

**UNITED NATIONS DECLARATION
ON THE RIGHTS OF PEASANTS
AND OTHER PEOPLE WORKING IN RURAL AREAS**

Right to seeds

(art. 19)

Training sheet No. 3



*"There is not one developed world and one underdeveloped world
just one maldeveloped world"*

Rue J.-C. Amat 6
1202 Geneva
Switzerland
Tel.: +41(0)22 731 59 63

www.cetim.ch
contact@cetim.ch
[f cetimGeneve](https://www.facebook.com/cetimGeneve)
[@CETIM_CETIM](https://twitter.com/CETIM_CETIM)

THE RIGHT TO SEEDS

The right to seeds (art. 19) occupies a central place in the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Along with the right to land, it would, if properly applied, be one of the most radical of rights.

The privatization of seeds for the benefit of large industrial and commercial enterprises has deprived peasants of work that is intrinsic to their *raison d'être*. Even worse, it has also brought about an impoverishment of crop varieties, and thus of ecosystems and our diet.

IMPORTANCE OF PEASANT SEEDS

Peasants' work is not just a matter of sowing and harvesting. A key part of it is the selection of seeds, a task carried out by peasants applying their knowledge and thousands of years of experience.

The principles underlying the notion of peasant seed, i.e., seed from the local harvest from peasants' own fields, are that it is variable, that it can evolve and that it can adapt to local environmental conditions.

The work of selecting and exchanging seeds is hampered by transnational corporations' (TNCs) virtual monopoly on seed,^[1] which prevents peasants from growing their own selection of seeds.



¹ Until recently, six transnational corporations (Syngenta (Switzerland), Bayer (Germany), BASF (Germany), DuPont (United States), Monsanto (United States) and Dow (United States) controlled just over 60% of the world seed market and 75% of the world pesticide market. Mergers and acquisitions have left only four: Dow and DuPont merged, and then split into three companies, including one called Corteva, which specializes in agriculture; ChemChina acquired Syngenta and Bayer acquired Monsanto, while Bayer's seed subsidiaries (brand names Stoneville, Nunhems, FiberMax, Credenz and InVigor) were sold to BASF to satisfy the antitrust authorities (see the report of the United Nations Special Rapporteur on the right to food, A/HRC/46/33, dated 24 December 2020, submitted to the 46th session of the Human Rights Council, paras. 78 and 79). So it is these companies that dictate seed selections and prices. Their grip is continually tightening, thanks in particular to State subsidies: in many cases their seeds become "mandatory" for peasants, who come to depend on the inputs such as fertilizer and pesticides marketed with the seeds.

Peasant seeds are under threat from industrial seeds controlled by powerful TNCs that benefit from a strict framework of trade legislation and effective access to the courts, all created with their interests in mind, thanks notably to World Trade Organization (WTO) agreements^[2] and the International Convention for the Protection of New Varieties of Plants.^[3]

An environmental and health issue

By means of seed selection and adaptation, peasants can create resistant, biodiversity-enhancing seeds. According to the Food and Agriculture Organization of the United Nations (FAO), 75% of cultivated biodiversity was lost between 1900 and 2000.^[1] So this is an environmental, nutritional and health issue.

The commercialization of seeds entails standardization. Given the threats from climate change, peasants' know-how is crucial in producing resilient seeds. This can be done, for example, through community seed banks that facilitate seed swaps, and by supporting the poorest peasants so that they too can contribute. Loss of biodiversity and seed standardization are harmful not only to the environment, but also to health, as industrial farming depletes the nutritional content of the food grown.

In addition, standardization makes for greater dependence by peasants on the big monopolies that control their production processes: upstream they rely not only on seeds but also, for example, on the fertilizers and pesticides those seeds are sold with; downstream they are constrained by, for example, the limited number of wholesale centres and the narrowly standardized uniformity of the products that go to market. However, three quarters of the food available on the planet is produced locally on one quarter of the cultivated area, by peasants who use only peasant seeds. It is those seeds, then, that grow into peasant agricultural systems, which are much more productive and resilient than the industrial system.

¹ See FAO communiqué on the launch of the second State of the World's Plant Genetic Resources for Food and Agriculture report, Rome, 2010, www.fao.org/news/story/en/item/46803/icode/



² Article 27.3 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is used to privatize and trade in living things, including seeds. Seed TNCs can invoke it to protect their seeds for 20 years. The seeds do not need to be new; they need only be otherwise unprotected for a private company to take control of them. It might happen that peasants find themselves no longer able to use the same seed year after year without paying, because it is in the hands of a private company. Under some seed legislation, peasants whose crops have been contaminated by patented GMOs may themselves be held responsible; other laws go even further, privatizing genes identified in traditional or royalty-free peasants' seeds.

³ Adopted in 1961, this Convention is monitored by the International Union for the Protection of New Varieties of Plants (UPOV), a body whose purpose is to promote and extend the protection of plant varieties. It aims to establish and protect intellectual property rights over new plant varieties. The holder's property rights – i.e., the rights of whoever "created" a new variety – stop peasants resowing that variety without paying.

SIGNIFICANCE OF THE RIGHT TO SEEDS FOR PEASANTS

The right to seeds makes it possible to cope with the forces described above and to safeguard peasants' right to determine which seeds they wish to plant and to reject those they believe pose an economic, ecological or cultural threat.

Peasants also have freedom of choice as to farming methods – and thus, by implication, the right to reject industrial methods – as well as the right to choose which technologies they use. The choice of technology must be guided by the principle of environmental and biodiversity protection and should be made with due regard for peasants' real situation.

Article 19 restores peasants' seed work to its rightful place. The article is derived from several pre-existing provisions of international law but drafted in broader terms to take account of peasants' needs and reality.

This right can be considered to have two aims: to give peasants (back) control over their seeds; and to affirm their role in political decisions on the issue. In other words, it makes it possible for peasants to acquire greater independence from TNCs, which is essential if they are to live in dignity and feed humanity with healthy food.

All aspects of seed work and control of seeds are dealt with in paragraphs 1.d, 2 and 5. The rights arising from these provisions restore seeds to their place as the core of peasants' work.

THE RIGHT TO SAVE, USE, EXCHANGE AND SELL THEIR FARM-MADE SEED OR PROPAGATING MATERIAL (ART. 19.1.d)

All rules and policies that prevent peasants from using and exchanging seeds now contravene article 19.

Everything involved in peasants' seed work, for their own and their community's use, is now a right recognized to them. Practices that used to be a matter of course, until they were hijacked and banned for private seed producers' profit, are once more the prerogative of peasants.

This right allows them to break free of the philosophy of private ownership that currently prevails, an approach that has curtailed, if not destroyed, peasants' seed exchange and sale circuits developed on farms. This right enables those circuits to be re-established and restores their legitimacy.



RIGHT TO CHOOSE AND CONTROL (ARTS. 19.2 AND 19.5)

In order for peasants to regain full control over seeds, they must be able not only to use them, but also to have the right to “*use their own seeds or other local seeds of their choice, and decide which crops and species they want to cultivate.*” The requirement to restrict themselves to only a few varieties owned by big private groups, makes no sense at all to peasants. In fact, one of the characteristics of the shift to industrial agriculture was that this kind of work was abandoned or taken over.

If we are to put this system behind us, it is vital that seeds should be returned to peasants' control. Thus article 19, paragraph 2, establishes the right to “*maintain, control, protect and develop their own seeds and traditional knowledge.*” This right makes it possible to grow or revive peasant seeds, and even create new ones, completely independently.

The right thus recognized to peasants, i.e., the right to choose their seeds, is a huge step forward, representing a challenge not only to agricultural TNCs' hold over peasants, but also to the catalogue system and certification.^[4]

PROTECTION OF TRADITIONAL KNOWLEDGE (ART. 19.1.a)

The Declaration establishes peasants' right “*to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture*”.

Large seed-producing groups are no longer interested only in seeds, but much more in their genetic codes. Yet without peasants' knowledge they cannot identify the particular properties of a given plant. The protection of such knowledge can prevent those companies from seizing plants and copying and patenting their genetic code.

This right to protection, already recognized by the International Treaty on Plant Genetic Resources^[5] for Food and Agriculture (ITGFA),^[6] acts to shield peasants' knowledge from the threat of seizure. One person cannot decide by themselves to sell or share knowledge if the other holders of that knowledge are not protected.



⁴ In the European Union, for example, in order to sell seeds of regulated species – which means most of the commonly cultivated varieties – the varieties must be standardized and listed in a catalogue. Standardization excludes diversified, chemical-free peasants' seeds that have the ability to adapt to the diversity and variety of growing conditions. In other countries that do not have a catalogue, they must be certified as complying with the standard.

⁵ Plant genetic resources means the genetic material of plant species. It is called a “resource” because it is the raw material of the seed industry.

⁶ The International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the FAO in 2001, aims to provide farmers and breeders with access to plant genetic materials and to ensure equitable sharing with the countries where those materials originate.

DECISION-MAKING (ART. 19.1.c)

Peasants' right to seeds includes the right to participate in decision-making in respect of seeds and their use, as specified in paragraph (c): *"The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture"*.

This right should allow peasants to be involved in all decisions that may affect their right to seeds. As it stands at present, the law in this area is extremely unfavourable to peasants. Unless they are involved, their views will not be taken into account; this Declaration makes that possible at last.

SHARING THE BENEFITS (ART. 19.1.b)

"The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture" is also borrowed from the ITGRFA. Plant genetic resources for food and agriculture are the genetic codes of plants that are used or could be used for food and agriculture.

This right is supposed to guarantee peasants a share in the profits from any commercial use of their seed by other operators.

STATES' OBLIGATIONS

Article 19 on the right to seeds spells out the obligations of States in very explicit terms. In paragraph 3, for example, States are reminded of their general obligation – an obligation that actually applies to all human rights – to *"respect, protect and fulfil the right to seeds"*.

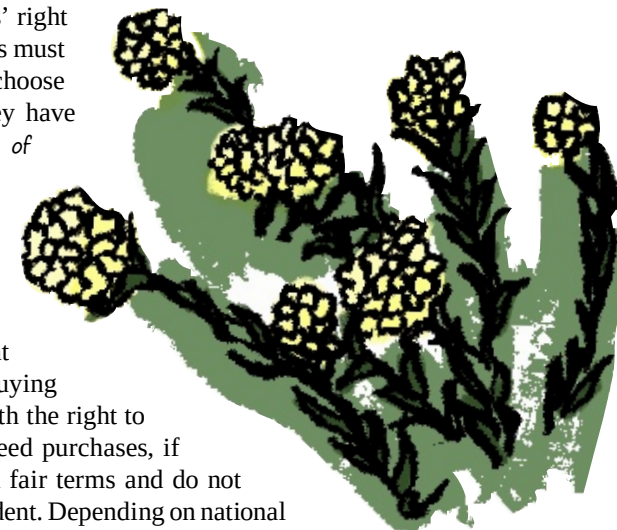
In addition, these obligations are expressed in terms of rights that peasants can assert in respect of seeds. As mentioned above, this is the case in paragraph 5, which requires States to recognize peasants' freedom to choose which seeds to use.

The other obligations mentioned in this article relate to the practical measures that States must take in order to effectively implement the right to seeds for peasants. In particular, it covers States' obligation to give access to seeds, to promote peasant farming systems and to amend their laws to take account of peasants' needs and realities (see below).



Providing access to seeds (art. 19.4)

This obligation realizes peasants' right to the seeds of their choice: States must ensure not only that they can choose seeds, but in particular that they have access to them, and that *"seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting and at an affordable price"*.



This obligation is also a direct answer to the problem of peasant over-indebtedness as a result of buying seeds from season to season. With the right to seeds, States must ensure that seed purchases, if they are necessary, are made on fair terms and do not make peasants financially dependent. Depending on national circumstances, this obligation can take many different forms.

Promoting peasant farming systems (art. 19.6)

Before large private companies started trading in seeds, peasants had their own systems of production, exchange and sale of seeds. Those that still survive have suffered very badly in recent decades owing to the liberalization of agricultural markets, under pressure from neoliberal policies, to the benefit of agribusiness.

Paragraph 6 requires States to protect them and to promote *"the use of peasant seeds and agrobiodiversity"*. Accordingly, States must promote policies to help establish and sustain these systems.

Respect peasant needs and realities in laws, treaties and regulations (art.19.8)

If they are to respect the right to seeds, States have no choice but to review all their relevant legislation. As stated above, today's predominant legal model favours trade in seeds and seed privatization. The reason it is the most widespread model is that it is built on a set of common international standards that are then transposed into national legislation (see above).

It is these laws that article 19.8 refers to. This paragraph places an obligation on States to amend their regulations to make peasant practices legal again and put an end to the system of private appropriation of seeds.

Peasants can no longer be subjected to any international system of intellectual property, certification^[7] or the like at the expense of their needs and of biodiversity.

⁷ Certification is granted by a regulatory body to seeds that pass its tests. The marketing of seeds may be subject to prior certification.

SUMMARY

Key points on article 19

- Peasants have the right to develop, conserve, use, protect, exchange and sell their seeds.
- Peasants also have the right to protection of their knowledge of seeds, including knowledge of their genetic makeup, and to an equitable share in the benefits arising from the use of such knowledge.
- Peasants also have the right to participate in decision-making on all matters concerning seeds.
- States must respect and support peasants' autonomy in respect of seeds and bring their national legislation and the international agreements to which they are party into line with article 19 of the Declaration.



For more information, go to
www.cetim.ch/factsheets-on-peasants-rights

See also the text of the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas on the UN website,
<https://undocs.org/en/A/RES/73/165>



United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: 12 training sheets

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