

Farmers Rights are Human Rights ***SEARICE Statement for the UPR***

1 The Philippine government continues to violate internationally recognized rights to food security, health, livelihood, and life of farmers.

2 Small farming families produce 85 percent of the world's food but this fact is ignored. There is only one international instrument, the International Treaty on Plant Genetic Resources for Food and Agriculture, that speaks of Farmers' Rights. Even then, this is not translated into national laws. The Philippines, is painfully passive when it comes to Farmers' Rights.

3 The violation of Farmers' Rights is systemic with the passage of laws that prohibit them from their age-old practice of saving, sharing and using plant genetic resources or seeds; by imposing and encouraging intellectual property rights or patent rights on seeds; ignoring farmers' traditional knowledge but instead encouraging public breeding institutions to carry out research on genetically modified organisms and other destructive farming practices; allowing bio-piracy of genetic resources valuable to farmers by not keenly monitoring and preventing the patenting and commercialization of these resources and their by-products thus prohibiting farmers' free access to such resources; and by denying farmers participation in processes affecting them.

Imposition of Patents is a Violation of Farmers Rights

4 Farmers totally depend on plant genetic resources for their livelihood. Since agriculture began, farmers substantially preserved, conserved, developed and sustainably used plant genetic resources or seeds. Without farmers, there is no agricultural biodiversity. Agricultural biodiversity is important to establish a broad genetic base of traits that allow breeding plant varieties that withstand climatic changes, and socio-economic turbulence. This genetic base that farmers nurtured through generations, is being exploited by agrochemical corporations and governments, including large breeding institutions such as the International Rice Research Institute (IRRI), in generating new varieties. These plant genetic resources have been shared across nations since time immemorial, without any sense of ownership by any one farmer or nation.

5 Recent developments on imposing patent rights or intellectual property rights on plant genetic resources violate the human rights of farmers to their livelihood and to their life, as they prohibit the conservation, development, and sustainable use of genetic resources or seeds.

6 Corn, for instance, has always been grown across the Philippines with farmers sharing and saving corn seeds since time immemorial. Corporations, in the name of profits, totally altered this sustainable distribution system by introducing hybrid corn. Hybrid corn, limited hybrid vigor, or the ability of the corn seed to produce the same traits as its parents, deprives farmers their right to save and reuse seeds from the previous cropping season.

7 The Philippines has, likewise irresponsibly, in 2002 allowed the introduction of genetically modified corn. To date, the Philippines has approved without conditions, all applications for the release of GM corn to the Philippine environment. These GM corn

varieties include: Corn 3272, Corn MON89034, Corn MIR162, Corn Bt11 x corn GA21, Corn TC1507 x Corn 59122, Corn 59122 x Corn TC1507 x Corn NK 603, Corn Bt11 x Corn MIR604, Corn MIR604 x Corn GA21, Corn Bt11 x corn MIR604 x corn GA21, Corn MON89034 x corn NK603, Corn MON89034 x corn MON88017, Corn MON89034 x corn 1507 x corn 88017 x corn 59122, Corn NK603x corn T25, Corn Bt11 x corn MIR162 x corn GA21, Corn 3272 x corn Bt11 x corn MIR604 x corn GA21, Corn BT11 x corn MIR162 x corn MIR604 x corn GA21, Corn MON89034 x corn TC1507 x corn NK603, Corn Bt11 x corn MIR162 x corn TC1507 x corn GA21, and Corn Bt 11 x DAS 59122 x MIR604 x TC1507 x GA21.

8 Corporate Hybrid corn and GM corn are protected by intellectual property rights. No farmer can access these seeds, without signing a contract that prevents farmers from saving, reusing, or replanting the seeds. The contract is attached to the seed packet, which compels farmers to affix their signatures before they can get the seed packet. This contract, when read with the Plant Variety Protection Law of the Philippines or Republic Act No. 9168 punishes farmers when they reproduce, replant, reuse, share or sell the reproduced seeds to other farmers.

9 The following sections of the PVP Law outlines penalties should farmers reproduce patented seeds:

Sec. 52. Damages. - The court may award actual, moral, exemplary damages and attorney's fees according to a proven amount including a reasonable royalty for the use of the protected variety.

Sec. 54. Court to Order Confiscation of Infringing Materials. - Upon petition by the complainant, the court may order the confiscation of infringing materials...

Sec. 56. Criminal Penalty. - Any person who violates any of the rights of the holder provided for in this Act may also suffer the penalty of imprisonment of not less than three (3) years but not more than six (6) years and/or a fine of up to three (3) times the profit derived by virtue of the infringement but in no case should be less than One Hundred Thousand pesos (P100,000.00).

10 Already, a number of farmers have successfully bred superior corn varieties so that they won't be dependent on corporate seeds every season. The cost of such seeds is at least Php4,000.00 per kg. and is expected to rise in the coming years; it is thus practical for farmers to reduce costs by breeding these seeds.

11 The imposition of penalties on farmers who breed their own corn seeds is life-threatening, and violates their internationally-recognized human rights and economic, social, and cultural rights. The Universal Declaration of Human Rights, particularly Article 3 and 23 guards farmers' rights to life, and to have just and favorable conditions of work. With patents on seeds, farmers lose the capacity to reduce production costs and increase their income.

12 Besides, corn is an open-pollinated variety, which means that corn varieties that are not hybrid or GM can be easily contaminated. Hence, a farmer who grows a non-hybrid or non-GM corn, can unknowingly produce hybrid or GM corn. Natural factors such as wind and insects facilitate this genetic drift. The Philippines have no laws, that

guards farmers who do not want their crops contaminated, or laws that provide farmers protection, should they be found to have cultivated hybrid or GM crops unknowingly. Should a situation such as the 2006 rice debacle in the US happen in the Philippines, farmers will not be able to cope, inasmuch as there are no safety nets provided by law. The rice debacle involved contamination of US long-grain rice varieties by Liberty Link rice or GM rice. As a result of the contamination, US long grain rice farmers were not able to sell their produce, as countries importing rice from the US refused to buy GM rice. That there are no effective legal remedies installed in Philippines with respect to contamination is a violation of Article 8 of the Universal Declaration of Human Rights.

13 The imposition of patents fails to recognize and continues to ignore, farmers' significant participation in nurturing plant genetic resources. Farmers realize the importance of having a broad genetic base in food security, hence for generations they have reproduced a variety of seeds with different traits through ex-situ and in-situ conservation. It is this broad genetic base that corporations were able to draw upon to genetically alter corn varieties. When corporations imposed ownership on hybrid and GM corn through patents, farmers must now buy these seeds, and face the threat of being punished should they resort to age-old cultural practices in conserving seeds.

14 The contamination of crop stands by patented seeds, also causes economic, social, cultural and environmental damage to farmers. Governments like the Philippines do not consider socio-cultural and economic effects of GM corn in their risk assessment laws. If they do, it is only with respect to the increase of income brought about by the new but destructive biotechnology.

15 With genetic drift, there is a possibility for all corn to be contaminated with hybrid corn or GM corn. When this happens, the genetic base is narrowed down, and farmers will have no choice but to reproduce hybrid or GM crop. This will increase the burden of patents on their lives.

No Farmers' Voice in Participatory and Decision-making Processes

16 There are thousands of international, national and local events on human rights, there is no voice of Farmers Rights in these occasions. In the Philippines, there is no talk on Farmers Rights in its submissions to the UPR. The processes affecting farmers such as the release of destructive GMOs or LMOs into their fields do not involve farmers. Policies which envision the Philippines to be an exporter of GMOs to neighboring countries by 2012 do not have the voices of farmers.

17 While there are internationally-recognized rights to participation at all levels of governance, there are no laws that allow farmers to participate in processes and decide on matters affecting them, such as the release of GM crops into the environment. The law allowing release of GM crops for food and agriculture in the Philippines is Department of Agriculture Order No. 8 or DAO 8, entitled, "Rules and Regulations for the Importation and Release Into the Environment of Plants and Plant Products Derived from the Use of Modern Biotechnology".

18 In DAO 8, and even in the National Biosafety Framework of the Philippines, there is no provision to consult farmers on the release and use of GMOs; and there is no

mechanism on how farmers can join decision making bodies to release and use GMOs.

19 Farmers need to be consulted in the use and release of GMOs considering the adverse effects of GMOs on seed supply, agricultural biodiversity and food security. It has been recognized that for centuries, farming families have played a central role in food production, and in ensuring agricultural biodiversity. As GMOs affect seed supply systems, agricultural biodiversity and the way food is produced, it is important that farmers need to be consulted on the release and use of GMOs, especially in farmers' fields.

20 At least, the Free and Prior Informed Consent of farmers must be genuinely obtained prior to the release and use of GMOs into farmers fields. The Philippine biosafety framework does not provide for mechanisms for this.

21 Consider the introduction of Bt eggplant into the Philippine, despite its being banned in India, the eggplant center of the world. Without the knowledge and consent of farmers, a Filipino eggplant variety, was brought to India, packaged with a bacteria, shipped to the Philippines, tested in contained trials and is now undergoing field trials in public universities in the Philippines with the plan to release it as a GM crop by 2012. DAO8 merely requires the posting of a one-page information sheet at the village and town halls of the municipalities that host the field trials. The only ones who have knowledge of the GM cultivation are the village and town heads; who are the only ones required to execute an affidavit that the one-page sheet was posted in their halls. The only content of this information sheet is the fact of planting of the Bt eggplant in the area, and does not provide information, such as the disadvantages of planting such a GM crop, to enable farmers and the whole community to decide on whether they would accept the risks of planting the GM crop in their community.

22 In contrast, the government of India made the cultivation of Bt eggplant public, ensuring that all sectors of the community including farmers are consulted on the issue as to the release of Bt eggplant. Consultations were held all over India, especially in the regions where there are numerous eggplant farmers. Information was published in newspapers, and the Ministry of Environment made public data supplied by the corporation wishing to release Bt eggplant, public. India's government, unlike the Philippines, adopted a precautionary approach, considering that Bt eggplant might cause liver and stomach trouble, and would contaminate the various varieties of eggplant in India.

23 It is shameful that this research were undertaken by public institutions such as the University of the Philippines, Los Banos, the cradle of agricultural education in the whole Philippines.

24 Local government units in the Philippines are likewise mandated under the Local Government Code to participate in local governance, yet the Philippine government is merely paying lip service to this important provision of engaging farmers in matters affecting them; and the provision is only being used to obtain political patronage.

Making Extinct, Farmers' Seeds, and Farmers Traditional Knowledge in Agriculture is a Violation of Human Rights

25 Countries, which cooperate with agro-chemical corporations have focused on a few crops and a few varieties of plant genetic resources in agriculture. According to the CBD and the FAO, only 12 crops and 14 animal species make up 80-90% of our global food consumption.

26 In rice farming communities in the Philippines, rice varieties are no longer diverse, with government policy encouraging and imposing monocropping of selected varieties. The Philippines' green revolution reduced the number of rice varieties in farmers' fields; and government policies of subsidizing and ensuring modern varieties have discouraged the cultivation of heirloom varieties that are indigenous only to the Philippines. This situation is dangerous for rice farmers in the Philippines. When before, farmers cultivated 4 to 10 varieties of rice in their fields, and engaged in cultural practices in ensuring crop diversity, now, Filipino farmers are only cultivating one or two rice varieties in their fields, making the few varieties highly susceptible to pests and diseases and serious climatic changes. When there are only a few varieties, there will be less varieties to offer traits that can withstand pest and diseases as well as extreme weather changes.

27 The Philippines is a typhoon stricken country, with an average of 20 typhoons yearly. Isabela is one of the provinces in the Philippines that is hardest hit in typhoons. Every year, Isabela farmers cannot plant corn and rice due to lack of seeds as a result of typhoons. Government policy on this matter is to allot millions of pesos of soft loans to farmers for them to buy their seeds from corporations. This year, the government has allotted Php47M for seed procurement in Isabela province alone, making farmers dependent on agrochemical corporations for their farming needs.

28 So long as government imposes policies that encourage monocropping which narrow the genetic base of our food crops, food security will never be attained. Such a situation is tantamount to the massive assimilation and genocide of some indigenous peoples.