexpected, his declaration confirmed a general tendency in Europe to abandon first-generation GMOs[3] and was in line with other recent decisions. Other European countries (Italy, Austria and Germany) are demanding a European moratorium on GM crops until there has been a full review of the assessment methods used by the European Food Safety Agency (EFSA).[4] Research

institutes are also abandoning first-generation GMOs. For instance, the French National Institute for Agronomic Research (INRA) will focus instead, as far as European edible crops are concerned, on marker-assisted selection techniques. Some corporations are also abandoning these first-generation GMOs. Pioneer let it be understood at the last meeting of the governing council of the ITPGRFA that it wants to distance itself from Monsanto's "aggressive" policy, preferring to defend its market position based on the "quality" of its seeds rather than by chasing farmers to get them to pay royalties on the GM seeds that they reproduce.

It is clear that the battles lines are moving in the power struggle over GMOs and seeds. It seems that the European Commission has taken note of the social movement against GMOs, which is buoyed by relentless consumer opposition, and is gradually dropping the idea of imposing the cultivation of these first-generation GMOs.[5] For example, the Commission has decided not to challenge the Austrian government's ban on the growing of certain GM crops (Monsanto's MON 810 GM maize and Bayer's T25 GM maize), even though it has rejected the same government's attempt to take the same action with respect to the sale of these GM crops. The European Environment Commissioner, Stavros Dimas, has also proposed to the Commission that it oppose the growing of certain herbicide-resistant crops (Syngenta's Bt 11 and Dupont and Dow Agro-Sciences' Bt 1507 GM maize), while again not including the sale of these crops within the ban.

Instead, the European Commission seems to be creating space for European seed companies that are investing in the development of a new generation of GM "suicide" seeds (such as Zombie seeds, Pull-the-Plug plants, Exorcist technology,[6] and so on), which, they claim, protect the environment and allow GMOs to coexist with conventional crops. To ensure the companies' profits, these GMOs are "double-locked" in that they benefit from the twin legal protection of Plant Breeders' Rights (PBR) on the variety and patents on the genes.

Covert GMOs

For seed companies, the great benefit of a patent on a traceable gene is that it allows them to track their intellectual property into farmers' fields and through the food chain, where they can insist on payment of royalties. The flip side, though, is that this gene also ends up on the plates of European consumers who do not want to eat it. Thus, GMOs become commercially counter-productive in Europe the moment they are labelled in food products sold to consumers. They can still, however, be used in animal feed (as long as the consumer of the animal products is not told that they have been used) and in industrial crops (for example, crops used to produce starch or agrofuels), as long as they do not risk contaminating non-GMO crops. That is how Europe is trying to reconcile differences with the World Trade Organisation (WTO): by accepting imports of transgenic animal feed and GM crops for industrial use that do not contaminate through pollen (such as plants that rely on vegetative propagation, like potatoes, or plants that are genetically modified to be sterile), and by pursuing the development of a new generation of "double-locked" GM crops, all the while allowing its member states to prohibit the introduction of first-generation GM crops on their territories if they wish.

The upcoming reform of the EFSA should provide the necessary scientific justification for this new division between "acceptable" and "unacceptable" GMOs. But it may also mean that in the future European governments will no longer have the freedom that they have now to take political positions based on a qualified majority that is not necessarily in line with scientific expertise. Indeed, European corporations have learned through experience that governments are less docile than scientists. Moreover, by using to their advantage the burdensome assessment procedures so that only the largest companies will be able to stay the course, they will guarantee themselves exclusive access to the whole European market, without any possibility of European member states standing in their way. The corporations, free of political restraint, will in this way gain complete control over the definition of non-tariff barriers (such as environmental and safety concerns) through which they can eliminate the competition.

The corporations have not relented in their efforts to confiscate the seed. Beyond the new generation of "double-locked" GMOs described above, they have already developed ways to overcome the barriers that they themselves have created. Indeed, they have long realised that Plant Breeders' Rights (PBR) coupled with new patented biotechnologies could be more effective in strengthening their control over the market than a mere patent on a GMO. Ever since the first European directives on GMOs (1990 and 2001), new biotechnologies that do not involve transgenesis – such as mutagenesis and cellular multiplication and fusion – are classified as "traditional plant breeding methods" and their

1 From the name of the negotiations that brought an end fo the huge cultural crisis of 1968: the "Grenelle agreement", which was signed in Paris on the rue de Grenelle.

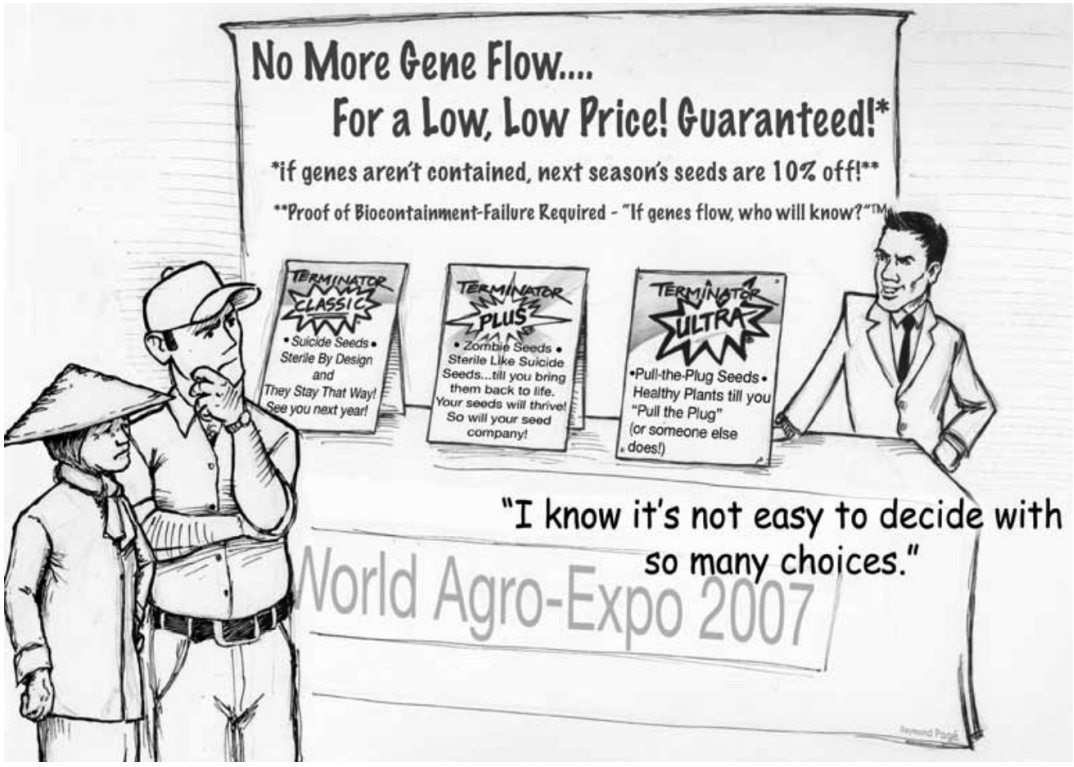
2 Crops that have been genetically modified to resist pests through a gene spliced into them from Bacillus thurengiensis (Bt), a soil microbe.

3 First-generation GMOs consist of a small number of crops that have been genetically modified to be resistant either to herbicides or to certain pests. About 90 per cent of these GMOs are patented by the US corporation Monsanto.

4 The EFSA is responsible for the official scientific evaluation of GMOs.

5 GMOs that either produce an insecticide or are resistant to herbicides.

6 Zombie seeds contain both a gene which causes seeds to fail to germinate and another gene, called the Recovering Construct, which, when activated by an environmental or chemical trigger, makes it possible to bring the seed "back from the dead". Pull-the-plug plants have a lethal gene inserted into them, alongside the trait of interest, that is triggered by a chemical or environmental stimulus. Pull-the-plug plants differ from Zombie technology in that the default position is not automatic death: for Pull-the-plug plants to commit suicide, the promoter must be triggered. Exorcist technology would permit the removal of all transgenic DNA out of a transgenic plant at some stage in its development – before the plant flowers and produces pollen or before it becomes food. As a result, companies will be able to argue that their products are 'GM free' for the purpose of food labelling. See ETC Group, "Terminator: The sequel", Communiqué, Issue 95, May/June 2007, http://tinyurl.com/37b8hp



From the ETC Group's Terminator: The sequel, *Communiqué 95, http://tinyurl.com/37b8hp*

products are not classified as GMOs. Therefore, they are exempt from any mandatory assessment, specific authorisation for commercialisation or cultivation, and labelling. As for nanotechnology, there is no legal framework for it, which makes it possible to put nanotech-derived products on the market in complete secrecy. Consumers who would wish to avoid these covert GMOs are already buying them without knowing, simply because these manipulated products do not fall under the strict definition of a GMO.

The ultimate control: PBR and patents combined

These biotechnologies, which artificially modify crop genomes, used to give highly unpredictable results. Today, they have been scaled up to an industrial level thanks to progress in "marker-assisted selection". This explains why seed companies are doing their utmost to perfect a legal framework that guarantees their control over these techniques – one that is as effective as patenting, but without the disadvantages. Essentially this entails a combination of plant breeders' rights on varieties plus patents on genes. A patent requires disclosure of information to the public about the plant breeding method used. PBR, on the other hand, does not force the breeder to give out any information on the plant breeding method or the origin of the varieties used, thus legalising biopiracy and the cheating of consumers. In terms of regulation, European breeders have ensured that patents are restricted to "the gene and its function", molecular markers and breeding methods, without letting them cover plant varieties as the US system does. This allows breeders to protect themselves from competitors who want to reproduce the manipulated gene, including farmers who plant farm-saved seeds. They can do this without any obligation to inform the consumer, who is not purchasing a gene and its function, a molecular marker or a selection method, but a manipulated variety protected by PBR.

PBR protection was once far less effective than patenting. But in 1991, the International Union for the Protection of New Plant Varieties (UPOV) established that "essentially derived varieties" and farm-saved seeds are "counterfeits". In spring 2006, the seed lobby won the ratification of this 1991 agreement in France, despite strong resistance from a French society that is culturally attached to farm-saved seeds.

It is still, however, extremely difficult for a seed company to prove that its own variety was regrown in the field of a farmer from whom it must receive royalties. Indeed, a plant variety is defined in the PBR system in terms of its physiological and

agronomic traits. As these change through each growing cycle, it is hard to distinguish one variety from that of a competitor. Breeders in the UK have resolved this problem through private agreements with seed cleaners. The cleaners collect royalties for the seed companies by including them in the price they charge to farmers for cleaning their farm-saved seeds. This does not work, however, if the farmer decides not to use the services of a cleaning company.

True to the interventionist traditions of their country, French breeders have used a different approach: getting the State to impose an interprofessional agreement for the collection of these royalties, dubbed the Compulsory Voluntary Contribution (CVC). The CVC is levied on all farmers delivering bread wheat to an accredited storage facility who are not able to prove that they purchased certified seeds. Seed companies thus pick up these royalties collectively and then split them between themselves in proportion to their sales. This allows them to relieve themselves of any burden of proof. It is no longer the seed company which has to prove that the farmer was guilty of "counterfeiting", which is impossible to do on the basis of the stability of physiological or agronomic traits on which the PBR hinges. It is up to the farmer instead, now, to prove that he or she has not produced "counterfeit" seed by showing a receipt.

In spring 2007, the seed companies got a law passed in the French Senate designed to allow the extension of these interprofessional agreements to all crop species, but they have not yet succeeded in getting this bill through parliament. During the discussions at the "Grenelle de l'environnement", however, they managed to get a law approved that makes it impossible to exclude farm-saved seeds from investigations of counterfeiting. As a result, any French farmer saving seeds is now vulnerable to prosecution for violating PBR, except where a CVC has been paid. The breeders argue that this will bring the farmers themselves to support the extension of the CVC to all species.

The CVC system contains a number of flaws. While it is technically easy to implement with crops, such as bread wheat, which farmers are obliged to bring to an accredited centralised storage unit, this is not the case for crops with no centralised storage system. Moreover, its feasibility relies on interprofessional agreements, the very principle of which could be challenged by the European Commission on the grounds that they block competition. Yet another problem is that it can be argued that the shifting of the burden of proof to farmers, who gain exemption from the payment of the CVC only if they can produce a receipt for the purchase of certified seeds, infringes the right of farmers to resow seeds from their harvest, whether it comes from a non-protected variety or a variety in the public domain listed in the catalogue or a non-registered plant genetic resource. The CVC thus runs counter to the UPOV agreements, which guarantee the right of breeders to "legitimate remuneration" solely in the case of re-use of a protected variety, and to the IRPGRFA, which recognises farmers' rights to save, use, exchange and sell farm-saved seeds.

At the same time, as if to make up for the limitations of the CVC, breeding companies are pushing ahead with research to develop simple methods of identifying varieties and proving counterfeiting through the use of molecular markers. They are also developing, together with seed distributors, integrated and closed systems of "identity preservation" that completely disallow farm-saved seed and provide no information to consumers apart from commercial advertising. Some of these systems include:

- *obligatory membership in a club* to be able to use a specific variety. This obliges farmers to deliver their harvests to designated distributors and is becoming a widespread approach in the flower and fruit sectors.

- *reserved or industrial varieties*, not listed in the European Common Catalogue, of which the seed and the harvest belong to the company. In this system, normally regulated market transactions (involving the seed or harvest) are replaced by an unregulated service agreement under which the farmer delivers the harvest to the seed company and invoices it for the service of growing the crop. This is practiced with bread wheat, durum wheat, vegetables for the processing industry, and others.

- *contract production or public subsidies* that require the purchase and use of certified seeds. When the French cereal cooperatives decided to promote GMOs in 2007 it was not for the money from royalties on GM seeds, which would only end up going to Monsanto, but because the threat of contamination would allow them to force non-GM producers to purchase certified non-GM seeds from them.

Such tactics extend to organic farmers as well. European legislation on organic certification

"Better regulation"

In early 2007, the EC set up a working group tasked with completely overhauling, simplifying and reducing the costs of seed regulations and the common catalogue (as was done recently for the organic regulations). Following "widespread" consultation in early 2008, the first conclusions of the group will be presented in July 2008 and the first proposals from the Commission should be published in October, during the French presidency. The European Seed Association (a lobby group of European seed companies, in which the French firm, Florimond Desprez S.A, plays a key role) is planning another offensive against farm-saved seed, and plans to replace the administrative burdens of the current seed certification system with a "self-certification" scheme accredited by the public authorities that would basically validate the internal control systems that only large firms use. Such systems are impractical and beyond the reach of small seed houses which, because they personally know their growers, do not need and do not have the financial resources to have them verified on an ongoing basis by private certifiers.

now requires them to use certified seeds, thereby excluding the use of local or farmers' varieties that are not registered.

The European Gene Summit and EU seed laws

Amidst the glittering media celebrations, two measures put forward by the "Grenelle de l'environnement" went unnoticed. The first recommends taking advantage of the French presidency of the European Union, starting in July 2008, to promote the French seed system at the European level. In concrete terms, this means getting Europe to adopt a renewed PBR system: PBR plus the extended CVC. It also means promoting the adoption of the French assessment and certification system, including the extension of tests for Value for Cultivation and Use (based, like pesticides, on performance in four or five major European regions) or of identification through molecular markers. The second measure concerns GMOs. The French government wants to organise a "European Gene Summit" designed to promote its renewed PBR on the grounds that it would be fairer than patenting varieties. Combined with gene patenting and the Common Catalogue, this renewed PBR system is much worse than patents. It is designed to prohibit all farm-saved seeds, whether they come from protected varieties or not. It also legalises biopiracy and leaves consumers uninformed about covert GMOs.

The challenges of the ITPGRFA

The ITPGRFA, which was ratified by 116 countries (including all countries of the EU, but not the USA) has been in effect since 2004. It incorporates two new concepts introduced by the 1991 Convention on Biological Diversity: the sovereignty of states over their genetic resources and the sharing of the benefits derived from their use.

The Treaty has three main objectives:

- to put in place a multilateral system of access to genetic resources, managed by the signatory states, that is based upon free consent and the sharing of the benefits derived from their use, and that contributes to the financing of the two other objectives;
- to ensure that developing countries have the capacity to assume sovereignty over their genetic resources by financing "*ex situ*" collections and by producing inventories of resources conserved "*in situ*";
- to support *in situ* conservation and breeding, and to enable farmers to play their part in conservation, in particular by recognising their rights to save, use, exchange and sell farm-saved seed.

All commercial varieties are derived from varieties collected in farmers' fields – the industry's sole "raw material". As commercial farming has replaced subsistence farming, peasant varieties were replaced by industrial varieties and locked up in *ex situ* collections. Farmers in southern countries producing subsistence crops are not viable markets for seed companies: they have no access to commercial seeds or to the technological package that comes with them. They have kept their own varieties, which are better suited to their farming systems that the seed industry is not interested in. The recognition of farmers' rights by the ITPGRFA is supposed to let these farmers

maintain a sufficient portion of biodiversity to replace that which is being eroded in the collections.

Since its inception, the Treaty has granted seed companies access to over 130,000 free samples of plant genetic resources, despite opposition from southern countries. Led by Brazil, these countries have opposed the signing of a Material Transfer Agreement (MTA) until the question of benefit sharing has been clarified. Indeed, in the current context of intellectual property rights, this sharing is not happening and is a complete illusion. Plant breeders' rights – which can be granted to varieties that have been "discovered", not only invented – carry no obligation to indicate which parental lines were used. And patents make it possible to hide this information amidst hundreds of pages of unreadable technical descriptions. In addition, the legal status of the "farmers" who are supposed to benefit from this system has not yet been clarified, apart from a few exceptions that have been the subject of widespread media coverage.

The Treaty thus re-imposes the old concept of "common heritage of humanity" – a concept that was totally rejected at the end of the 1980s when it was understood that there is nothing "common" about this heritage when genetic resources move in one direction only, from South to North, to then be patented. The situation is the same today: the Treaty takes something that is collectively held by farming communities, transforms it into a common heritage of the seed industry and institutionalises the worldwide biopiracy operated by seed companies. It does this by ensuring access for the companies while doing nothing for farmers.

While they abandon national and regional seed collections, the World Bank and a number of major private donors (including multinational seed companies, Bill Gates and others) have also set up a fund designed to secure the *ex situ* conservation of biopirated resources, especially through a huge, naturally cold cave in Svalbard, Norway, and through the development of information technology (meaning digital gene banks, an invaluable tool to industrialise mutant plants and synthetic biology).

Big seed countries – France, Germany and the USA – try to block the Treaty

The second meeting of the ITPGRFA's Governing Body, which was held in Rome from 29 October to 2 November 2007, had on the agenda, among other things, the financing of capacity-building for developing countries and, at the request of Norway, farmers' rights. From the very beginning of the meeting, major seed-producing countries headed by France, Germany and Australia (representing the interests of the United States, which is not party to the Treaty) tried to neutralise the functioning of the Treaty by blocking financial contributions from developed countries, which are meagre but nonetheless necessary for the operation of the secretariat.

This attitude reveals the French government's strategy during the ratification of the Treaty by the French parliament in late 2006: to prevent the Treaty from going further in the recognition of farmers' rights and from strengthening the capacities of southern countries, now that the seed industry's access to protected resources is assured. This is in line with the French national policy on the conservation of plant genetic resources, entirely focused on *ex situ* collections in centralised genebanks. *In situ* conservation on the farm, as recommended by the the FAO Global Plan of Action on Plant Genetic Resources, is to be restricted, through the French government's approach to the EU directives on "conservation varieties", to allowing a handful of old cultivars, uniform and stable enough to be registered, to be grown strictly within their regions of origin.

These three countries, however, were quickly isolated within the international community. All the other countries protested against this blocking strategy using two arguments:

- emerging industrial countries, in particular Brazil and India, demanded first and foremost the establishment of a mechanism to share benefits derived from patents or PBR. Apart from being an illusion in the current international framework of intellectual property law, this position unfortunately encourages the transformation of farmers' rights into a private intellectual property right that brings with it a denial of farmers' collective rights with respect to seeds.

- the other, put forward by the farmers' organisations and NGOs present at the meeting in Rome (Via Campesina and the IPC), and supported by numerous southern countries, demanded the recognition of the collective rights of farmers and financial support for their contribution to *in situ* conservation and participatory plant breeding, in both the North and the South.

Article

While Europe shuns GM, its seed industry takes it elsewhere

by GRAIN

The European public and their policy-makers may be holding the line against GM crops, but with Europe's seed corporations it's an entirely different story. Of the world's top six seed companies, four of them are European.[1] Syngenta, based in Switzerland, and Bayer CropSciences, based in Germany, both major agrochemical firms, have been involved with GM crops for pretty much as long as Monsanto and DuPont – the US-based agrochemical corporations that dominate GM seed markets. These European corporations are the Americans' main competitors (and allies) in the countries growing GM on a large scale (Argentina, Brazil, Canada and the US) and, together, they lead the global lobby pushing for the opening of GM markets.

France's Vilmorin and Germany's KWS, the other European seed corporations among the global top six, keep a lower profile on the GM scene, but they too sell GM seeds in the major markets through their joint venture, Ag Reliant. The difference is that these firms have yet to commercialise their own GM traits, choosing instead to license the patented transgenes of the bigger agrochemical companies for incorporation into their lines. Yet both companies have long-term strategies for securing a stronger place within the GM market, which, for now, focus on developing a global production base and a next generation of GMOs and "pseudo-GMOs" to conquer new emerging markets for GM seeds and, eventually, to burst into the EU with their GM wares. Europe's hesitation in approving GMOs actually gives these companies a chance to catch up with the giant agrochemical companies that control the first generation of GM crops – and this is precisely what they are trying to do.

Vilmorin, which is controlled by the Limagrain Group, invested heavily in the 1990s and early 21st century in various European biotech programmes, such as Biogemma and Génoplante. But, frustrated by what it sees as an inhospitable environment for GM crops, it is shifting more and more of its GM research elsewhere – outside Europe – where there are lower costs and fewer regulations.[2] Most of its field trials for GM cereal varieties take place in North America, while, in Israel, it is developing GM fruit and vegetable varieties through its subsidiary, Hazera Genetics, with the support of Israel's Ministry of Industry. Rami Dar, CEO of Hazera, says that although "GMOs won't come to the vegetable industry for a long time", the ultimate emergence of GM fruits and vegetables "is only a matter of time".[3]

It is in this perspective that much of Vilmorin's long-term planning is now going into Asia, where the company feels there is more research and development and market potential for GM crops. According to Daniel Chéron, general director of Vilmorin, "Europe is losing ground and we are becoming dependent on the Americans. The Chinese and Indians, they're trying to prevent that happening."[4]

Vilmorin's first big move into Asia came in 2006 when, together with French food corporation Danone, it signed a deal with Indian biotech firm Avesthagen, giving Vilmorin 4.3 per cent of the shares in the company and setting up two holding companies in India to make acquisitions. Shortly after, the Avesthagen joint venture purchased two Indian seed companies: Swagasth, which focuses on cereals, and Ceekay, a vegetable seed company. Then, in November 2007, the companies announced that they were in the final stages of negotiations to take over one of India's top private seed companies for US$4–5 million. Avesthagen's CEO, Villoo Morawala Patell, tried to play down the company's interest in GM crops. "I'd not call these genetically engineered crops; they are 'environmentally adjusted' crops", he said.[5]

During this time, Vilmorin was equally active in China. In June 2007, it signed a deal to take a 46.5 per cent stake in Yuan Longping High-tech Agriculture, a leading Chinese hybrid rice and vegetable seed company. This followed a deal struck by Vilmorin's Dutch joint venture, KeyGene, with the Shanghai Institutes for Biological Sciences to set up a Joint Lab for Plant Molecular Breeding. It also came on the heels of a series of deals inked by other European seed companies in China, including Bayer's two joint hybrid rice seed ventures and Syngenta's purchase of a 49 per cent stake in Sanbei, reportedly the 12th largest seed company in China, as well as its signing of a five-year research collaboration with the Institute of Genetics and Developmental Biology in Beijing.[6] Another major European seed and pesticide firm, BASF, didn't mince words in explaining the rationale for its 2008 deal with China's National Institute of Biological Sciences. "Asia is emerging as a key player in plant biotechnology both in research and cultivation and we are striving to intensify partnerships in this dynamic region. Europe, on the contrary, is losing its competitiveness due to slow and contradictory political decisions", said Hans Kast, President of BASF Plant Science.[7]

1 http://www.vilmorin.info/vilmorin/CMS/Files/Analyses_financieres/vilmorin050706.pdf
2 Anne Pezet, "Les OGM aiguisent l'appétit des semenciers", *Usine Nouvelle*, 16 May 2006.
3 Corporate Profiles, 1 July 2006, Genetic Engineering and Biotechnology News: http://tinyurl.com/4kxoe2
4 Laetitia Clavreul, "Pour le semencier Vilmorin, l'Inde est devenue un marché prioritaire," *Le Monde*, 13 avril 2007.
5 Seema Singh, "Avesthagen to buy Delhi seed firm for $5 MN," Livemint.com, 6 November 2007: http://tinyurl.com/4axlsy
6 GRAIN, "China: Vilmorin lays claim to top hybrid rice seed company," 20 July 2007: http://www.grain.org/hybridrice/?lid=187
7 "BASF expands GM activities in competitive Asia Pacific," Food Navigator, 24 January 2008: http://tinyurl.com/y6kfjr

Their isolation within Europe was also apparent. Italy and Spain unblocked the situation by putting the US$4.5 million needed for the operation of the Treaty's secretariat on the table. Norway agreed to contribute to the funding of a working group on farmers' rights.

Farmers' rights at the heart of the seeds debate

Norway's initiative to set up a working group on farmers' rights has prompted the inclusion of a review of the current situation in respect of farmers' rights in the various signatory countries, taking into account not only their contributions but also those of NGOs and farmers' organisations, on the list of tasks given to the Treaty's secretariat. This review should feed into the decisions taken at the next meeting of the governing body, in Tunisia in early 2009. The governing body has also undertaken to involve farmers' organisations in its future work. Unfortunately, Canada's opposition prevented the financing of an ad hoc working group, which forces farmers' organisations and NGOs to contribute by using their own funds.

These events force farmers' organisations to acknowledge two things:

- The collective rights of farmers are at the centre of current international developments. These collective rights to conserve and renew cultivated biodiversity in the field by producing for the market, and therefore protecting, using, exchanging and selling their seeds, are relevant not only for international struggles around plant genetic resources, but also for the struggle in Europe to refuse the application of both the CVC and intellectual property rights on seeds. They absolutely clash with the reduction of farmers' right to cultivate genetic resources to just a few stable and uniform local varieties recorded in a conservation catalogue, as the French position would have it. This position is completely contrary to the ITPGRFA – which France has nevertheless ratified. Instead of implementing regulations to respect farmers' rights as laid out in the Treaty, France is holding on to regulations that deny them completely.
- The year 2008 will be decisive, both at the international level in preparation for the next meeting of the ITPGRFA, and in Europe where the reform of the EU's seed laws and a possible "Gene Summit" are on the agenda.

Going further

A speech given in French by Guy Kastler for Via Campesina at a FAO meeting in November 2007 can be accessed at:
http://tinyurl.com/62dgl6

Réseau Semences Paysannes:
http://www.semencespaysannes.org/

Industry's wish list for the next revision of UPOV: The end of farm-saved seed? GRAIN Briefing, November 2007,
http://www.grain.org/briefings/?id=202