

# Sub-saharan Africa: The Privatisation of Biodiversity

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Privatisation of Seeds Moving Apace

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By Aileen Kwa Geneva

The Ugandan parliament will soon have a hearing on the draft Plant Variety Protection Bill, approved by the cabinet early last year. If passed unmodified, the bill is likely to entrench the rights of breeders and companies while curtailing the rights of small farmers to exchange, save and breed new varieties using hybrid seeds.

There is an inherent conflict between small farmers' and breeders' rights. Breeders are often the companies that pay research institutions to propagate new hybrid seed varieties. Hybrid seeds are bred artificially to improve the characteristics of plants, such as yield, appearance and disease resistance.

Breeders are keen to sell their seeds on the market and to ensure that they have a monopoly in the market. It is important for them that any commercial use of their seed is disallowed by law hence their push for stringent intellectual property legislation.

According to an inside government source in Uganda who spoke on condition of anonymity, seeds companies including the likes of Monsanto have been lobbying the government for such intellectual property protection.

They are doing all they can to capture the local market. Government research institutions such as the National Agricultural Research Organisation (NARO), which used to produce traditional seeds for farmers, are now being paid by seed companies to produce their hybrid seeds.

According to various analysts, the first drafts of the Plant Variety Protection Bill were careful in trying to strike a balance between breeders' and farmers' rights. In fact, the draft was based on the former Organisation of African Unity's Model Law adopted in 1998, which leans towards the protection of farmers' rights.

This includes the right to save, exchange and breed these seeds on a non-commercial basis, age-old practices that small farmers all over the world have used.

However, there was a stalemate in the Ugandan cabinet when it considered the draft bill in

February last year. At issue was where to draw the line between farmers' and breeders' rights.

According to one source, the conundrum was resolved by President Yoweri Museveni himself, who came to the cabinet meeting where the Plant Variety Protection Bill was discussed and condemned local communities for "sitting on resources without utilizing them".

He therefore felt they did not need to be consulted and instructed that the local community rights section in the bill be removed.

There have been concerted efforts from certain quarters to promote the use of hybrid seeds in Uganda. Early last year, a grant of 150 million dollars was provided to the country and its neighbours by the Rockefeller Foundation and the Bill and Melinda Gates Foundation to launch the Alliance for a Green Revolution in Africa (AGRA).

The money is to pay for more research into hybrid seeds, the provision of inorganic fertilizers, water management and extension services to facilitate the propagation of these seeds.

According to the government source, the US Agency for International Development's project, known as the Uganda Agricultural Productivity Enhancement Program (APEP), has also been actively advocating the adoption of stronger intellectual property rules, including the use of biotechnology.

Tukundane Cuthbert is an extension worker, someone who helps farmers improve their productivity. He outlined the promises and pitfalls of hybrid seeds as follows: "The hybrid cabbage takes only three months and then you can harvest it.

"Our traditional variety takes six months and there is no time for leaving the land fallow before you have to replant. With the hybrid cabbage, we can have more harvests per year.

"But the seed can only be used once and that is all. We could use our traditional seeds over and over again. This means that at the end of the season (when we have used hybrid seeds), we have to buy new seeds. Those of us who are poor and can't go to the market then cannot eat. Or we have to borrow and it is difficult to get collateral.

"The hybrid seeds are high yielding, but we cannot afford to buy the technology and maintain it. I wish the government would empower the local researchers to own the technology," Cuthbert said.

Another extension worker, John Kitembo, who works with Caritas in Uganda, was even more sceptical about the wonders of hybrid seeds. Caritas is a confederation of 162 Catholic relief, development and social service organisations.

According to Kitembo, "we are promoting indigenous seeds because there is a sustainability issue here. You can plant them over decades and they always germinate.

"Our traditional varieties are also more resilient. The challenge we have is to improve the soil management practices farmers use. When there is good soil management, the traditional seeds do well. We also need research in organic agriculture and ways to control diseases.

“The threat of hybrid seeds is not only that it is inorganic, but those promoting it are also advocating the use of other (chemical) inputs. This is a form of agriculture that is very expensive for our farmers,” Kitembo said.

If the bill is passed by the parliament, the protection of breeders’ rights is likely to further increase the availability of hybrid seeds on the market. As this happens over time, certain forms of traditional seeds will become scarce, threatening the biodiversity of the country and the region as well as the financial viability of farming for the rural poor.

The first in a two-part series of articles

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