

Is Saving Seed a Human Right? Quaker International Affairs Programme and the Human Future

By Keith Helmuth

When Quaker International Affairs Programme (QIAP) began its work in Ottawa by focusing on intellectual property rights and transnational trade, I, at first, wondered about this choice. Considering the range of critical issues to which Friends' testimonies can be relevantly addressed, this seemed a less-than-central one. As I have looked more closely at this choice, and followed the issues it takes up, I have been re-educated in this regard.

There are no longer any single-focus issues. This is a central fact of our time. Social justice, equitable economics, a durable peace, and the on going resilience of earth's ecosystems form an overarching, multifaceted task that colours the entire horizon of the human future. QIAP's decision to focus on the Trade Related Intellectual Property Rights (TRIPS) Agreement reflects an astute assessment of the human development options now unfolding and how Friends' testimonies can be brought into effective witness on them.

The more I have come to understand what is involved in analyzing the TRIPS programme, the more I see it as a uniquely critical focus — a focus that maps two highly divergent trajectories into the human future. The first trajectory is one in which access to the means of life becomes increasingly dependent on a narrowing range of technologies controlled by an elite strata of superior, wealthy, and highly privileged persons who compose and direct an interlocking complex of special interests, and whose primary concern must necessarily be their own security, wealth maintenance, and an ever tighter imposition of economic and social control. The second trajectory is a diversified pattern of social and economic development administered through cooperative political economies which, in the interest of the common good, aim to embed access to the means of life in the productive resilience of regional and local ecosystems.

These descriptions may be oversimplifications, but, I would argue, are not inaccurate. Given this divergence, and the distance modernizing societies have traveled along the high-tech, elite-controlled trajectory, many people who think of themselves as “realistic” now say we have no choice, there is no “turning back,” even if it now appears the cooperative, organically based option would have been a better long-term development path.

There are two things to say about this “realism.” It is certainly wrong in its view of technological momentum and human adaptation. Social and economic collapses have occurred with some regularity throughout human development and there is no reason to think modern arrangements are immune from this possibility. We may well face a very unpleasant “turning back.” Secondly, the high-tech centralised trajectory and the organic diversity trajectory are not hermetically sealed pathways. They are more like bundles of skills, resources, and strategies that “bleed” back and forth through a kind of permeable membrane. Organic diversity frequently applies selective high tech to good effect. High tech elite centralisation increasingly poaches on the organic. This blending falsifies the stereotypes of “progressive” and “backward,” and should enable us to focus on the critical values at stake — the common good versus elite privilege, stewardship versus wealth accumulation, human solidarity versus social triage.

The struggle over TRIPS is about whether the common good (stewardship and human solidarity) or elite privilege (wealth accumulation and social triage) will shape the human future. Quaker International Affairs Programme, working as a project of Canadian Friends Service Committee, has now engaged this struggle on behalf of Canadian Friends and our many supporters. Here is an example of what is at stake.

Order 81, issued by the US Provisional Administration that took over Iraq after the American invasion, prohibits Iraqi farmers from saving seed. Why, in the middle of battling insurgents, and struggling to get electric power, water, waste treatment, medical, educational, food and oil production systems back in service, would anybody think to impose such a counter-intuitive order on Iraqi farmers? Obviously, the transnational agri-industry people were having such thoughts, and their legal teams were effective in translating those thoughts into administrative orders.

A fuller answer to the question goes like this: There is more than one kind of war going on here. Forty years ago Ivan Illich coined the term for this second kind of war — “a war against subsistence.” The war against subsistence is a war against all arrangements of culture and economic life that enable communities and regions to create and supply themselves with the means of life without contributing to the wealth accumulation of transnational corporations.

What will endure – and this is a faith that has the full integrity and resilience of earth behind it – is the eventual resurgence of people in defense of their land and land-based livelihoods.



As the invasion of Iraq got underway, and then as the occupation settled in, many folks said, “This is about oil.” Others cited security issues and freedom’s agenda and said, “It’s not about oil.” With the way American-based transnational corporations have now placed themselves in Iraq, it is easy to see that the latter claim is partly correct — it’s not just about oil. There is clearly a much larger agenda at work, an agenda of economic and financial arrangements that, in general, privilege the transnational corporations and all the interests that surround, serve, and support them.

This is the larger picture: Cultures, countries, regions, and communities that are not yet fully within the orbit of capital-driven economic behaviour are seen by transnational corporations and their political allies as resource wells to be mined and marketing opportunities to be penetrated. No corporate leader, financier, economic theoretician, or policy analyst who thinks that the purpose and measure of economic activity is to make money and increase wealth has any interest in the resilience and development of subsistence ways of life. In their world view, subsistence economies are a problem to be solved, an obstacle to “material and human resource development,” and a barrier to market penetration. They have a term for their approach to subsistence economies and they don’t mince words: They call it “creative destruction.” These folks have no interest in really good, resilient, secure, self-provisioning regional and local economies. Such arrangements do not contribute to the programme of transnational corporate wealth accumulation. Hence, the war against subsistence.

The work into which QIAP has entered seems to me no less than a way to join with traditional and indigenous peoples in the struggle for justice, peace and the integrity of Creation. In specific, strategic terms it means supporting the efforts of these peoples and their governments to maintain and/or rebuild access to the means of life within a context of organic diversity, biotic resilience, and cultural self-management. In taking on this task, QIAP is developing an approach that is uniquely Quaker. QIAP is not entering this arena as

a partisan with a programme. Rather, it is facilitating “off-the-record” communication between parties negotiating intellectual property rights in trade agreements. In addition, it is creating information and discussion documents that help develop a more fully rounded perspective on the issues involved. Both of these activities are ways of advancing the issues, concerns and voices of developing countries within the negotiating context.

Many countries with traditional food and health systems, rich biodiversity, and indigenous cultures have been unable to participate, or participate effectively,

in the negotiations on international agreements that directly effect them. The result is that agreements such as TRIPS are shaped mainly by the interests of the rich, industrial nations and the transnational corporations. By facilitating additional contexts of conversation, and by providing information and analyses that focus the issues, concerns, and proposals of traditional peoples and developing regions, QIAP not only helps to enhance dialogue, but helps advance the capacity of these delegations to negotiate on intellectual property rights. This is the unlevel playing field issue. QIAP aims not only at better communication and broadening the base of the dialogue but also resetting the “playing field” by helping to enhance the negotiating capacity of those who are defending organic diversity, biotic resilience, and cultural self-management.

It is particularly significant for Friends in Canada that QIAP has been able to enter this work as a partner of the Quaker United Nations Office (QUNO), Geneva. Friends in Europe have been working on intellectual property rights issues for some time. This linkage with QIAP and the Canadian jurisdiction broadens and strengthens the scope of QUNO Geneva’s work in this area. In addition, it provides QIAP with an advanced context of entry into the field of intellectual property rights.

QIAP is also positioned as a project of Canadian Friends Service Committee, which further enhances the linkages available and the contribution it makes to the life of Canadian Yearly Meeting. Projects like this among Friends in Canada are necessarily small-scale but with the approach that is being taken (dialogue, documentation, and capacity-building), work can be accomplished that has a good chance of becoming embedded in the thought processes and negotiating skills of the those on the front lines of the intellectual property rights struggle. The effort to review and modify the TRIPS Agreement is ongoing. Its provisions and requirements are under growing pressure to better meet acceptable standards of justice, equity and ecological integrity. QIAP, on behalf of Canadian Friends, is helping advance this work.

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And so we come back to my opening question: Is saving seed a human right? Not according to Order 81. Order 81, along with a whole range of other intellectual property rights regulations, prohibits Iraqi farmers from

saving and planting seed that, in some way, has been brought under agri-industry jurisdiction. A close reading of the document shows it is not just a matter of a transnational corporation’s ability to recoup a fair profit on their investment. It is also about a broadly cast legal net that will mire Iraqi farmers in highly complex litigation should they become suspected of contravening the Order, and about extending comprehensive control over agricultural seed stocks, plants, and “plant materials” in general.

After referring to “protected varieties,” and specifying that they cannot be “produced, reproduced, multiplied, propagated, conditioned, offered for sale, sold, exported, imported or stocked for any of the purposes mentioned,” this section of Order 81 goes on to state the following:

The breeder’s certificate shall also confer on its owner the rights established in the preceding paragraphs with respect to varieties that are not clearly distinguishable from the protected variety ...

And further:

The competent national authority may confer on the owner, the right to prevent third parties from performing, without his consent, the acts specified in the previous paragraphs with respect to varieties essentially derived from the protected variety.

So not only do seeds and plant stocks perhaps several times removed in derivation from a protected variety become subject to the same prohibitions, but seeds and plants that may bear some faint resemblance to protected varieties are, by virtue of this resemblance, also liable to the same prohibitions. This a very cagey approach. Imagine what the intellectual property rights lawyers working for Monsanto, Cargil or Archer Daniels Midland could do with this in litigation against an Iraqi farmer. But clearly, this approach is not just about the ground rules for litigation. It is also about obviating the need for litigation by letting intimidation do the talking.

Order 81 states that it has been drafted and issued in anticipation of Iraq becoming a fully functioning member of the World Trade Organisation. Again, we can see it is not just about oil, but about recreating Iraq in the image of the “Washington consensus.” And this includes, in particular, the increasing subservience of Iraqi agricul-

ture and its food system to transnational agri-industries. Given the apparently uncheckable insurgency now at work in Iraq, it seems likely the Bush administration and its corporate allies will fail in this regard. Order 81 will likely become a memory in the museum of failed imperial conquests, and Bush will join Churchill as having come to grief in a place called Iraq.

What will endure — and this is a faith that has the full integrity and resilience of earth behind it — is the eventual resurgence of people in defense of their land and land-based livelihoods. The transnational trade agreements that now give legal cover for biopiracy, the “creative destruction” of traditional social systems, and ecosystem disruption, could be transformed into instruments for the promotion of biodemocracy, cooperative economics, and ecosystem maintenance. Far-fetched? Perhaps today, but beyond oil nobody knows what will happen, except that the change will be enormous. It

may be resource wars all the way down, or it may be cooperative economics and ecosystem maintenance all the way up. If the people of the land around the world do manage to get on their feet and change the rules of trade in favour of the common good and biotic integrity, it will be, in part, because allies like QIAP and other social justice organisations have been on the case for the long haul. ☺

For further information on Quaker International Affairs Programme, go to <www.qiap.ca>.

For further information on Order 81, enter “Order 81” in Google on the internet.

See also: Intellectual Property, Biodiversity and Sustainable Development: Resolving the Difficult Issues, Martin Khor, Zed Books, Third World Network, London, New York & Penang, 2002

Keith Helmuth, a member of New Brunswick Monthly Meeting, currently residing in Philadelphia, wrote this article in April-May 2005.

More Photos from CYM 2005



LEFT: Helen Rowlands, Sunderland P. Gardner lecturer 2005
CENTRE: Jane Orion Smith, Anne-Marie Zilliacus
RIGHT: Ted Garver, Caroline Parry, and their assistants light the CYM birthday cake.

(All photos: Bruce Dienes)



From Draft Chapter – The Meeting Community – for the New CYM Faith and Practice

13. If all Meeting means to us is a soothing place to dip into once in a while, we are missing the substance, the opportunity, the very message that early Friends experienced—that our reality can be changed, transformed through living together with God.

– Marty Walton, 1997