

GLOBAL NETWORK FOR JUSTICE

**A Project of New Orleans Bread for the
World at the Twomey Center For Peace
Through Justice**

**November 2004
Volume 4 Number 3**

**IRAQ'S NEW PATENT LAW: A declaration of
war against farmers.
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Focus on the Global South and GRAIN
October 16, 2004**

Note: On the occasion of World Food Day this October 16, this report draws attention to Iraq and alerts us to a little-known legislation imposed by the US-led Occupation Authority, which could have a lasting impact on Iraqi farmers' livelihoods and Iraqi's welfare, marginalizes the traditional contributions of Iraqi farmers to national agricultural wealth and seriously undermines Iraq's food sovereignty.

When former COALITION PROVISIONAL AUTHORITY (CPA) Administrator L. Paul Bremer, III left Baghdad after the so-called "transfer of sovereignty" in June 2004, he left behind the 100 orders he enacted as chief of the occupation in authority in Iraq. Among them is Order 81 on "Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety". (1)

This order amends Iraq's original patent law of 1970 and unless and until it is revised or repealed by a new Iraqi government, it now has the status and force of a binding law. (2)

With important implications for farmers and the future of agriculture in Iraq, this order is yet another important

component in the United States' attempts to radically transform Iraq's economy.

WHO GAINS?

For generations, small farmers in Iraq operated in an essentially unregulated, informal seed supply system. Farm-saved seed and the free innovation with and exchange of planting materials among farming communities has long been the basis of agricultural practice. This has been made illegal under the new law. The seeds farmers are now allowed to plant – "protected" crop varieties brought into Iraq by transnational corporations in the name of agricultural reconstruction – will be the property of the corporations.

While historically the Iraqi constitution prohibited private ownership of biological resources, the new US-imposed patent law introduces a system of monopoly rights over seeds. Inserted into Iraq's previous patent law is a whole new chapter on Plant Variety Protection (PVP) that provides for the "protection of new varieties of plants." PVP is an intellectual property right (IPR) or a kind of patent for plant varieties which give an exclusive monopoly right on planting material to a plant breeder who claims to have discovered or developed a new variety. So the "protection" in PVP has nothing to do with conservation, but refers to safeguarding of the commercial interests of private breeders (usually large corporations) claiming to have created the new plants. To qualify for PVP, plant varieties must comply with the standards of the UPOV (3) Convention, which requires them to be new, distinct, uniform and stable. Farmers' seeds cannot meet these criteria, making PVP-protected seeds the exclusive domain of corporations. The rights granted to plant breeders in this scheme include the exclusive right to produce, reproduce, sell, export, import and store the protected varieties. These rights extend to harvested material, including whole plants and parts of plants obtained from the use of protected variety. This kind of PVP system is often the first step towards

allowing the full-fledged patenting of life forms. Indeed, in this case the rest of the law does not rule out the patenting of plants and animals.

The term of monopoly is 20 years for crop varieties and 25 for trees and vines. During this time the protected variety de facto becomes the property of the breeder, and nobody can plant or otherwise use this variety without compensating the breeder. This new law means that Iraqi farmers can neither freely legally plant nor save for re-planting seeds of any plant variety provisions for the new patent law (4) This deprive farmers what they and many others worldwide claim as their inherent right to save and replant seeds.

CORPORATE CONTROL

The new law is presented as being necessary to ensure the supply of good quality seeds in Iraq and to facilitate Iraq's accession to the WTO.(5) What it will actually do is facilitate the penetration of Iraqi agriculture by the likes of Monsanto, Syngenta, Bayer and Dow Chemical – the corporate giants that control seed trade across the globe. Eliminating competition from farmers is a prerequisite for these companies to open up operations in Iraq, which the new law has achieved. Taking over the first step in the food chain is next move.

The new patent law also explicitly promotes the commercialization of genetically modified (GM) seeds in Iraq. Despite serious resistance from farmers and consumers around the world, these same companies are pushing GM crops on farmers around the world their own profit. Contrary to what the industry is asserting, GM seeds do not reduce the use of pesticides, but they pose a threat to the environment and to people's health while they increase farmers' dependency on agribusiness. In some countries like India, the 'accidental' release of GM crops is deliberately manipulated (6), since physical segregation of GM and GM-free crops is not feasible. Once introduced into the agro-ecological cycle there is no possible recall or clean up from genetic pollution. (7) As

to the WTO argument, Iraq legally has a number of options for complying with the organization's rule on intellectual property but US simply decided that Iraq should not enjoy or explore them. **(This article will be continued next month) To get the whole article go to www.focusweb.org**

HUNGER ON THE RISE IN THE PHILIPPINES

By Jenina Joy Chavez, Mary Ann Manahan and Joseph Puruganan . The complete article can be accessed at www.focusweb.org.

The Social Weather Stations (SWS) survey reported an alarming 15.1% of households reporting hunger, or not having anything to eat at least once in the three months prior to the survey, with Mindanao reporting the highest incidence of 23%, followed by Metro Manila at 15.7% (1)

Agricultural production expanded by 6.61% in the first semester of 2004, with crops and fisheries leading growth. (2) So why are people hungry? The answer lies not in the availability of food, but rather in the peoples' capacity to access food. Inflation is one culprit. Starting at a low rate of 3.4% in January, it reached 5.1% in June and peaked at 6.9% in September. Next is unemployment and underemployment, which stood at 13.7% and 18.5% in April respectively.

The employed also have to contend with low wages. Wages range from 140 to 250 pesos (US\$2.34-3.80) in agriculture, depending on the region. (3) This means that a family must have two members working full time and earning a minimum wage to meet at least their monthly food needs, which the government estimates at 3,349 pesos (US\$59.80). (4) **(To be continued next month.)**

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