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## **Food Sovereignty in Colombia: Seed Certification as Property Rights to Agro-Biodiversity, Enforcement, Controversies and the Seed Autonomy Movement**

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*Food sovereignty is a critical concern across the globe as the concentration of power in the hands of a few agro-industrial corporations structures the agricultural economy. Commercialization of intellectual property rights for seed certification, deregulation and liberalization of imports in Colombia reconfigured state powers following transnational interests, creating an extreme case among global controversies. Tensions culminated in the agrarian strikes of 2013; the largest scale example of civil resistance in modern Colombia backed by extensive rural and urban social movements. This paper analyses the exercise of political authority governing access to seeds as property, mechanisms of legal contestation and networks of civil resistance using an actor oriented approach based on six months of ethnographic fieldwork and key informant interviews. Identity politics shaped dynamics of seed rights struggles as legal rights to participation of indigenous communities acted to contest seed laws on behalf of the entire peasant sector. Colombia's information economy highlights events and issues in the interests of certain groups, whilst suppressing others in the context of conflict. Agro-ecology and seed autonomy movements are falsely framed as predominantly indigenous movements, despite containing a substantial presence of experienced scientists, lawyers, academics and peasants that are underrepresented within national and transnational forums.*

### **Introduction**

Galtung (1969) defines peace as relating to an absence of violence then differentiates categories of violence; physical and psychological, discussing how violence places limitations on actors' capacities and perpetuates inequity of power. Applying Galtung's definitions leaves few spheres of Colombian society, if any, that are not perpetuated by violence as military, economic and ideological strategies combine at a transnational scale to the detriment of marginalized sectors of a multi-ethnic society, through rapid urbanization and land appropriation for commercial purposes (Chaves-Agudelo, 2015). However, beyond the passive absence of violence, civil resistance in Colombia is an active mechanism for constructing peace, originating in popular and community processes seeking to transform violent structures and civilian arming in the face of armed conflict, operating in dimensions surpassing the traditional understanding of forms of combat (Otálvaro, 2014). Commercialization of intellectual property rights for seed certification, deregulation and liberalization of imports triggered the largest scale example of civil resistance in contemporary Colombia (Velasco, 2015). In August 2013 protesters marched through the cities of Colombia, national strikes and road blocks brought the country to a halt. These events mobilized the Colombian agricultural sector and their urban sympathizers on a national scale, uniting peasant, indigenous and Afro-descendent concerns into a democratic movement with common objectives (Goyes & South, 2015). These events show the Colombian citizenship are, in fact, active in exercising their power of civil resistance, despite widespread portrayals of the Colombian left as active predominantly through violent guerrilla movements operating on the margins of the law in remote areas. These demonstrations were triggered by two main factors:

firstly, the 1991 act of the International Union for the Protection of New Varieties of Plants (UPOV) convention recommends certification rights for seeds. In the 2006 Republican Congress, Colombia translated a particularly restrictive version of UPOV into their national law, stating that intellectual property could be applied to anything without restrictions or exceptions, making it illegal for farmers to replant certified seeds (as in other countries) and due to a specific amendment, illegal to replant seeds that were *similar in appearance* to certified seeds in Colombia (Article 4 of law 1032 of 2006). Therefore it became effectively illegal for farmers to plant “criollo” i.e. native or traditional seed varieties and even to store or exchange seeds for the purposes of replanting, effectively criminalizing traditional practices of farmers. Implementation details of these laws were formalized in Resolution 970 in 2010. Goyes & South (2015) outlines the legislative framework for seeds in further detail. The governmental agricultural institute (ICA) enforced the seed certification policy by destroying tones of seeds across the country, most famously rice in Huila, site of the youtube documentary “Ley 970”, catalyzing activist networks. The second main factor driving the strikes, built on the “apertura” of the 90s, neo-liberalization of Colombian markets following the signing of free trade agreements with the US, farmers have lost the ability to economically compete with imported products that continue to be subsidized within borders of the US and EU. Chaves-Agudelo (2015) further discusses key neoliberal principals of the Washington convention. These two claims led to the national agricultural strike and road blocks of 2013 and early 2014 supported by the popular agricultural sector and urban sympathizers.

Structurally, the Colombian agrarian sector is amongst the world’s most inequitable and broadly assembled as two levels of oligarchies stacked on-top of each other, clashing with a vibrant and dynamic population constantly evolving new forms of resistance. Firstly, large Colombian owned estates are prominent for certain commodities such as coffee and rice. Much land is kept under pasture, indicating such large holdings fulfil the function of creating scarcity, as opposed to maximizing production, responding to speculation over global food supply (De Schutter, 2011). Land distribution patterns have never been successfully challenged, despite attempts by liberal governments of the 30s and 60s, as landowning majorities were too strong and well-connected at the local level (Thomson, 2011; Zamosc, 1992). Small scale farmers are incorporated into the capitalist system through agricultural committees organized by sector. This followed introduction of Integrated Rural Development (DRI) in the eighties, improving peasant yields, yet through rigid and strictly controlled protocols for choice of seed varieties, use of fertilizers, agrochemicals and farming practices. Such narrow practices have strikingly depleted agro-biodiversity, leaving farmers vulnerable to the impact of pests such as ‘la Roja’ that have devastated coffee harvests and thus livelihoods. Although resistance can be temporarily regained by supplying new seed varieties, farmers remain uncompensated for their losses. Farming inputs are compulsorily supplied as extension service packages to peasants associated through the agricultural committees, from agribusiness giants; the second level of oligarchies as very few companies such as Dupont, Monsanto and Syngenta dominate globally. Furthermore, certain Colombian produced commodities including cotton, sugar and palm oil are completely monopolized by multinational corporations, holding unequivocal power. Mega-development projects and mono-cultivation of palm oil have been linked to mass displacement and human rights abuses of ethnic communities –which supposedly held inalienable rights granted in the 1993 constitution– for example in the Pacific Coastal region (Escobar, 2003; Oslender, 2007).

This paper analyses the exercise of political authority governing access to seeds as property, mechanisms of legal contestation and networks of civil resistance using an actor oriented approach. The inequitable power relations described above; both inherent in Colombian society and imposed by legal and economic mechanisms of neoliberal transnational relations led to the build-up of tensions manifesting in the agricultural strikes of 2013 and 2014. Results are used to discuss the identity politics deployed by the peasant sector to contest the Colombian seed certification laws, which drew on indigenous identities to represent the entire peasant sector.

## Methodology

The analysis of this article is grounded in an inductive, actor-oriented approach based on six months of ethnographic fieldwork with organic and non-organic farmers and community leaders bordering the sugar mono-cultivations in Valle de Cauca, through participant observation at collective events for seeds sharing, markets and farm visits and expert interviews in Cali, Palmira and Bogotá to analyse power dynamics of the agrarian strikes (2013-2015) and representation of social groups within the subsequent seed autonomy movement. Ethnic (indigenous and afro-descendent) territories were not visited, although a self-sustaining indigenous farming system, complete with natural herbicides and medicines was encountered during fieldwork. This research approach is political socio-ecology of power: 1) who is (under) represented politically and legally; 2) how are the agricultural practices of various actors conserving agro-biodiversity and their biophysical surroundings through concepts of guardianship or production, shaped by their access to markets and stratified freedom of speech.

## Results and discussion

In contrast to neoliberal philosophies that promote the concept of freedom through individual liberty (Harvey, 2005) the agro-ecology movement is a collective strategy for retaining autonomy of the food supply. Seed “guardians” collect, share and sow numerous varieties, prioritizing long term retention of agro-biodiversity *in situ* over production volumes within a given year. Within a given territory various contrasting logics of production exist. Seed exchanges can take place at markets, with passing travellers or at organized events, displaying a wide cultural variety. Ancestral knowledge, conserved through the cosmovisions of indigenous and agro-ecology movements conceptualizes food as “encharged with our consciousness”, promoting a holistic, integrated approach to physical and emotional health, nutrition and the environment. Such traditional and alternative values are not limited to indigenous farmers, but integrated and shared amongst peasants involved with agro-ecology, revealing a pattern of co-operation between indigenous and peasant communities and, to a lesser extent in the particular study sites visited, with Afro-descendent communities, although discourses of ethnic communities as a united force are emerging.

The most original finding of this research is the high level of scientific and professional education found amongst organic farmers and cultivators of urban home-gardens. Many members of the seed autonomy movement were found to hold university level qualifications in natural and social sciences, or professional practices such as law, despite common portrayals of the movement as champions of traditional knowledge and values within national level debates. Indeed, academics have proposed rational, environmentally scientific arguments for traditional agro-ecosystems based on sustained yields and *in-situ* conservation of agro-biodiversity, by contrast with storage of varieties in seed banks, which freeze the processes of evolution (Altieri & Toledo, 2011). These findings are therefore highly relevant to the importance of “scientific” critical reflexivity within society and freedom of speech as an integral part of the peace process, in light of Colombia’s history of counter-insurgency policies rooted in the protection of inequitable interests. Creative means of expression are being encouraged within this society, whilst rational analysis is being suppressed through mechanisms ranging from lack of funding and opportunities to forced disappearance of Colombian scientists (Novelli, 2010). Within the agricultural strikes themselves, 12 people died, 4 disappeared, 483 were injured and 262 arrested (Goyes & South, 2015). Academics within this study claim extremely high levels of soil erosion and desertification within Valle de Cauca, based on visual observations and the turbidity of rivers. This is likely to be linked to increased soil exposure and water consumption of mono-cultivations in the surrounding sugarcane “green desert”. However such hypotheses are difficult to quantify in light of shortages of funds to conduct studies, as the majority of international

funding is channelled to corporate research centres such as the International Center for Tropical Agriculture (CIAT) that are noticeably compromised by private investment interests.

Natural agro-biodiversity is a global commons, of which Colombia contains a high proportion, in addition to two global biodiversity hotspots. However, governance of this resource is being unduly negatively influenced by trans-national level politics, requiring reflection on the problem of scale in environmental governance (Haarstad, 2014) and improved state intervention in neoliberal policies. Regulation of Colombia's agrarian sector is beyond invisible, as even the invisible hand of Adam Smith supposedly requires state intervention to prevent the formation of the oligarchies found throughout Colombia and to correct for market failure (Harvey, 2005), such as soil erosion, which is an environmental externality. Furthermore, power dynamics shaping peasants' access to agro-biodiversity determine their capacity for resilience or vulnerability, which is compounded in the age of climate change (Ribot, 2014). Such critical contemporary issues are currently buried behind a facade of violence and threats in Colombia, acting as a smokescreen through which scientific solutions cannot effectively pass. This highlights the importance of scholarly attention to processes of Colombian civil resistance as an active construction of peace.

### **Conclusions and Outlook**

Identity politics shaped dynamics of seed rights struggles as legal rights to participation of indigenous communities acted to contest seed laws on behalf of the entire peasant sector. Colombia's information economy highlights events and issues in the interests of certain groups, whilst suppressing others in the context of conflict. Agro-ecology and seed autonomy movements are falsely framed as predominantly indigenous movements, despite containing a substantial presence of experienced scientists, lawyers, academics and peasants that are underrepresented within national and transnational forums. However, although less visible at the international level due to the risk of persecution, Cali contains a professional and highly organized environmental network of scientists, academics and lawyers with decades of experience in organizing conferences and academic forums. This sector should be a funding priority to improve much needed legal mechanisms, build a functional regulatory system for the environmental sector and investigation claims of widespread environmental degradation and contamination, such as aerial glyphosate spraying, air pollution and use of mercury in the mining sector.

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