



International Treaty on Plant Genetic Resources for Food and Agriculture

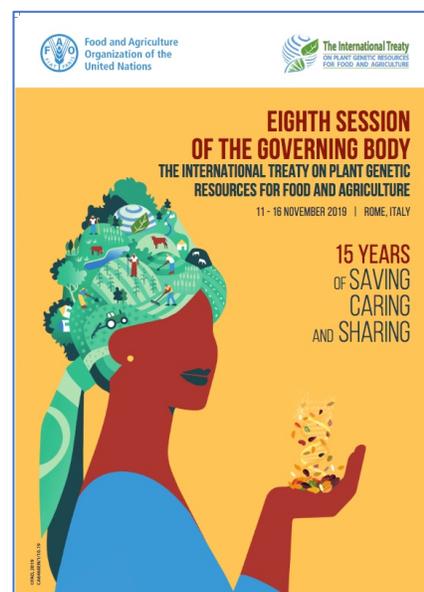
Background

RMSA was recently invited to Rome to participate in meetings of the FAO's [8th Session of the Governing Body](#) of the [International Treaty on Plant Genetic Resources for Food and Agriculture \(ITPGRFA or IT\)](#). Andrew Mushita, whom we met at our last RMSA Seed Summit, is Director of [Community Technology Development Organization \(CTDO\)](#) in Zimbabwe. He was eager for RMSA to share its seed saver experience in civil society organization (CSO) seminars that parallel the formal government treaty negotiations. Many smallholder farmer organizations around the world know only about U.S. industrial agriculture, with no awareness of grassroots organizing like RMSA for seed saving of biodiverse, local crops.

The International Treaty for Plant Genetic Resources for Food and Agriculture (IT)

Becoming international law in 2004 under the auspices of the United Nations Food and Agriculture Organization (FAO), the IT now has 147-member countries. Recognizing the role of farmers in cultivating food crops over millennia, Article 1.1 of the IT gives the treaty objectives as both “the conservation and sustainable use of plant genetic resources” and “the fair and equitable sharing of the benefits arising from their use.” Central to fulfilling these objectives are three rights protected by this international law: 1) farmers’ rights to conserve, use, exchange, breed and plant any genetic material, 2) the right to participate in decision-making processes, and 3) the right to protection of indigenous knowledge related to plant genetic resources for food.

This 8th Governing Body session demonstrated that these rights are respected by organs of the IT and by many governments, though efforts are also at odds. An ad hoc working committee meets regularly to prevent the erosion of farmers’ rights while the global agricultural industry calls them “farmers’ privileges”, which would require farmers to obtain permission from corporate seed breeders before using a “new” seed. The right to participate in decision-making is being exercised in that more and more farmers are part of the IT special committees, not just in the side meetings. Because seed and its cultivation embody indigenous knowledge, the right to participate coincides with farmers’ rights and was a constant message in the 8th Session. International discourse over these rights emphasized that those who want to





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privatize seeds, and “own” their embedded knowledge, cannot just hide behind national laws supporting the privatization of genetic resources.

The United States is a late comer to the IT. It joined in 2018, 14 years after its inception. The U.S. is a world leader in patenting of genetic materials, and U.S. government policies support corporate seed breeding in disputes with small-holder farmers. Legally, the international law of the Treaty supersedes U.S. utility patent laws and offers all farmers an exemption to save their own seeds. Enforcement, however, is another matter. The positive aspect is that the IT acknowledges that U.S. officials now must listen to farmers and their advocates, and that the IT moves by consensus, preventing one member from mobilizing a plurality decision. The negative caveat is that U.S. officials’ actions appear to derail farmers’ rights to participate in the process, prevent them from protecting their vital genetic resources while largely neglecting the treaty’s optional requirements for benefit sharing. ***What it certainly means is that we American seed savers must know and understand what is happening, to advocate for farmers around the world.***

RMSA Involvement

With our invitation to observe, we were invited to convene each morning with representatives from the civil society organizations (CSOs). We made many new connections with those doing grassroots seed work similar to RMSA’s along with groups that are focused on “peasant” farmer rights (which is the terminology used by the CSOs for smallholder farmers). [La Via Campesina](#) and other affiliates from “developing” countries are very active in the IT through a collaboration called the “[International Planning Committee for Food Sovereignty](#)” (IPC), an official observing party offering position statements on issues. Organizations from “rich countries” (term used by the IPC to differentiate developed from developing countries) are also involved in the IPC, including CSOs from Italy, France, Switzerland, and Brazil. RMSA will continue to support this collaboration.

We were also invited to participate in an evening side event with our colleagues from CTDO. Side events offer an opportunity for government representatives and CSOs alike to share the work they are doing. RMSA Executive Director, Bill McDorman, offered a compelling presentation on our work that was received with great enthusiasm. Needless to say, it was the most upbeat presentation of the ones we witnessed, which seemed to be a relief for everyone in the midst of a very somber week of discussions. Other side events included a rather disturbing presentation on CRISPR gene editing from industry representatives, a presentation from [Etc. Group](#) on the involvement of big food from seed to plate (appropriately called [Plate Tech Tonics](#)), one on the implementation of farmers’ rights (paradoxically moderated by the U.S. and Canada), and an informative panel on patenting moderated by [Oxfam](#).





Outcomes

Along with the necessity for continuing vigilance to sustain farmers' rights, the 8th Session of the Governing Body could not resolve two highly controversial and important issues: benefit sharing and gene editing (DSI - digital sequencing information). As one member said about the final proceedings, "It was a nuclear meltdown." Edward Hammond of the [Third World Network \(TWN\)](#) wrote to clarify the issue in a publication titled, [Prudence versus Pressure at the Seed Treaty](#):

"At the most basic level, at issue is the question of how to ensure the Treaty stays in step with modern modes of sharing and using genetic resources. Contemporary reality is that, rather than sending packets of seeds by airmail, plant breeders and other users of agricultural genetic resources often send genomic and protein sequences, epigenetic information and other data, collectively referred to as DSI, around the world via e-mails, uploads to internet databases, and similar means. All of the latter access and use of genetic resources is presently outside the bounds of the legal language of the Treaty's SMTA (Standard Material Transfer Agreement), imperiling the Treaty's objective of benefit sharing. Thus, the SMTA must be updated to include DSI if the Treaty is to be a viable benefit sharing agreement."

How to keep DSI technology transparent (much is occurring in secret) and accountable remain a major task for the whole international community. The next step of the IT is not to wait the two years between its governing body sessions but for experts working with the IT to collaborate with those of the [Convention on Biological Diversity \(CBD\)](#); both have science and technology working groups. The next full Conference of the Parties (COP) meeting of the CBD will be in China in October 2020, at which IT and CBD officials hope to present a united policy front.

Conclusion

Overall, the "developed nations" view indigenous communities and smallholder farmers as sources for seed genetics yet do not want to offer compensation or acknowledge the traditional practices that have preserved these highly valued resources. When "help" is offered by the developed nations, it is often in the context of bringing the farmers into a "citizen science" arena to focus on strategic breeding techniques and data collection that will benefit industry. CSOs representing farmers involved in the IT are suspicious of this model and offer support to smallholder farmers by letting them speak, and by defending their right to cultivate food in ways that honor their cultures with indigenous wisdom and scientific knowledge. We look forward to





working with these CSOs (such as our host, Community Technology Development Organization) and continuing our role in supporting seed sovereignty here in the U.S. and globally.

Our participation in the 8th Session was an awakening as we learned more about the direct challenges and threats to seed saving and farmers' rights in the global arena, and the international community learned about grassroots seed saving efforts in the U.S. What we witnessed was profound if not alarming in many ways. We are now determining how to integrate what we learned with the connections we made into our programs. We would like to host seed stewards from afar to join us at our seed schools and seed events as a form of a "global seed exchange" and will proceed to establish an international seed scholarship fund to enable this participation. There is much to share and learn from one another.

