



Seedy Squabble in Switzerland

As Washington tries to sort out what a "plant" is, world food security is iced in Switzerland. Industry, Europe, Japan, and the G77 (developing) countries look on in amazement.

What "grows" but doesn't "move"? If you're an agronomist, the standard answer is a "plant". In Neuchatel, Switzerland last week however, at a tactically critical food security negotiation, the running joke was "Washington trade policy". As world seed and biotech industries, governments of Europe and Japan, and G77 (developing) countries watched in consternation, U.S. Government representatives tied themselves in knots trying to explain the difference to disinterested patent and trade lawyers back in their capitol, between plant genetic resources in agriculture from other industrial technologies. The U.S. delegation continuously raised what appeared to other delegations, to be nonsensical conflicts between the World Trade Organization (WTO) and an agreement being revised by governments in the UN Food and Agriculture Organization (FAO) to safeguard the flow of crop germplasm for scientific research and international food security.

Plant plots? Biocrats (bureaucrats in the interrelated agro, biotech, and biodiversity arena) from 40 governments met in Neuchatel Nov.12-17 to update and make legally-binding an International Undertaking that would guarantee a continuing flow of scientific breeding material between countries, and ensure the conservation and development of the plant genetic resources for future generations. At stake were several million seed samples - mostly contributed by poor farmers in developing countries. Despite (some say because of) advances in biotechnology, farmers' traditional seeds form the backbone of plant breeding to fend off new diseases and to allow world agriculture to adjust to global warming. As always, one of the stumbling blocks in negotiations, begun in 1994, is money. Who's going to finance an international network of gene banks to hold the endangered seeds and how will the South (developing countries) benefit from the donation of their invaluable seeds?

Seedy "saviors"? At their previous meeting in Tehran in August, governments were able to accept a proposal that came from an unexpected source. An association including the world's major plant breeding and agricultural biotechnology companies offered to foot at least a small portion of the bill (the total is estimated at between \$200 and \$350 million per annum) by agreeing to pay a fixed share of the royalties companies derive from seed patents based on the germplasm that would flow through a multilateral system of 'facilitated access' to be established as one part of the new treaty. While many countries and advocacy organizations object strenuously to "life patenting", the unambiguous message to OECD governments that industry needs a deal and must have open scientific circulation of breeding stock warned country reps that they too should get on side and ante up the needed funds.

In the Tehran meeting, the United States indicated its general support for the industry proposal and agreed to allow its adoption without the famous "square brackets" that warn of unresolved issues during negotiations. (The treaty text is festooned with the troublesome brackets.) The U.S. did say however, that they would have to consult back in Washington.

Suddenly in Neuchatel, the Americans announced that they could not accept the industry proposal and wanted brackets. According to the embarrassed biocrats, Washington trade representatives following the WTO were concerned that a treaty tithing industry would conflict with trade rules regarding non-discrimination between different technologies. The delegation also hinted that there might not be a full consensus within company circles on the royalty payment.

Four made foolish: The representative of ASSINSEL - the seed industry trade association headquartered in Nyon, Switzerland was stunned. ASSINSEL had consulted with its member companies both globally and region by region

including in North America. With respect to a possible conflict with trade agreements, the WTO official in the meeting, while acknowledging that any challenge to the deal could only be resolved by a WTO dispute settlement process seemed dubious of any problem. An independent legal consultant under contract to FAO delivered a detailed opinion that convinced virtually everyone that there was no conflict. An African diplomat later told RAFI that the only countries that were likely to challenge the agreement through the WTO were already at the table agreeing to the text.

The strange U.S. refusal to go along with other countries - and their insistence that seed/biotech companies in the USA are opposed to royalty tithing - was made more confusing Friday when rumours circulated that a major Gene Giant, such as Monsanto or Dupont, will announce before the end of November a plan to "tithe" by investing in global food security. "No doubt the company will try to grab headlines for its commitment to feed the world's hungry," comments Silvia Ribeiro of RAFI - who attended the Neuchatel session as a civil society observer. "But there is already general agreement within industry that there must be a mechanism to compensate the South for its germplasm - the cornerstone of global food security," said Ribeiro.

Nevertheless, and despite a session that dragged late into Friday night, the U.S. delegation refused to budge. Canada, Australia, and New Zealand were drawn into solidarity with the USA. European countries - EU and otherwise - closed ranks against the "foolish four" and were joined by the G77, China, and by Japan as well. The Japanese, perhaps the most publicly outspoken delegation, apparently warned the U.S. that their position could destroy the negotiations.

High priests of patents: The Neuchatel meeting collapsed, and its chair Ambassador Fernando Gerbasi of Venezuela, left the gathering to fly to Rome to report to the FAO governing Council whose sessions began today and run all week. Gerbasi, a vigorous and passionate advocate for world food security and long-concerned for the pivotal role of crop genetic resources conservation, will be looking to the Council for advice on how - or whether - the talks should continue. Leaving Neuchatel, many biocrats expressed their anger with the stance taken by the United States, Canada, and Australia especially. "The U.S. diplomats know that there is no problem," one delegate, who asked not to be identified, told RAFI, "They just couldn't get their trade people in Washington to pay attention. Those people think a plant is some kind of industrial manufacturing facility." Another European delegate added, "The Canadian delegation was obviously split and embarrassed over this issue. They know there is no problem but they sided with the Americans to give them time to work out their differences in Washington. Typical Canadian diplomacy," he concluded with disdain. An African biocrat was particularly scornful of the Australian position, "The U.S. will come on side eventually," he assured, "but the Australians are impossible. They are the nasty people. They know the U.S. has got it wrong and they're exploiting the confusion to sabotage the talks." "The only useful thing we've learned here," another diplomat said, "is that what we suspected all along is actually true. The trade and patent people in Geneva and in our capitols haven't any idea about the impact they are having on food security or the environment. They only know about commodities, textiles, and CD copyrights. The emperor's have no clothes!" he concluded.

Rome resolution: The clear message from Europe and Japan following Neuchatel was that the negotiations should continue and that the pace, if anything, should be quickened. "We need another meeting in February," said one delegate. "That will give the high priests of patents in Washington time to figure out what a plant is. The Australians can stay home if they want. The Canadians will come running behind the Americans and the crisis will be over." The G77 and Europe will be working this week to get a firm resolution out of the FAO Council calling for governments to be reasonable and for the talks to proceed. It's short notice for that kind of diplomatic maneuver. Officials in Rome will also call for governments to be represented in the negotiations at a higher political level in order to avoid further humiliations like that experienced by the United States. "This may seem like a tempest in a teapot," an Asian delegate concedes. "Most diplomats, most people, don't understand how dependent the world's food supply is on the flow of plant genetic resources. This is a tempest in our rice bowl - and that's important!"

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