



News Release:
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Trick or Treaty?

How the IU became an IOU:

Is “The Law of the Seed” a White Elephant... Or the Mouse that could roar?

The first global accord of the 21st century, the International Treaty on Plant Genetic Resources for Food and Agriculture, was adopted by consensus on November 3rd, 2001. After seven years of acrimonious debate, the convoluted text can't be read without recourse to the Rosetta Stone. Nevertheless, history will come to know it as “The Law of the Seed” - a signal step toward food sovereignty and justice. Today, the ETC group (formerly RAFI) is releasing its ETC **Translator** to help farmers and policy-makers decipher the accord. The 16-page report includes 11 cartoons of biocrat negotiators and a *Global Governance Report* scoring the 25 delegations and organizations that most influenced the outcome - for good or ill. The full text is available at: www.rafi.org (Note that on Monday, December 10th, the ETC group will launch its new website at www.etcgroup.org)

TRICK OR TREATY? The vote – in the UN Food and Agriculture Organization's Blue Room on the third floor of the agency's headquarters in Rome, went smoothly enough. The last real battle ended (appropriately enough) on Halloween night - October 31st, late in the evening when the U.S. attempted to introduce a new clause in the treaty that would have allowed them to embargo germplasm to Cuba or other “enemies” of “enduring freedom”. That lost, the U.S. also attempted to remove any references critical of intellectual property in the text. The Chair, Ambassador Fernando Gerbasi of Venezuela, was firm and fair and told them it was no deal.

PRECLUDED AND DELUDED: Perhaps the only real surprise – when the plenary vote came a few days later – was that the United States and Japan abstained in approving the treaty rather than voting against it. Rene Salazar, the Philippine delegate bruised and battle-hardened from the “seven year bitch” wondered if the mild U.S. response was in reaction to a tough letter to the Americans from U.S. Senate Majority Leader Tom Daschle, who publicly scolded the delegation about Farmers' Rights, Terminator technology, and the need to back the treaty. Several days later, however, when the biennial FAO Conference and Council sessions were coming to closure, the U.S. took the floor again to insist that the record make clear that the United States was “precluded” from joining the treaty because it was not allowed to include the “national security” (read “embargo”) clause.

This caused a stir. In declaring they were precluded”, the U.S. rendered itself ineligible to participate in the Interim Committee that will prepare the way for the Treaty's Governing Body once the text is ratified by 40 countries. Unlike the Biodiversity Convention – where the U.S. plays an active role because it says it will someday ratify the accord – the delegation will be able to make no such claims on The Law of the Seed. This leaves the G77 and Europe to lay the ground rules and precedents that will resolve the treaty's outstanding ambiguities.

HALF FULL AND RISING: Now the world has a legally binding treaty to govern the conservation and exchange of vital crop germplasm. Its central component is a Multilateral System that assures member states “facilitated access” to 64 food crops accounting for 85% of global human nutrition. However, the treaty

actually encompasses all genetic material for food and agriculture and presses governments to adopt Farmers' Rights. Once ratified, the treaty's Governing Body will exercise real political control over the 600,000 seed accessions of the Consultative Group on International Agricultural Research (CGIAR) – the world's most important and unique germplasm collections. Constraints are placed on intellectual property over seeds exchanged through the Multilateral System and obligations are imposed for benefit sharing when accessed seed is commercialized. That's the good news. The bad news is that you could drive a seeder through the patent provisions, there's no real money on the table, Farmers' Rights is still an uphill struggle, and some crops vital to poor people are not listed for easy exchange. Pat Mooney, Executive Director of the ETC group – the Civil Society Organization that was privy to the closed-door Contact Group in the process – agrees with critics that the treaty is only “half-full” but adds, “It will become what we make of it. It is the white elephant turned into the mouse that could roar. We believe it signals a very important breakthrough.”

IU OR IOU? Once known as the “IU” (International Undertaking) before it was transformed into a treaty, the text remains more of an IOU to farmers than an obligation completed. Nevertheless, this is a “platform” treaty. The legal foundation is firm and the Governing Body can use its scaffolding either to build a very powerful convention for food sovereignty and seed conservation – or to hang themselves along with the world's farmers.

FARMERS' RIGHTS? Eris Coronado, a female Mapuche farmer in Chile, summed up the treaty well just a few days after its adoption in Rome. Mapuche women “Curadoras” (stewards) heard about the treaty while they were instructing Chile's leading chefs in the use of traditional seeds and plants to conserve diversity and develop new recipes. A videotape being made of their process was hastily altered to mark the success of the treaty. At a nationally televised banquet on the evening of November 29th, Coronado praised the treaty's support for Farmers' Rights but chastised governments for not having gone far enough. She told them that the rights proposed in the treaty had to become laws.

Forty countries must ratify the treaty before it enters into force. With a little luck, this might be possible by the World Food Summit (June 10-13, 2002 in Rome). Heads of State should also acknowledge the treaty as a major contribution to Agenda 21 and the Rio+10 Summit in South Africa in September 2002.

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Eris Coronado, Rene Salazar, and Pat Mooney – all noted in this release – are participants in the Community Biodiversity Development and Conservation Programme (CBDC). The CBDC supports research and development related to the conservation and enhancement of biodiversity important to local communities including community seed security and plant breeding and the policy issues relevant to the strengthening of rural societies.