

Check against delivery



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**Interactive Dialogue of the U.N. General Assembly (Third Committee)
on the report 'Seed policies and the right to food: Enhancing agrobiodiversity,
encouraging innovation' (A/64/170)**

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[Mr./ Ms.] Chairperson,
Distinguished delegates, ladies and gentlemen,

We have recently broken a historical record : more than one billion people are hungry. Yet, the problem is not that we are failing to produce enough food. This year's cereals harvests, for instance, only modestly fell short of the record high levels of 2008, when 2287 million tonnes were produced.

We must therefore face this paradox, that we live in a world in which we produce more food than ever before and in which the hungry have never been as many. There is a reason for this : for too many years, we have focused on increasing food availability, while neglecting both the distributional impacts of our ways of producing food, and their long-term environmental impacts. We have succeeded, remarkably, in increasing yields. But we now must come to realize that we can produce more, and fail to tackle hunger at the same time ; that yields increases, while a *necessary* condition for alleviating hunger and malnutrition, and not a *sufficient* condition.

While most of my work over the past few months has focused on the question of access to food – how to ensure that the poorest could be supported in achieving such access, where food availability is sufficient –, I have increasingly come to realize that beyond availability and access, *sustainability* of food production should turn into a permanent concern across the strategies we develop to realize the right to food.

Indeed, as we spectacularly boosted overall levels of production during the second half of the twentieth century, we created the conditions for a major ecological disaster in the twenty-first century. Conventional forms of agricultural production have significantly contributed to climate change, that represents a major threat to our ability to feed the planet in the future, and that is already having an impact as illustrated by the recent droughts in India, in East Africa and in Central America. And crop genetic diversity is diminishing at a worrying pace. *All efforts have been put into the development of a limited number of standard, high-yielding varieties, so that barely more than 150 species are now cultivated; most of mankind now lives off no more than 12 plant species, with the four biggest staple crops (wheat, rice, maize and potato) taking the lion's share.* About 75 percent of plant genetic diversity has been lost as farmers worldwide have abandoned their local varieties for genetically uniform varieties that produce higher yields under certain conditions. And genetic diversity within crops is decreasing. This increase in uniformity is the source of vulnerability to weather-related events and to attacks by pests or disease.

It is against this background that I have the honour to present before you a report on the seed policies developed by States. The report is based on a large number of consultations, including with the relevant organisations such as WIPO, UPOV or Bioversity International, and on the contributions I received from some of the very best scientists in the area from all continents. In this report, I ask which seeds policies are best suited to the complex challenge we are facing : not just to improve yields, but also to raise the incomes of the poorest farmers working in the most difficult environments, and to develop food systems that help us be more resilient to climate change and to stem the loss of crop genetic diversity.

Since the global food price crisis of 2007-8, a large number of countries have sought to support food production by providing farmers with a better access to seeds, which are an essential asset for food production, together with land and water. But the resources of governments are limited, and they must arbitrate in the competition between two seeds systems : the 'commercial' seeds system, made of varieties that are uniform and stable and therefore can be certified under seed regulations

and catalogued ; and the ‘informal’ or ‘farmers’ seed systems, that consist in the exchange or trade of local varieties (or ‘landraces’). The core message of my report is that access and innovation should be encouraged in both these systems, each of which has specific functions to fulfill, and each of which corresponds to different needs.

Consider first the ‘commercial’ seeds system. The new varieties that farmers are proposed to buy, or that they receive at subsidized prices, can produce high yields when the adequate conditions are present and when combined with appropriate inputs. Certain varieties can have improved nutritional value, or specific disease resistance; and certain crops can be developed which are suitable for saline, dry or other marginalized soils.

But the expansion of the use of such varieties – *uniform and stable, and generally protected by intellectual property rights* – also creates certain problems. The spread of uniform varieties accelerates the loss of agrobiodiversity. All too often, breeding efforts are directed towards the quest of the silver bullet solution – here, a highly-productivity maize, there, a disease-resistant rice –, which may have one or two interesting characteristics, but fail to address the array of needs of farmers, which are rarely involved in setting priorities. Even more troublesome, the seed sector is extremely concentrated in the hands of a limited number of Northern-based firms : *the top 10 seed companies have 67 percent of the global proprietary seed market; the world’s largest seed company alone, Monsanto, accounts for 23 percent of that market; and the top three companies (Monsanto, DuPont and Syngenta) account for 47 percent of the market, including 65 percent of the maize seed market and over half of the proprietary soybean seed market.* This means that these companies reap a disproportionate portion of the final value of the crop, and that the dependency of farmers on the inputs they provide may not be sustainable unless antitrust legislation is not used more proactively to tackle such concentration.

For all these reasons, the report advocates in favor of supporting the efforts by developing countries to establish a regime for the protection of IP rights which suits their development needs, as authorized under Article 27, para. 3, b) of the TRIPS agreement. These countries should not be imposed to go beyond the minimum requirements of the TRIPs Agreement, by the insertion of ‘TRIPS-plus’ provisions in free trade agreements. Instead, they should be given technical advice facilitating the adoption of sui generis systems for the protection of plant varieties, including by UPOV and WIPO.

The strengthening of the protection of IP rights on plant varieties is generally justified by the need to incentive, and thus to reward, innovation. Yet, excessive protection of intellectual property rights in agriculture increasingly becomes an obstacle to the very innovation that they seek to encourage, since research is a cumulative process, based on pre-existing plant material. In addition, promoting innovation through IP rights orientates research and development towards meeting the needs of farmers in rich countries, while the needs of poor farmers in developing countries have been comparatively neglected : *in what is a typical case of market failure, only 6 percent of privately-funded agricultural research is focussed on developing country agriculture, and very little research has benefited tropical maize, sorghum, millet, banana, cassava, groundnut, oilseed, potato or sweet potato, for example, since public research centres have not made up for the lack of interest of the private sector in these crops.* This trend should be reversed. We should increase the resources allocated to public agricultural research and create new incentives for the private sector, in order to encourage research into the crops that benefit poor farmers in developing countries.

Consider, next, the farmers’ seed systems, the second model. In most developing countries, the vast majority of farmers still depend on these systems, in which varieties bred and selected by farmers are exchanged or traded. These varieties are often best suited to the local agro-ecological environments. No restrictions are imposed to the re-use of seeds, in the absence of intellectual

property rights restrictions. The genetic diversity within these seeds may be a source of resilience against certain attacks from nature.

Poor farmers depend on those systems, but so do all of us, since professional plant breeders and seed companies rely on the development of these plant resources for their own innovations. These systems must be better supported, and innovation within these systems must be encouraged. Initiatives favoring the development of local seed exchanges could be scaled up, by the support of community seed banks and seed fairs. *Appropriate institutional arrangements should ensure the availability of planting material at the appropriate time as well as an adequate diversity of varieties. Such community seed banks exist in countries such as the Philippines or India and frequently emanate from grassroots organizations. In India, the organization 'Navdanya' has established 34 seed banks in 13 states across the country in the last two decades. Operating through a network of community seed banks in different ecozones assists the maintenance and improvement of agricultural biodiversity. In Mali, some seed banks contain more than 350 samples of 70 different species.*

Up to now, States have put much more efforts into seeking to promote innovation in the commercial seed systems than into enhancing innovation in the farmers' seed systems. *It is perhaps an indicator of this imbalance that, whereas plant breeders' rights and biotech-industry patents are defined and enforced at international level through UPOV and all WTO Members must ensure some protection of plant varieties under Article 27.3(b) of the TRIPs Agreement, farmers' rights are only recognized in principle, and in vague terms, in Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture, concluded within the FAO in 2001 and in force since 2004. Furthermore, there exists no forum in which the implementation of farmers' rights in various settings is discussed, in order to provide benchmarks and examples of good practices which Governments could seek inspiration from.* A full implementation of farmers' rights as stipulated under the IT-PGRFA could significantly contribute to restoring a balance that, for the moment, is in danger.

To repeat: I believe that both systems through which seeds are developed, improved, and distributed, deserve to be supported and strengthened. *But with the development of seed certification schemes and with the promotion by both governments and the private sector of uniform and 'commercial' varieties of seeds, the farmers' seed systems risk being marginalized and displaced. We would all lose, in the end, from such an evolution.* At the same time, small farmers should be given a real possibility to choose. If they consider commercial varieties to be more suitable to the kind of farming they wish to practice, they should have access to seeds at an affordable price, and in conditions that do not result in a dependency on firms whose economic power remains unchecked. If they wish to maintain the practice of exchanging and trading seeds that they have improved in the fields, they should be supported in doing so. For farmers at least, the right to food can be given a very simple definition: it is about being able to produce at conditions that are viable.