

FOOD SOVEREIGNTY AND THE SEED FREEDOM MOVEMENT IN COLOMBIA

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Seed Certification as Property Rights to Agro-Biodiversity

Propaganda is the spreading of information in support of a cause, *regardless* of whether the information is *true or false* or *if the cause is just or not*.

Science is the systematic building of a body of *facts or truths*, in order to gain accurate knowledge through *observation, experimentation and measurement* leading to the formulation of laws to describe these facts in general terms.

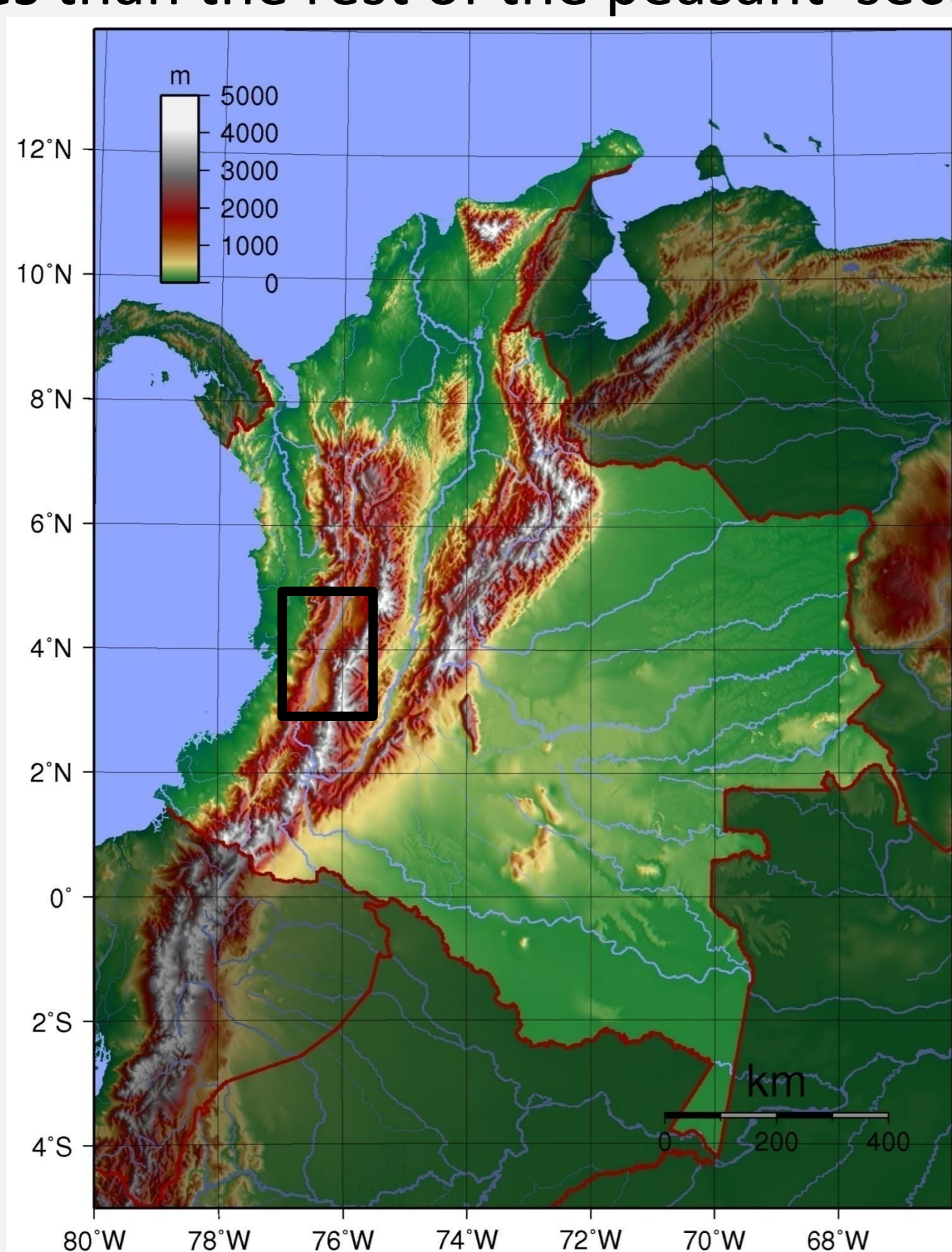
In August 2013 protesters marched through the cities of Colombia, national strikes and road blocks brought the country to a halt. These events mobilized the Colombian agricultural sector and their urban sympathizers on a national scale, uniting peasant and indigenous concerns into a democratic movement with common objectives.

These demonstrations were triggered by two main direct factors:

1. 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 1991 act into their national law, allowing intellectual property to be applied without restrictions or exceptions to seeds. Thus it became illegal for farmers to replant certified seeds (as in other countries) and due to a specific amendment (Box 1), illegal to replant seeds that were *similar in appearance* to certified seeds in Colombia.
2. Following the neo-liberalization of Colombian international trade markets, farmers have lost the ability to economically compete with imported products that continue to be subsidized within borders of the US A and EU. Notably, the signing of free trade agreements with the US after failed negotiations for a free trade agreement of the Americas (ALCA) up to 2004. Peru, Chile and all of Central American except for Nicaragua, Belize, Cuba and Haiti signed trade agreements with the US.

This article uses an inductive, actor-oriented approach based on five months of fieldwork with farmers and community leaders bordering the sugar monocultivations in Valle de Cauca (figure 1) and expert interviews in Cali, Palmira and Bogotá to analyse the legal and activist struggles surrounding the agrarian strikes (2013-2015) and subsequent strengthening of the seed freedom movement, rooted in both ancient and contemporary practices.

These events reveal, **1. Colombia is an extreme case of implementation of the neoliberal model** and **2. Indigenous communities have relatively greater power attributed to their traditional identities** than the rest of the peasant sector.



Map: Vidiani.com: the three mountain ranges and two oceanic borders of Colombia create remarkable natural variability, evolving a range of biodiversity among the widest on the planet. Many agricultural plants have diverse varieties here too; e.g. tomatoes, passion fruit, quinoa, sweet potatoes

Enforcement and Controversies

Box 1: Formalization of the 1991 act of UPOV into Colombian National Law

Article 4 of law 1032 of 2006, modifying article 306 of the penal code

Article 306. Usurpation of plant breeder's rights:
That which, fraudulently, usurps the legally protected rights of breeders of vegetable varieties that are legally protected or appearing similarly mistakable with one that is legally protected, will incur a prison sentence of 4-8 years and fines from 26.66 to 1500 of the minimum salary legally in force.
The same penalties will apply to those that finance, supply, distribute, put in sale, commercialize, transport or rent with commercial purposes or of intermediation, goods or plant matter, produced, cultivated or distributed in the circumstances detailed in the previous paragraph.

Implementation details of these laws were formalized in Resolution 970 in 2010. 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.

The governmental agricultural institute (ICA) then enforced the policy by destroying tones of seeds as they were transported in trucks or drying for storage and dumping them into landfills, in various parts of the country. The Youtube documentary "Ley 970" by Victoria Solano publicized this issue, following the case of rice farmers in Huila and their struggles with authorities.

Resistance mounted through indigenous, peasant and activist networks until tensions came to a head in August 2013, forcing the government to negotiate. Legally, the seed laws were challenged through the constitutional court, under the right of participation of indigenous peoples with relation to their traditional lands, territories, and resources under Article 27 of the International Covenant on Civil and Political Rights (ICCPR).



Source: CIRPA Sugarcane Mono-cultivation, Valley of Cauca



Indigenous self-sufficient home-garden "Criollo", native maize and beans Producing not only food, also medicine and natural pesticides.



Inequity is extreme within the Colombian agrarian sector. Since the Spanish crown invaded and claimed the territory in the 1500s, rural elites have passed down large land holdings to their descendants. Land distribution patterns have never been successfully challenged, despite attempts by liberal governments of the 30s and 60s at political reform and a failed intended market-based reform in the 80s.

The agrarian sector is 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. Certain Colombian produced commodities including cotton, sugar and palm oil are completely monopolized by multinational corporations, holding unequivocal power. Agribusiness giants form the second level of oligarchies as very few companies such as Dupont, Monsanto and Syngenta dominate globally. In Colombia their farming input products are compulsorily supplied as extension service packages to peasants, through the agricultural committees, organized by sector and through ICA, following Integrated Rural Development (IRD) programmes of the 80s. However, alternative farming practices are still maintained by a determined minority.

The Seed Freedom Movement



Source: Grupo Semillas

Ancestral knowledge, conserved through indigenous and agro-ecology movements conceptualizes food as "encharged with our consciousness", promoting a holistic, integrated approach to health, nutrition and the environment. Seed "Guardians" collect and share numerous varieties.

Box 2: Recuperation of varieties from seed banks

Action plan of the Free Seeds Network of Colombia (Red Semillas Libres de Colombia)

Key objectives of the Colombian peasantry, outlined in the plan (page 83: *Las semillas patrimonio de los pueblos en manos de los agricultores*) include the recuperation of native varieties of maize and beans from the seed bank in the International Center for Tropical Agriculture (CIAT). In particular, varieties now extinct in the wild since collection, due to climate change, urban migration for economic and environmental causes and forced displacement. Further objectives relate to strengthening of local networks for the free exchange of seeds and knowledge and *in situ* conservation, local markets and alliances between producers and consumers and national representation concerning seed laws

Legal representation for the movement is implemented through legislation designed to protect participation rights of indigenous communities. However, many supporters of "seed freedom" actually have a scientific education, but lack funding and opportunities to work and legislation to represent themselves. This results in false perceptions and stigmatization of the movement as "backwards" at the national level. In fact, practices of mono-cultivation, high input use including glyphosate, presented as "scientific" are only effective relative to the cause of producing high yields to serve economic interests. Although data is lacking, Colombian rivers show high turbidity indicating there may be extreme soil erosion. Use of glyphosate is destroying livelihoods in smallholders' farms bordering mono-cultivations and creating health problems.



Asoproorganicos organic market in Cali



Festivals in Valle de Cauca



Strategies for defense of seed freedom through political, economic, cultural means and agro-ecology, in farms and urban home-gardens.