

Bad Seed

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“The word 'material' wherever mentioned in paragraph (A) of this Article shall mean the propagation material of any kind, harvested material, including entire plants and parts of plants, and any product made directly from the harvested material.”--COALITION PROVISIONAL AUTHORITY ORDER NUMBER 81 PATENT, INDUSTRIAL DESIGN, UNDISCLOSED INFORMATION, INTEGRATED CIRCUITS AND PLANT VARIETY LAW

Between 9,000 and 10,000 BCE, small groups of hunter-gatherers living in the fertile crescent that is now Iraq began saving seeds from wild grains and planting them. People began domesticating dogs and sheep in the region at approximately the same time. It was the beginning of agriculture and the single development that allowed modern society to form.

The saving and sharing of seeds in Iraq has, as in other places, always been a largely informal matter. Local varieties of grain and legumes have been adapted to local conditions over the millennia. These strains of plant, developed by traditional methods, are resistant to desert conditions. They are not only a national treasure for Iraq but could well hold the genetic key to agriculture in other areas as global warming shifts our climate.

Before the US invasion of Iraq many of these seeds were being kept at a seed bank in the Abu Ghraib suburb of Baghdad. The facility was destroyed during the invasion, but Iraqi scientists had sent the heritage seeds to the International Center for Agricultural Research in Dry Areas (ICARDA) in Aleppo, Syria.

According to Fred Pearce in an article in New Scientist, Adel El-Beltagy, director-general of ICARDA, described the importance of that single box thusly: “When the time is right, its contents will form the basis for plant breeding to restore Iraqi agriculture and end the country's reliance on food aid. The box also has a global importance, as among the seeds are varieties of crops with inbuilt resistance to extreme heat, drought and salinity. These could be invaluable for plant breeding programmes worldwide in the coming century.”

That may be overly optimistic. Although heritage seeds can address many issues exceedingly well, they tend to become extremely rare or extinct when varieties from elsewhere are introduced. This is a lesson that was learned all too harshly in Cambodia during the rule of Pol Pot and the Khmer Rouge. Cambodia lost most of its native species of rice when Pol Pot insisted on bringing in Chinese varieties. Those varieties were ill-suited to Cambodian conditions and the result was famine. While returning refugees did bring some of the traditional varieties of rice back with them, many species have been lost forever.

The lessons of history are lost on the Bush government and their former Coalition Provisional Authority administrator in Iraq, though. On April 26, 2004, Paul Bremer issued [Order 81, Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law](#) into Iraqi law.

Order 81 makes a very basic change to Iraqi patent law. It allows the patenting of biologic material, opening the way for genetically modified crops to be introduced into the country. This isn't surprising considering the massive political contributions that companies like Monsanto contribute to political parties. The inclusion of plant materials into Iraqi patent law is little more than a blatant political favour in return for campaign contributions.

Order 81 very much goes against the [United Nations Millennium Forum Declaration](#) which states the goals of governments involved in the project being, among other things, “To move towards economic reforms aimed at equity, in particular to construct macroeconomic policies that combine growth with the goal of human development and social justice; to prevent the impoverishment of groups that have emerged from poverty but are still vulnerable to social risks and exclusion; to improve legislation on labour standards, including the provision of a minimum legal wage and an effective social system; and to restore people’s control over primary productive resources as a key strategy for poverty eradication.”

The declaration goes on to say, “To promote the use of indigenous crops and traditional production skills to produce goods and services.” Then later, “To exempt developing countries from implementing the WTO Trade-Related Intellectual Property Rights Agreement and to take these rights out of any new rounds of negotiations, ensuring that no such new issues are introduced,” and, “To examine and regulate transnational corporations and the increasingly negative influence of their trade on the environment. The attempt by companies to patent life is ethically unacceptable.”

That all seems fairly clear. The international community very much wants to protect the right of farmers in developing nations to continue planting crops that they have developed to grow in the climate and soil conditions of the area they live in.

The Bush administration, as usual, has put the profits of multinational corporations ahead of the needs and rights of people. Order 81 not only prohibits the practice of saving patented seeds brought into the country, but allows the patenting of new varieties developed from existing seeds through scientific plant breeding or genetic modification. To achieve a patent on a new plant, that plant must meet stringent standards that farmers’ seeds cannot meet, so only corporate-owned seed strains can be patented.

Since it is almost impossible to prevent genetic pollution once a variety of seeds is released into the environment, it is likely that any crops grown in Iraq alongside genetically modified or scientifically bred and patented varieties will pick up part of patented genetic codes within a decade. This is even more probable given the record of illegal releases of such materials in places like India. Once a plant is found to have patented genetic material it belongs to the company that developed that particular material. If an Iraqi farmer saves traditional seeds and his crops have been cross-pollinating with a neighbour’s patented variety, then the seed-saving farmer no longer owns his crop or anything made from it.

According to Order 81, “The court may order the confiscation of the infringing variety as well as the materials and tools substantially used in the infringement of the protected variety. The court may also decide to destroy the infringing variety as well as the materials and tools or to dispose of them in any noncommercial purpose.”

In other words, a farmer who has done nothing but to follow traditional farming methods that go back to the very dawn of human civilisation can lose not only his crop and the bread made from it, but may also lose his tractor, plough, and storage facilities. That seems a rather unfair price for an Iraqi farmer to pay for George Bush’s campaign contributions, but Paul Bremer’s edicts rarely have the best interests of the Iraqi people in mind; and, of course, the bio-tech companies need new markets.

In the end the Iraqi farmer will have two choices. To try to grow crops from seeds of existing crops that have become rare during decades of war and sanctions; or to buy seeds from companies like Monsanto, Dow, Syngenta and Bayer. If they choose the first option they risk accidentally running afoul of a law imposed on them by the US government. If they choose the second option they risk poverty and future food shortages. Quite the choice to have to make.

While Iraq does represent a lucrative market for the patented seed companies, there is a longer-term goal being sought by the Bush administration and its friends in the business of genetically modifying crops. By introducing more and more genetically modified plant varieties into the world market, the world's supplies of non-patented, non-genetically modified crops slowly become contaminated. Eventually those governments that have resisted allowing genetically modified crops into their markets will have little choice but to capitulate to demands that they allow genetically modified materials. Iraq and other nations that can be forced to accede to the demands of the US government represent a beachhead, a foothold to force the will of George Bush's campaign contributors onto the rest of the world.

The leaders of the world need to talk to the new Iraqi government about Paul Bremer's orders. Many are extremely detrimental to the Iraqi people and some contravene international laws and agreements. In the present case, world leaders, including the leaders of Canada, need to make it clear that Order 81 goes directly against what the world said it was willing to do for developing nations at the United Nations Millennium Forum.

It is time that the world, including Canada, stood up and did what it has previously said is the right thing to do. We need to help the Iraqi government to overcome pressure from the United States so they can repeal laws like Order 81.

Further links: [Iraq's new patent law: A declaration of war against farmers](#), [Contamination advancing the GM industry's agenda](#), [Veg Source](#), [Seeds of Change](#), [The History of Gardening: A Timeline From Ancient Times to 1600](#)

[Proofreader's note: this article was edited for spelling and typos on February 13, 2005]

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