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THE STRUGGLE FOR PEOPLES' FREE SEEDS IN LATIN AMERICA: EXPERIENCES FROM BRAZIL, ECUADOR, COLOMBIA, HONDURAS AND GUATEMALA

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Since ancestral times human populations and particularly women,² have given rise and prominence to agriculture: domesticating, improving and adapting an extensive variety of crops and animals to their various environmental, technological, cultural and socio-economic requirements. Latin American civilizations and peoples nurtured numerous native varieties of corn, bean, potato, cassava, tomato, fruit and other crops that still feed the world today and are conserved and used by indigenous, Afro-descendent and peasant communities for their own sustenance and the preservation of their cultures.

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² For more information on the role of women as seed custodians in Africa, please see article "African Food Sovereignty: Valuing Women and the Seed They Keep" in this issue of the *Right to Food and Nutrition Watch*.

³ Please also see article "Seeds and Agricultural Biodiversity: The Neglected Backbone of the Right to Food and Nutrition", in this issue of *Right to Food and Nutrition Watch*.

⁴ CropLife Ecuador represents transnational companies that research and develop agro-chemical products, agricultural biotechnology and seeds.

⁵ Jara, Carlos. "Matriz productiva, soberanía alimentaria y buen vivir rural." Paper presented at the Cambiamanos Forum for a debate on peasant economies, the new production model and food sovereignty, Guayaquil, Ecuador, October 2013.

⁶ Brazilian Institute of Geography and Statistics (IBGE). *Censo Agropecuario: Agricultura Familiar – Primeiros Resultados*. Rio de Janeiro: IBGE, 2006. Available in Portuguese at: www.ibge.gov.br/estruturas/sds_dads_agroextra/arquivos/familia_censoagro2006_65.pdf.

As in the rest of the Global South, seeds are seen as a godsend and held sacred as the 'collective heritage of the people'. As such, they have circulated freely among the rural Latin American population guaranteeing food sovereignty and food autonomy against various global crises. In doing so, they have exercised collective rights in the use, handling, exchange and local control of seeds and consider these rights to be 'inalienable', and 'imprescriptible'.³ The extensive variety of local native seeds, especially at present, are necessary to counteract climate change and the failure of industrial agriculture that, to make profits, seeks to homogenize seeds and limit seed numbers.

However, owing to the advance of a neoliberal food and agricultural system and regime in the nineties, food is no longer a fundamental right for life and has become a commodity that is monopolized by transnational companies. For example, in around 2008 ten companies held 67% of the seed market in Ecuador, of which Monsanto, DuPont and Syngenta controlled 47% under the umbrella of CropLife Ecuador⁴ in collaboration with Agrocaldad.⁵

The monopolization of the agri-food system by transnational companies and national governments generates profound effects on peoples. Despite being responsible for the majority of food production, and therefore key agents in ensuring food sovereignty, small rural producers encounter unfair and precarious production and living conditions. In Brazil for example, peasant and traditional farming, despite occupying less than 20% of the national territory, is responsible for producing 70% of the food consumed in the country.⁶

GENETICALLY MODIFIED FOOD AND CROPS

Despite the serious questions that have arisen due to environmental and socio-environmental impacts on human and animal health,⁷ in recent decades genetically modified (GM) seeds have spread across Latin America. Some countries have banned them (Ecuador), in others they have been allowed for research but banned commercially (Guatemala); other countries have an area sown for limited commercialization on a global scale, although the threat remains the same (Colombia and Honduras); and then there are countries like Brazil (and in general the Southern Cone), which in 2014 was the second-largest producer of GM crops after the United States.⁸

- 7 There are several critical studies on GMOs by the Union of Concerned Scientists in the United States of America and others by scientists such as Andrés Carrasco and Elizabeth Bravo, associated to the Network for a Transgenic-Free Latin America. For more information, please see: re.indiaenvironmentportal.org.in/files/file/Scientific_Papers_Compiled_March_2013_coalition-for-a-gm-free-india.pdf.
- 8 According to Agrobio, 100,000 hectares of GM corn and cotton crops were sown in Colombia in 2014, 42.2 million hectares mostly of soya but also of corn and cotton in Brazil, and less than 50,000 hectares of corn in Honduras. For more information, please see: [www.agrobiomexico.org.mx/images/images/ MAPA%20ISAAA%202014.JPG](http://www.agrobiomexico.org.mx/images/images/MAPA%20ISAAA%202014.JPG).
- 9 Ministry of Agriculture, Livestock, Aquaculture and Fishing (MAGAP), *El Sector Agropecuario Acuícola y Pesquero en el Cambio de la Matriz Productiva*. Quito, Ecuador, 2015.
- 10 The Green Revolution was based on the production of hybrid seeds, characterized by their heavy reliance on chemical inputs, their partial loss of vigor and reproductive capacity and the agronomic features that distinguish them in subsequent generations. Moreover, peasant producers were subjected to such technological packages.
- 11 Biotechnology companies have developed Genetic Use Restriction Technologies (GURT), commonly known as 'Terminator technology', which genetically modify plants to make them sterile or to produce 'suicide seeds'. The threat is even higher as these GM varieties can sterilize non-transgenic varieties and their wild relatives. For this reason, the United Nations (UN) has declared a global moratorium on 'Terminator technology' in the Convention on Biological Diversity (CBD). Despite the moratorium, transnational biotechnology companies are trying to bypass it by creating a new generation of 'Terminator' seeds. This new generation is part of the European Union's 'Transcontainer' project, which aims to develop a chemically induced 'reversible transgenic sterility'. (ETC Group, 20017) Please also see insight box 1.2 "Peasants' Rights to their Seeds are at the Forefront of Human Rights" in this issue of the *Right to Food and Nutrition Watch*.
- 12 Gilles Ferment et al., *Lavouras Transgênicas – riscos e incertezas: mais de 750 estudos desprezados pelos órgãos reguladores de OGMs*. Brasília: Ministry of Agrarian Development, 2015. Available in Portuguese at: www.mda.gov.br/sitemda/sites/sitemda/files/ceazinepdf/LAVOURAS_TRANSGENICAS_RISCOS_E_INCERTEZAS MAIS DE 750 ESTUDOS DESPREZADOS PELOS ORGAOS REGULADORES DE OGMs.pdf.

Unfortunately, in the case of Ecuador, legal bans on genetically modified organisms (GMOs) have not halted their spread. In fact, the Ecuadorian High-Yield Seeds Project aims to increase the crop productivity of 90,000 small and medium-sized producers through technological packages that will include GM soya and canola seeds⁹.

In Colombia, the initially rapid spread of GM crops has suffered significant setbacks because they have not been economically viable for the farmers who have sown them. This occurred with GM cotton, approved in 2002 by the Colombian Agriculture Institute (ICA), whose planting area has decreased by 40% over the last three years. In the case of GM corn, approved in 2008, impacts on the environment, socio-economic and biodiversity factors have been negative, and led to the ruin of many farmers.

It should be noted that the development of seed biotechnology by companies like Monsanto, DuPont, Syngenta and Bayer has meant the dispossession of these commons for communities. Exacerbating the trend established since the Green Revolution,¹⁰ GM seeds have been developed and modified so that they lose their reproductive traits, crops become dependent on chemical herbicides such as glyphosate and 'biological' patents are requested and lodged on transformed seeds. Therefore, farmers become dependent not only on the market, having to return after each harvest to stock up on their seeds, but also on technological packages which are tied to GM seeds and produced by the same biotechnology companies.¹¹

In addition, biosecurity standards on genetically modified organisms (GMOs) adopted by countries in the region are inadequate because they are reduced to fine-tuning the legal formalities for the approval and marketing of GMOs instead of comprehensively evaluating the socio-economic, cultural and environmental risks, including the genetic contamination of local native varieties and the effects on human and animal health. For example, in Brazil the *Biosafety Law (Law 11.105/2005)* was approved despite the presentation of more than 750 studies on the risks and uncertainties of transgenic technologies.¹²

Adverse rural policies and free trade agreements (FTA) over the last two decades have also led to the reduction in domestic agricultural production and to massive food imports, especially of GM soya and corn, with no controls on the potential impacts on human and animal health, on local native varieties and on ecosystems.

THE UPOV SYSTEM AND INTELLECTUAL PROPERTY RIGHTS

Transnational corporations have managed to privatize and gain monopoly control over the seeds system by means of applying for patents and plant breeders' rights, granted by the International Convention for the Protection of New Varieties of Plants (UPOV Convention), which led to the creation of the International Union for the Protection of New Varieties of Plants (UPOV),¹³ and laws that control the production and commercialization of seeds. These laws seek to stop native and local native seeds from freely circulating, thus drastically reducing genetic diversity and the traditional movement of seeds. This also has a huge impact on food diversity and on the realization of the human right to adequate food and nutrition. These laws build on the commodification of life and are therefore alien to the Maya q'eqchi' legal systems in Guatemala, and other indigenous peoples' ancestral systems in Latin America.

There is currently a lot of pressure on countries in the Global South by industrialized states to adhere to the 1991 Act of UPOV Convention (UPOV 1991), which is more restrictive than the 1978 Act of UPOV Convention (UPOV 1978),

as it does not recognize the farmers' right to re-sow from their own harvest and criminalizes those who violate the intellectual property rights of companies via fines, destruction of seeds and imprisonment.¹⁴ As very few countries have so far adhered, some countries have been forced to approve this convention through 'free' trade agreements (FTA),¹⁵ and to implement it via national legislation through the so-called 'Monsanto laws'. This has generated much resistance, especially among rural organizations.

In Colombia, agrarian popular mobilization during the 2012 and 2013 agrarian strikes demanded the derogation of these new laws. Additionally, in 2012 Colombia's Constitutional Court declared Law 1518 invalid, due to the lack of previous consultation of ethnic peoples, highlighting moreover that this convention directly affected them in terms of traditional knowledge, food sovereignty, food autonomy and culture.¹⁶ Nevertheless, the State of Colombia has ignored this ruling as it continues to issue legislation, such as Resolution 3169 of the Colombian Agriculture Institute (ICA), which criminalizes the conservation and commercialization of seeds without the consent of the breeder.¹⁷ In the case of Guatemala, thanks to popular pressure, the *Law on the Protection of New Varieties of Plants* was derogated, which does not mean that the introduction of GM plants has been halted.¹⁸

In countries such as Brazil and Ecuador, which have not signed FTAs, governments have thus far had less legal and political capacity, as well as more popular resistance, when it comes to adopting provisions from UPOV 1991.¹⁹ Nevertheless, in Brazil there are significant legal initiatives in place to reverse this situation. A case in point is *Draft Law 827/2015*, which, in accordance with UPOV 1991, widens the scope of restrictions to free use of seeds by farmers, and therefore decreases the exceptions that can be applied to peasants and traditional peoples and communities.

On the other hand, it is also worth highlighting that the Convention on Biological Diversity (CBD) includes provisions on the conservation and benefit-sharing arising from the utilization of genetic resources and transfer of technology. However, negotiations between the states or between the state and transnational corporations that are interested in accessing indigenous peoples' biocultural resources are defined within the framework of a capitalist economy, establishing access fees per sample collected and commercialization license fees, as well as royalties and joint ownership payments from intellectual property rights. These contracts and payments are unfair most of the time; they do not guarantee an adequate protection of indigenous peoples' systems of collective interrelation with nature; they are based on the direct exclusion of indigenous peoples, and especially women; they promote the use of GMOs; they equate extractivist projects to sustainable alternatives; and they generate new strategies to plunder regional native species.

FOOD AID AND RURAL DEVELOPMENT PROGRAMS

Another serious threat to food sovereignty and, more specifically, to the rights of peasants, Afro-descendent and indigenous peoples to handle traditional seed, is the state-led and private promotion of the use of 'improved' seeds, including GM seeds, as part of rural development and food security technological packages.

These programs genetically contaminate local native seeds and do not acknowledge that food aid must only be allocated in real emergencies, instead of being policies aimed at undermining the food sovereignty of countries and communities through importing food surpluses either free of charge or at low prices (dumping)

13 For more information on UPOV, please see insight box 1.1 "Farmers' Rights to Seed: Conflicts in International Legal Regimes" in this issue of the *Right to Food and Nutrition Watch*.

14 For an example of the criminalization of peasants and the destruction of rice seed in Colombia, following the implementation of intellectual property and agricultural health laws, please see Victoria Solano's documentary 970. The title refers to the implementation of ICA Resolution 970 in the municipality of Campoalegre (Huila). Available in Spanish at: www.youtube.com/watch?v=kZWAqS-El_g.

15 This was the case with Colombia's FTA with the USA and Honduras' and Guatemala's Central America Free Trade Agreement (CAFTA).

16 Constitutional Court of Colombia. *Press Release No. 50, Ruling C-1051/12*. December 5–6, 2012.

17 *Ibid.*

18 On September 5, 2014, the Guatemalan Congress derogated the *Law on the Protection of New Varieties of Plants* (Monsanto Law), which had been approved in June of the same year and aligned the country with the requirements of UPOV 1991. For more information, please see: APREBES. "Guatemala: Social mobilization crowned with victory." *APREBES*. October 8, 2014. Available at: www.apbrebes.org/news/guatemala-social-mobilization-crowned-victory.

19 See country case studies below.

and destroying local and regional agricultural economies. To this regard, social organizations in Latin America are calling on food aid programs to not contain GM crops given that what is needed is the supply of culturally appropriate food respecting the right to know what kind of food is being consumed.

Neoliberal reforms in Honduras at the end of the eighties and during the nineties scrapped seed improvement programs leaving this strategic activity to domestic and international private initiatives. Currently, the Vision 20–20 governmental program ‘Sowing the country with more corn’,²⁰ supported by Monsanto, Syngenta, Bayer and Denace, aims to cultivate 100,000 hectares of GM corn to ‘resolve’ the chronic production deficit of some 12 million annual quintals.²¹

The use of GM crops has also been documented in food aid programs in Guatemala. In 2002 in the municipality of San Mateo Ixtatán (Department of Huehuetenango), where the official malnutrition rate is 72%, the Guatemalan state distributed the product Vitacereal through the private company Alimentos S.A. as part of the National Strategy to Reduce Chronic Malnutrition. Following complaints by the community, the Development Council analyzed what they had been given and identified five varieties of corn and three of soya, all transgenic.²²

In Colombia, in line with a study performed in 2002 by the Colombian consumer organization Colombian Consumers (COCO), food based on GM soya from the United States, namely the food supplement Bienestarina, was distributed by the Colombia Institute of Family Welfare.²³ The Colombian government acquired or received GM soya as part of food aid.

RESISTANCE STRATEGIES

Faced with these challenges, civil society and social movements have been mobilizing to protect seeds, the collective heritage of the people. Experiences from Brazil, Ecuador, Colombia, Honduras and Guatemala below illustrate some of the strategies adopted, as well as some achievements and challenges.

CASE STUDY 12.1 Defense and Resistance in Support of the Free Use of Agricultural Biodiversity and Food Sovereignty in Brazil

*Fernanda Testa Monteiro, André Dallagnol and Carlos Alberto Dayrell*²⁴

In Brazil, the refocusing of popular struggles on the construction, adaptation and improvement of public policies made various achievements possible, such as the creation of the National Food Procurement Program (PAA), responsible for setting minimum prices for the marketing of food through institutional purchases; the improvement of the National Program for Stronger Family Farming (PRONAF) to guarantee a line of credit for peasants; the National School Meals Program (PNAE) which ensures, through the transfer of financial resources, school meals for pupils in elementary education; the National Plan for Agroecology and Organic Production (PLANAPO),²⁵ promoted in response to the demands of the ‘March of the Margaritas’ demonstration in 2011;²⁶ and the application of the Seeds Procurement arrangement, which ensures the purchase and distribution of local and native seeds among peasant organizations as a public national policy. The benefits of these advances are undeniable as they were the reason why Brazil was taken off the Hunger Map in

20 Diaz, Juan C. “Lanzan plan productivo de maíz en Comayagua”. *El Heraldo*. April 7, 2014. Available in Spanish at: www.elheraldo.hn/regionales/612817-218/lanzan-plan-productivo-de-maiz-en-comayagua.

21 One quintal is the equivalent of approximately 100 kg.

22 Via Campesina Internacional, FIAN et al. *El Derecho a la Alimentación y la Situación de Defensoras y Defensores de Derechos Humanos en Guatemala: Informe de Seguimiento*. Guatemala: APRODEV, CIDSE, CIFCA, FIAN Internacional, Via Campesina Internacional, 2011. Available in Spanish at: www.fian.org/fileadmin/media/publications/2011_09_Guatemala_DaA_Defensores.pdf.

23 The test was carried out based on an analysis of the C-reactive protein (CRP). Results showed that 90% of soya found in Bienestarina was made from Monsanto’s Roundup Ready soybeans. Vélez, Germán. “En Colombia estamos consumiendo soya transgénica”. In: Acción Ecológica, RALLT and Instituto de Estudios Ecológicos del Tercer Mundo. *Ayuda alimentaria y transgénicos*. Quito: 2002. p. 60–64. Available in Spanish at: www.rallt.org/organizaciones/pma/pma8.htm.

24 **Fernanda Testa Monteiro** works with HEKSEPER Brazil and is a member of the Working Group on Biodiversity at the National Articulation of Agroecology. **André Dallagnol** is a people’s lawyer, a legal adviser and the human rights organization Terra de Direitos, a member of the Working Group on Biodiversity at the National Articulation of Agroecology and a civil society adviser at the National Council for Food and Nutrition Security (CONSEA). **Carlos Alberto Dayrell** works with the Alternative Agriculture Center in the north of Minas Gerais, Brazil, and with the Interdisciplinary Socio-Environmental Research Group, and is a PhD candidate at the State University of Montes Claros (UNIMONTES). Special thanks to Juan Carlos Morales González (FIAN Colombia) and Marcos Arana Cedeño (World Alliance for Breastfeeding Action, WABA) for their support in reviewing this article. This article was originally written in Portuguese.

25 Decree 7.794/2012.

26 ‘The March of the Margaritas’ is celebrated every four years in Brasilia with the aim of giving visibility to women’s demands. For more information in Portuguese, please visit: www.abc.com.br/cidadania/2015/08/marcha-das-margaridas-entenda-o-que-e-e-quem-sao-elas.

27 The National Articulation of Agroecology (ANA) is an articulation and convergence space for Brazilian movements, networks and civil society organizations that aims to promote agroecology, strengthen family farming, and build rural development sustainable alternatives. ANA currently articulates twenty-three national and regional networks, bringing together hundreds of groups, associations, and NGOs across the country, as well as fifteen national social movements. ANA's organizations structure consists of an Executive Committee and Working Groups (WGs), made up of organizations and networks that work on the issues and subjects that WGs mobilize on, such as Biodiversity.

28 ASA is a network that defends, disseminates and implements the political project of living in the semi-arid region of Brazil, including through public policies. The network comprises over three thousand civil society organizations from different backgrounds (rural trade unions, farmers' associations, cooperatives, NGOs, civil society organizations in the public interest etc.) and connects people who are organized in groups that defend the rights of peoples and communities across the semi-arid region.

29 Mario Macías Yela is an agricultural engineer, a trainer in agroecology and sustainable agriculture, and currently the Executive Director of FIAN Ecuador.

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Special thanks to Juan Carlos Morales González (FIAN Colombia) and Marcos Arana Cedeño (World Alliance for Breast-feeding Action, WABA) for their support in reviewing this article. This article was originally written in Spanish.

30 Article 401 of the current constitution declares Ecuador free from GM crops and seeds.

2014, thanks to the increase in food sovereignty and security while strengthening rural communities, custodians of the country's large agricultural biodiversity.

Advances such as the Seeds Procurement arrangement were only possible through tough civil society battles organized to construct legal exceptions. These include article 48 of *Law 10.711/2003*, which bans any restriction on including local seeds in programs focusing on family farming, and section 3 of article 8 of the same law, which exempts family farmers, beneficiaries of agrarian reform and indigenous peoples from the obligation of registering with the National Register of Seeds and Plants, as well as granting them the freedom to share and use seeds.

In Brazil, organizations and communities develop and disseminate production initiatives and practices on a local level and in line with regional ecosystems and ever more pronounced climate change processes. Meetings with people from rural, wetland and forest areas also play an important role in highlighting Brazilian social biodiversity. These actions have been articulated from the participation of various social networks and movements, such as the National Articulation of Agroecology (ANA)²⁷ and the Articulation of the Semi-arid Region (ASA),²⁸ with the support of researchers, scientists, lawyers and pastoral organizations, among others, to infiltrate and contribute to the official councils that design public policy such as the National Council for Sustainable Rural Development (CONDRAF), the National Council for Food and Nutrition Security (CONSEA), the National Commission of Sustainable Development of Traditional Peoples and Communities (CNPCT), and the National Commission for Agroecology and Organic Production (CNAPO).

This context of political mobilization and defense of rights in Brazil is currently at a critical point. The reactionary forces of Brazilian society are subject to a political structure governed by the interests of large companies and international capital that now finance, corrupt and interfere with significant sectors of legislative, executive and judicial powers and, through the media, affect their ideological perspectives with the aim of delegitimizing battles won since the Constitution of 1988 and the popular policies implemented by the government of Luiz Inácio Lula da Silva. These forces now focus on legislating, closing off and obstructing the rights and access of people to their seeds and traditional knowledge associated with this wealth of genetic heritage, opposing any political reform and regulation of the media. Brazilian civil society however, is active and continues to fight against them.

CASE STUDY 12.2 Ecuador: Conserving Native Seeds and Agricultural Biodiversity as a Basis for Food Sovereignty

*Mario Macías Yela, Germán Jácome López and Nataly Torres Guzmán*²⁹

The resistance and social mobilization processes of small-scale and medium-sized food producers, peasant and indigenous movements and civil society organizations have played an important role in making room on the national agenda for the urgent need to preserve and recover agricultural biodiversity and ancestral knowledge, as well as constitutional guarantees;³⁰ conserve ecosystems and the integrity of the country's genetic heritage; and promote agroecology and the free exchange of seeds.

As part of this, important initiatives such as the Seed Custodians Network (*Red de Guardianes de Semillas*), Austral Seeds Network (*Red de Semillas del Austro*), National Agricultural Biodiversity Bureau (*Mesa Nacional de Agrobiodiversidad*),

Cotacachi Seed Fair (*Feria de Semillas de Cotacachi*), Loja Seed Fair (*Feria de Semillas de Loja*), Annual Seed Fair (*Feria Anual de Semillas*), National Organic Farming Collective (Colectivo Nacional Agroecológico), and even local policies such as the Sovereign and Agroecological Pichincha Regulation of the Decentralized Autonomous Government of the Pichincha Province, have demonstrated that it is essential and feasible to promote a sustainable agri-food system, focused on food sovereignty, ancestral knowledge, diversity, exchange of knowledge, intercultural awareness and the permanent exchange of genetic resources and associated knowledge.³¹

In this context, Ecuador was a pioneer in creating a *Draft Bill for Agricultural Biodiversity, Seeds and Agroecological Development*.³² It was developed in 2012 by the Plurinational Intercultural Conference on Food Sovereignty (COPISA) following a participative process involving more than 500 peasant organizations and 3,000 citizens. Four years after its presentation, this proposal has been taken up once more at the plenary session of the National Assembly to be analyzed, debated and finally approved. The most important aspects of this law are: a) to promote the preservation and recovery of agricultural biodiversity and associated ancestral knowledge; as well as the use, conservation and free exchange of seeds (Art. 281, sub-paragraph 6); b) although intellectual property is recognized, all types of appropriation of collective knowledge are prohibited in the fields of science, technology, ancestral knowledge, genetic resources and agricultural biodiversity (Art. 322); and, c) Ecuador is declared free of GM seeds and crops [...]. The application of risky or experimental biotechnologies is prohibited (Art. 401).

Finally, this new legislative framework should reverse the state support given to the agribusiness sector through the promotion of certified industrial seeds and technological packages that contaminate the ground, encourage erosion, affect productivity and impact on peasant economies. A patent example of this is the crisis in the corn sector in Ecuador's coastal region caused by the supply of certified seeds by the Ministry of Agriculture, Livestock, Aquaculture and Fishing (MAGAP), which have caused serious problems in terms of recurring incidents of pests and diseases. In light of this, various groups of farmers established the National Corn Assembly asking the MAGAP to create a program to convert the corn monoculture into diversified systems of sustainable and supportable production. Legislative frameworks must respond to the use of native, local, peasant, ancestral, organic and heritage seeds given that they are resilient and adaptable, respond to the peasant culture and have a high food and nutritional value that is needed to solve the country's problems of hunger and malnutrition.³³

CASE STUDY 12.3 Colombia's Network of Free Seeds: The Struggle for Seeds, Our Source of Life *Germán Vélez*³⁴

In response to the privatization, control and dispossession of farmers' seeds, Colombian civil society has been consolidating the Network of Free Seeds (RSL). The network is an open and decentralized space for local social organizations and for peasant, indigenous and Afro-descendent communities to converge with rural and urban small-scale food producers as well as with NGOs, consumers and academic groups that articulate at the local, regional and national level and with international processes.

31 Declaration from the Forum Workshop "Semillas y soberanía alimentaria en riesgo?" Quito: FLACSO Ecuador, July 6, 2016.

32 Plurinational and Intercultural Conference on Food Sovereignty (COPISA). *Un nuevo modelo agrario para el Ecuador: Propuesta de ley orgánica de agrobiodiversidad, semillas y fomento agroecológico*. Ecuador: 2012. Available in Spanish at: www.groundswellinternational.org/wp-content/uploads/Ecuador-COPISA-Agrobiodiversity-Law.pdf.

33 *Supra* note 30.

34 **Germán Vélez** is an agronomist and director of the Colombian Seeds Group (Grupo Semillas), an environmental NGO that supports indigenous, Afro-descendent and peasant organizations since 1994 in the local protection and control of territories, natural resources, biodiversity and sustainable production systems, and rural peoples' food sovereignty and food autonomy. For more information in Spanish, please visit: www.semillas.org.co. Special thanks to Juan Carlos Morales González (FIAN Colombia) and Marcos Arana Cedeño (World Alliance for Breastfeeding Action, WABA) for their support in reviewing this article. This article was originally written in Spanish.

The goals of the Network of Free Seeds are to strengthen and give visibility to local processes on the recovery, handling, and free circulation of seeds, to disseminate information and to promote advocacy in light of the policies and laws that allow for the privatization of seeds and expansion of corporate agriculture and GM crops, which threaten living seed systems and the food sovereignty and food autonomy of peoples and communities in Colombia.

In this regard, RSL demands the derogation of all laws and norms on seeds as well as the government's strict control on the quality and health of certified seeds. Additionally, RSL promotes a country free of GMOs and aims to halt the import of foods that can be supplied by local production. The network also supports and promotes food sovereignty initiatives and the control of seeds by peoples, such as the GMO-Free Territories; community seed banks; exchange of seeds and knowledges; participatory diagnoses with communities to evaluate the advance of GMOs, especially corn; and agricultural biodiversity in territories, among other initiatives.

Through these initiatives, the network's objective is for the government to not persecute and criminalize farmers, but rather to fulfill its obligation to support agricultural development programs that strengthen local strategies to produce good quality, healthy local native agroecological seeds that are not certified nor transgenic. These local native seeds are produced in accordance with the environmental and socio-economic conditions found in the communities, and they are controlled by farmers themselves within their own economic systems.

CASE STUDY 12.4 Honduras: Threats and Coping Strategies for Traditional Seeds *Claudia Pineda and Octavio Sánchez*³⁵

None of Honduras' current laws recognize the rights of peasants and indigenous peoples in the traditional handling of their seeds. On the contrary, as mentioned in the article above, the state, in alliance with Monsanto, Syngenta, Bayer and Denace, have positioned themselves to promote 'improved seeds', including GM seeds.

The problems for local native corn began in 1998, when the regulation on biosecurity was issued with a focus on GM plants, which among other aims, promoted the use of 'modern technology' and regulated imports, research and marketing of transgenic crops. In 2003, the Department for Agriculture and Livestock recognized that it had planted 500 'manzanas' (875 acres) with GM corn and it was the first time that the government had admitted that it was sowing GMOs as crops.

Finally, in 2012 the *Law on the Protection of New Varieties of Plants* was approved (known as the 'Monsanto Law'),³⁶ with none of the affected sectors having been consulted. National legislation established for the first time that keeping or exchanging seeds was prohibited without the owner of the breeder's right having given their authorization and that ancestral practices of handling seeds would be criminalized.

Participants from civil society and social movements have joined in mounting a defense. Their mobilization and awareness actions initially help to consolidate a social base with which to claim the rights of peasants and indigenous peoples to conserve seeds and other means of production.

Work on the seed banks (community reserves) is still being strengthened, as is the exchange of genetic material available in communities as a symbol of resistance to the privatization of seeds, and the development of declarations of municipalities

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36 Diario Oficial de la Republica de Honduras. *Ley para la protección de obtenciones vegetales*. Available in Spanish at: [www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20para%20la%20Proteccion%20de%20Obtenciones%20de%20Vegetales%20\(3,1mb\).pdf](http://www.poderjudicial.gob.hn/CEDIJ/Leyes/Documents/Ley%20para%20la%20Proteccion%20de%20Obtenciones%20de%20Vegetales%20(3,1mb).pdf).

free of GM seeds in the indigenous Lenca community—a method of political pressure and self-determination of indigenous communities to manage their environmental heritage.³⁷

The systematic incursion of transnational companies represents a significant challenge; however, a social movement that is prepared to defend their land and propose inclusive development is being consolidated. The Lenca Honduras Independent Movement for Peace (MILPAH) claims the right to self-determination of its people, which includes the right to conserve seeds and the ancestral practices linked to their handling. In 2015 they declared their territories to be free of GM seeds.³⁸

CASE STUDY 12.5 Threats to Agricultural Biodiversity from the Perspective of Indigenous Women in the Northern Lowlands of Guatemala *Lourdes Gómez Willis*³⁹

Guatemala, located in the heart of Mesoamerica, boasts a wide cultural diversity as part of the Mayan culture's historical legacy. For thousands of years, Guatemala's peoples have developed myriad varieties of corn and other crops. Women have been at the forefront of resistance to defend life and native seeds for generations—and this is still the case today.

Communities are currently facing a severe socio-environmental crisis, which has dramatically unchained the possibly irreversible loss of ancestral systems of agricultural biodiversity and related traditional knowledge. This is due to the fact that the logic of transnational market economy has strategically guaranteed legal actions of dispossession.

Within the framework of the defense of Guatemala's indigenous peoples' sovereignty, q'eqchie women from the Northern Lowlands are resisting and defending collective rights to protect food sovereignty and agricultural biodiversity in order to safeguard the rural food system. Their struggle translates into the defense of their land tenure rights, in light of the arbitrariness carried out by extractive industries in indigenous territories. In that sense, q'eqchie women question the genuineness of the commitments that the State of Guatemala claims to have made.

In coordination with social and peoples' organizations, the struggles of different women—indigenous, weavers, midwives, farmers, spiritual guides and ancestral authorities—have led to an action of unconstitutionality against the adoption of *Decree 6-2014*,⁴⁰ which was adopted in February 2014 to ratify the Nagoya Protocol, an instrument that is associated to the Convention on Biological Diversity (CBD).⁴² They believe that this protocol impinges on the sovereignty of indigenous peoples, as it validates mechanisms of 'legalized' dispossession of native local seeds, medicinal plants, and eating habits, etc. The motives behind the action are rooted in the prerequisite for a right of consultation and the respect of all systems of organization, production, safeguarding and defense of community life. Civil society's efforts were successful: *Decree 6-2014* was provisionally suspended by Guatemala's Constitutional Court on June 16, 2016.

In order to defend life and territory, communities have organized actions and peaceful mobilizations at the national level, gaining important achievements, such as the derogation of the *Law for the Protection of New Varieties of Plants*,⁴⁵ transposed by *Decree 19-2014*, and more commonly known as the Monsanto Law.⁴⁴ This is a clear example of unity in diversity, as there was ample participation of social groups

- 37 For more information in Spanish on the preservation of seeds, please visit: www.anafae.org/search/label/Conservaci%C3%B3n%20de%20Semillas.
- 38 For more information in Spanish on MILPAH's resistance against transgenic organisms, please visit: www.anafae.org/2015/01/lenca-de-la-paz-milpah-en-la-serie.html.
- 39 Lourdes Gómez Willis is research assistant at IDEAR and assistant at the Coordination of NGOs and Cooperatives (CONGCOOP). Over the last few years, CONGCOOP has promoted and articulated development proposals geared towards equality and justice, and has participated and influenced in important public policy thematic areas. The goal is to enable Guatemala to become a multiethnic, multicultural and multilingual nation that respects gender equity and the environment. For more information in Spanish, please visit: www.congcoop.org.gt/quienes-somos.html.
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- 40 For more information in Spanish on the action of unconstitutionality, please visit: foodfirst.org/pueblos-indigenas-de-guatemala-rechazan-protocolo-de-nagoya.
- 41 The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization was adopted in 2010 at the international level. Available at: www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf.
- 42 Available at: www.cbd.int/intro/default.shtml.
- 43 The *Law for the Protection of New Varieties of Plants* threatened food sovereignty and life itself by allowing for the privatization of local native seeds by private companies, including corn and bean varieties, and for the introduction of GM seeds. This was part of the commitments made by the State of Guatemala within the framework of the Free Trade Agreement between the USA and Central America (DR-CAFTA), signed in 2005.
- 44 For more information in Spanish, please see: REDSAG. "Lucha por la defensa de nuestras semillas, derogación total del decreto 19-2014 (Ley Monsanto)". *REDSAG Boletín* 3. (July–October, 2014). Available at: www.redsag.net/files/Boletn_tres_versin_final.pdf.
See also: "Derogado el decreto 19-2014 'ley Monsanto': La lucha por el maíz hoy planta su semilla." *Prensa Comunitaria Km. 169*, September 5, 2014. Available at: comunitariapress.wordpress.com/2014/09/05/derogado-el-decreto-19-2014-ley-monsanto-la-lucha-por-el-maiz-hoy-planta-su-semilla.

and women in all their diversity, including peasant, indigenous and environmental movements and organizations, among others.

We, the women, see this action as a way to maintain ancestral systems, thus guaranteeing life and food sovereignty. In Guatemala, the defense of our territory continues, and to this end, q'eqchi women will continue creating ties of solidarity, not as a 'folkloric' or 'statistical' expression of the country, but as the face of the struggle, the resistance and the denunciation of the dispossession of our ancestral and territorial identity as 'aj ral Ch'ooch' (Daughters of Mother Earth).

CONCLUSION

Rural Latin American populations and the rest of the world face great threats to the free use, handling, circulation and exchange of seeds that underpin their productive, cultural and food activities. These threats are related to the role of transnational power and complicit states, which in the context of their desire for greater control over the world's agri-food system see control over seeds as an incalculable source of profit.

Seed laws, implemented in various countries based on the corporate interests included in the UPOV Convention,⁴⁵ are one of the main strategies devised for rural populations to lose governance over their seeds and as such, over their ways of life. These strategies are also accompanied by criminalization of rural processes and leaders that oppose this loss of diversity.

Although the threats are great, so too is resistance in Latin America: Not only does it seek to defend the free use and management of seeds, but also articulate the fight with the strategic need to defend and promote food sovereignty and food autonomy. At the moment, these strategies focus on the conservation, recovery, exchange and development of native and local seeds (and associated knowledge) through networks of seed custodians and community seed banks, internal training on the complex world of seeds (basic knowledge on biotechnology and its risks, legal frameworks and international trade agreements, for example), social mobilization, the socialization of complaints, formulation of legal appeals against GM seeds and laws that infringe upon the free use, handling and circulation of seeds.

⁴⁵ Please also see insight box 1.1 "Farmers' Rights to Seed: Conflicts in International Legal Regimes" in this issue of the Right to Food and Nutrition Watch.