



Draft laws don't recognise farmers' rights to their own seed and heritage

The Department of Agriculture has drafted changes to two laws governing the development and sale of seed and plant material. The Plant Breeders' Rights (PBR) and the Plant Improvement Bills are geared to protecting the commercial seed and horticulture industries, and the private intellectual property rights of plant breeders.

Biowatch is concerned about the draft Bills, particularly because neither recognises the essential role of farmers as the primary custodians and breeders of the diverse crops we inherited from our forebears. Small-holders, in particular, rely on their own farm-saved seed, which is adapted to local conditions and affordable. These farmer seed systems reinforce cultural ties and traditions and rely on the free exchange of seed to ensure seed vigour.

The Plant Breeders' Rights Bill restricts the use, multiplication and sale of plant varieties, protected by a plant breeders' right, to those who purchase a license from the breeder, unless it is strictly for private or experimental use. Given the fluidity of seed exchange systems, farmers could easily and unintentionally transgress this law. The Plant Improvement Bill requires any person who wants to cultivate and sell plants and propagating material to be registered and to operate from registered premises. Only plants that are included on a national varietal list may be sold. The costs and the strict requirements for listing make it difficult for most farmers. Of greatest concern is that the Bill defines selling as any form of exchange whatsoever, thus robbing farmers of the right to save, plant and exchange their farm-saved seed.



At the public hearing held in Dlangezwa in April, Biowatch-supported agroecological farmers Thombithini Ndwandwe from Mtubatuba and Richard Mthembu from Ingwavuma passionately stress the importance of traditional seed varieties, and their concerns with the proposed changes to laws governing the development and sale of seed.

Although both Bills allow for the Minister to draft regulations that exempt certain types of farmers and crops, Biowatch is concerned that such important farmers' rights shouldn't be left to regulations which are easily changed and difficult for farmers to track. It is perplexing that these laws are protecting the private rights of mostly multinational corporations, instead of defending and supporting the rights of South African farmers.

The draft Bills have already been approved by Parliament. The National Council of Provinces must also approve the Bills, and have held public hearings in all provinces as part of their review process.

Biowatch-supported farmers in northern KwaZulu-Natal surprised the agricultural sector in May when they joined the international



"March against Monsanto".

See page 3

Farmers test for the presence of GMOs in their maize crops with a strip test that detects Bt toxins as



well as enzymes that indicate Glyphosate contamination.

See page 3

Biowatch's display at the recent UKZN Howard Davis Memorial Symposium on food security



showcased the rich variety of traditional crop seeds.

See page 4

From the director

Our lead story in this issue of the Biowatch Bulletin is on two Plant Bills – the Plant Improvement Bill and the Plant Breeders' Rights Bill. Both have far reaching implications, especially for farmers' rights and farmer-managed seed systems. The latter underpins food security where it matters most. We urge you to follow the key issues raised in this article, especially how the Bills could criminalise small-holder farmers.

Internationally, increasing attention is being focused on the problem of GMO contamination – there is the recent scare with Emogen, Syngenta's GM maize created for ethanol production, which has contaminated non-GMO white maize grown for food in Nebraska, United States. At a local level, we have seen evidence of contamination of farmer varieties (see page 3).

A key process for us has been the mid-term review of the Seed and Knowledge Initiative (SKI) – an inspiring and consolidating meeting (see page 4). We were also pleased to contribute to several national processes on food security and agricultural research. In June we presented at the Association for Dietetics in South Africa's "Great Debate" – we presented the anti-GMO argument and Monsanto – the pro-GMO argument. We also participated in such events as the UKZN symposium on food security (see page 4), and presented on agriculture and food sovereignty at the National Labour and Economic Development Institute (NALEDI) Climate Change workshop.

We are looking forward to the seed survey that will take place in July – this follows on from the first survey done last year which tracked and highlighted the importance of seed diversity and the importance of having sufficient volumes of seed to enable successive plantings. A training programme for the data capturers will shortly be undertaken.

Lastly, we would like to congratulate one of our long-standing funders, the International Development Exchange (IDEX) who from 2017 will be known as Thousand Currents. We trust that their next 30 years will be as great as their first!

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GM update

■ Objection to general release of GM maize

In March, Biowatch submitted an objection to an application for general release of Monsanto's GM maize MON87460 x MON89034 x NK603 in South Africa. The maize was developed as part of the Gates-funded Water Efficient Maize for Africa (WEMA) Project, targeting small-holder farmers in Kenya, Mozambique, Tanzania, Uganda and South Africa. Monsanto claims that its involvement in WEMA is philanthropic because it is donating DroughtGard to the project. However, Monsanto's own field trials have shown high variability in yields, some with no statistically significant improvement, when the intensity and duration of the drought varied.

Biowatch objects to this GMO, joining other civil organisations as well as 25 000 citizens who signed a petition in a campaign spearheaded by the African Centre for Biodiversity.

■ Monsanto-Bayer poses even greater threat

In May, the South African Competition Commission was the first national regulatory agency to approve Monsanto's global acquisition by Bayer – second biggest in the international crop chemicals market – to create an even greater threat to the sustainability of food and farming systems.

Meet Vanessa Black

We're very happy to introduce our readers to Vanessa Black, our Advocacy, Research and Policy Co-ordinator. Vanessa, who has contributed to Biowatch information materials since 2015, joined us in February. She has been an active voluntary member of Earthlife Africa (ELA) since 1989 and worked to



establish the Greenhouse People's Environmental Centre in the Johannesburg city centre. She is representing ELA as the current Chairperson of South Durban Community Environmental Alliance (SDCEA) and previously served on the Board of the African Centre for Biodiversity (ACB). Vanessa's work has focused on zero waste, child participation, green design and ecological agriculture, and she campaigns against genetic engineering, industrial pollution and dirty energy. Vanessa is also an artist and illustrator.



A well-organised group of Biowatch-supported farmers surprised the agricultural sector when they “Marched against Monsanto” in Manguzi, northern KwaZulu-Natal, as part of a worldwide protest against multinational agribusiness giants like Monsanto. The farmers presented a representative of the District Manager for Agriculture and Environmental Affairs in uMkhanyakude District with a memorandum demanding support for agroecological farming, and requesting that the Department stop handing out GM seeds to small-holders. According to KwaNgwanase farmer, Baba Petros Makhanya, the farmers do not want to eat or grow GMOs. “The Department of Agriculture must stop distributing GM seeds through the farmer co-operatives. The Department is just acting like a warehouse for multinational companies like Monsanto and Pannar,” he said.

Tribunal finds Monsanto negatively impacted human rights

Biowatch Trustee, Dr David Fig, attended the Monsanto Tribunal in the Hague in October last year, submitting evidence on the impact of Monsanto in South Africa, including Biowatch’s seven-year court battle for the right to access GM permit information from government.

The Tribunal was held to hear cases like ours, and to evaluate the damages to rights, health and the environment caused by the multinational in relation to its products and practices. The Tribunal used the United Nations’ “Guiding Principles on Business and Human Rights” and assessed Monsanto’s potential criminal liability based on the Rome Statute that established the International Criminal Court in The Hague in 2002. It also investigated whether Monsanto could be accused of “ecocide”, which activists are lobbying internationally to have included as a prosecutable crime in the Rome Statute.

The Tribunal released its findings in April – Monsanto has negatively impacted the human right to a healthy environment, food, health, and the freedom that is indispensable to scientific research. Should the crime of ecocide come into law, Monsanto’s widespread dissemination of “dangerous agrochemicals”, the “engineering, production, introduction and release of genetically engineered crops”, and “the introduction of persistent organic pollutants such as PCB into the environment” could constitute such a crime.



Dr Angelika Hilbeck from the Institute of Integrative Biology at the Swiss Federal Institute of Technology (ETH) Zurich, together with Dr Ignacio Chapela from the University of California in Berkeley, is exploring simple and affordable methods for farmers to test crops for GM presence. She visited Biowatch in February to assist farmers to test samples of their maize using a strip test – a quick antibody-based method for detecting the presence of Bt toxins or the EPSPS enzyme which would indicate tolerance to Glyphosate herbicides (Monsanto’s Roundup). Of the 42 maize samples tested, 5 were found to have some presence of GMOs. It was deeply shocking for the farmers to find GM contamination when they have been so careful with protecting their traditional seed for generations.



Biowatch's display at the second Howard Davis Memorial Symposium on food security, hosted by the UKZN College of Agriculture, Engineering and Science at the Ukulinga research farm in Pietermaritzburg, showcased the rich variety of traditional crop seeds. In their presentation "Small-holder agroecology for food sovereignty", Lawrence Mkhalihi, (Agroecology Manager) and Vanessa Black (Advocacy, Research and Policy Co-ordinator) stressed that food security was not possible until small-holders were supported in agroecology and seed sovereignty, instead of being pushed into harmful industrial farming.



Partners in the regional Seed and Knowledge Initiative (SKI) met in February in South Africa to review and reflect, and to plan for 2017 and the next steps in the "germination and growth" of the work to secure farmers' rights and seed sovereignty in Southern Africa.

Mid-term review focuses on regional learning and planning

Where are the NGOs?

Biowatch attended the 11th Plenary of the National Agricultural Research Forum (NARF) convened by the Department of Agriculture, Forestry and Fisheries (DAFF) in Pretoria in April, hoping to input on the plan of action for the next two years. During presentations a call was made to the private sector to fund climate smart agriculture – an approach Biowatch does not support as it simply provides a veneer of sustainability for interventions that continue to promote industrial agribusiness products and technologies. Biowatch appeared to be the only NGO present at the meeting. More proactive engagement from civil society in setting the research agenda is needed, and DAFF officials present said they would welcome such input.

WHAT'S COMING UP?

- Visit the Biowatch stand at the annual eThekweni Sustainable Living Exhibition: 15-17 September
- Biowatch Seed and Food Festival: 25-26 October

Biowatch Bulletin will keep you updated. If you would like to join our e-mailing list, please e-mail your details to info@biowatch.org.za

The Seed and Knowledge Initiative (SKI) is a regional partnership driven by a group of partners and allies committed to the principles of agroecology and food sovereignty. A core purpose of the Initiative is to establish a core of strong and consistent work that can then form the basis for others to engage and learn with.

In February, partners from South Africa, Zimbabwe, Zambia and Malawi met to review progress and to envision and agree on the way forward, together. The two-day gathering also focused on how SKI could and would achieve the greatest impact in the region over the next two years.

One of the exciting challenges noted will be identifying and implementing ways to build capacity to effectively document and communicate learning. Through this process, SKI plans to develop, publish and distribute a selection of compelling publications which can inform and inspire others towards seed sovereignty and social justice. Other plans for 2017-2018 include a commitment to support participatory research and to generate data that can feed into policy debates.

For more information about SKI activities and impacts, readers can download the SKI newsletter "*Learning Through Partnership*" from the Biowatch website: www.biowatch.org.za/docs/newsletters/2017/SKI_newsletter_Feb2017.pdf