



Tunis, 1 June 2009

Statement, facilitated through the IPC (International Planning Committee for Food Sovereignty), by social movements, including small scale farmers' and Indigenous Peoples' and other civil society organizations present in Tunis at the third session of the Governing Body of the International Treaty on Plant Genetic Plant Resources for Food and Agriculture, 1 - 5 June 2009.

Presented by Alberto Gomez, International Coordination Committee, La Via Campesina.

The women and men who practice small-scale biodiverse farming not only create and conserve the world's crop genetic diversity but in the context of the food, climate, energy and economic crises, they provide the only solution for feeding the world's hungry. And the resilience and adaptability of these systems is our best defence against climate chaos. It is therefore urgent to implement legally-binding Farmers' Rights. Realising these rights will underpin the dynamic conservation and sustainable use of agricultural biodiversity and will ensure equitable sharing of benefits – these are the principal goals of this Treaty.

The monopoly privileges conferred on legal persons through intellectual property laws on seeds undermine farmers' collective rights to sow, save, exchange and sell farm-grown seeds and these have facilitated concentration of ownership over seeds by a handful of multinational seed companies. These contribute to the destruction of cultural, spiritual and biological diversity and prevent the majority of farmers from conserving and sustainably using the millions of varieties of food crops they develop and adapt to changing needs and local agro-ecosystems.

The *ex situ* gene banks and cultivated biodiversity are threatened in their very homelands and in their diversification, by contamination from patented GMOs, wars, and the lack of public finance necessary for the conservation of cultivated biodiversity.

We therefore call on the Governing Body of the Treaty at its third session here in Tunis to implement the following proposals:

1. Ensure all parties to the Treaty permit the collective rights of small-scale farmers, Indigenous Peoples and pastoralists:
 - a. to conserve, use, exchange and sell any non-GM variety of farm-grown seeds¹;
 - b. protect their seeds from biopiracy and contamination by patented genes, including GMOs; and

¹ Seeds in this context include all consumable and reproductive materials including grains, roots, grafts and cuttings etc.

- c. recognise and protect the farming social systems and cultures that conserve these seeds and associated traditional knowledge.
2. Call a "state of emergency", in the context of the food, climate, energy and economic crises, in which all constraints to plant breeding - especially intellectual property over plant varieties and germplasm - must be immediately suspended on the basis of *ordre publique* for, at least the duration of the crisis, because exclusive monopolies over plant varieties and germplasm limit diversity and farmers' ability to adapt seeds.
3. Commit to a biennial report on "The State of the World's Farmers and Farmers' Rights" prepared by small scale farmers' organisations, Indigenous Peoples and pastoralists, under an FAO or Treaty budget line for presentation and debate at each meeting of the Governing Body. The report should include the results and analysis of a questionnaire to governments on the national implementation of Farmers' Rights.
4. Create working groups of the Treaty comprising governments and civil society organisations including small-scale farmers organisations, Indigenous Peoples and pastoralists that will:
 - a. oversee the conformity of practices with the rules of the Treaty by those who participate in the multilateral system of access and benefit sharing (MLS), and, in particular, to report to the Governing Body on instances of biopiracy affecting both species under Annex I of the Treaty and a wider range of species of importance to food and agriculture;
 - b. define a framework for on-farm/*in situ*² conservation of PGRFA, including in community controlled seed banks³, that protects and develops farmer-led innovation systems, including participatory plant breeding, and to secure financing for implementation;
 - c. and, also with the CGIAR and the GCDT, define the role and effectiveness of *ex situ* gene banks and a code of practice for unrestricted access and use by, and benefit sharing with, small-scale farmers, Indigenous Peoples and pastoralists, who are the originators of the stored seeds. Any funding to *ex situ* conservation should be dependent on and linked to prior funding for on-farm/*in situ* conservation on small farms.

If the Governing Body of the Treaty is not able to meet these demands, we, representatives of small scale food producers including farmers, Indigenous Peoples and pastoralists and support NGOs call upon a coalition of States, who are willing, to implement these rights immediately and to work with us for a separate Protocol on Farmers'/Peasants' Rights that will include these measures under another governing body in FAO (e.g. CGRFA, CFS) or the Human Rights Council.

² As defined in the Leipzig GPA and by small-scale farmers movements.

³ Community controlled seed banks include the full range from family and household -based collections that are exchanged within the community up to and including a formal community facility.