



bio watch

SOUTH AFRICA

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bulletin

JULY 2012

Seed sovereignty and farmers' rights in SA

For millions of South Africans, traditional farming systems (including seed selection, saving and exchange) form the foundation of their livelihood and the conservation of agricultural biodiversity. But this foundation is under threat from corporate and government-supported industrial agriculture that promotes monocultures, genetically modified seeds, synthetic fertilisers and pesticides.

In April, Biowatch and the Environmental Evaluation Unit (EEU) at UCT hosted a national seed sovereignty and farmers' rights workshop in Cape Town, which brought together 30 representatives of NGOs, parliament, the Department of Agriculture, Forestry and Fisheries, the Department of Science and Technology, academic researchers, and small-holder farmers from KwaZulu-Natal. The main objective of the workshop was to help inform policy debate and enable small-scale farmers to have greater control over their food production and security, and the way their seed is used by others.

The publication "Policy Brief: Securing Farmers' Rights and Seed Security in South Africa" was launched at the workshop and informed much of the discussion and debate. A collaborative effort between Biowatch and EEU, the Policy Brief (see page 4) draws on recent research and fieldwork with small-scale farmers in Ingwavuma and KwaHhohho.

Presentations included: Agro-ecology and farmers' rights in practice; Saving and exchanging traditional seed in KZN; Farmers' rights from an international and African perspective; Farmers' privilege and the Plant Breeder's Rights Amendment Bill; and Policy approaches for protecting farmers' rights and enhancing seed security.

Keep informed about upcoming Biowatch workshops on various biodiversity and food sovereignty topics – email your details to info@biowatch.org.za.



The Competition Appeals Court has approved a merger rejected by the Competition Commission and the Competition Tribunal. This merger effectively puts control of South Africa's seed market into the hands of US multinationals – Monsanto and Pioneer. This merger poses a distinct threat to South Africa's seed and food sovereignty.

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Tests on three brands of mielie meal show all contain more than 50% GMOs, and yet only one is labelled in compliance with the Consumer Protection Act.



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From the director

At an international level, we have seen the outcomes of the official Rio+20 process in Brazil mirror the disastrous outcomes of the COP17 Climate Change Conference held in Durban in December 2011. Then, at a national level, reminiscent of the costs ruling against Biowatch (which was eventually overturned at the Constitutional Court), the Competition Appeal Court ordered the Competition Commission to pay the legal costs of Pioneer and Pannar (see opposite). Former Competition Tribunal chairman David Lewis' views, published in *Business Day*, are surely to be supported. He said that this requirement was "outrageous and unprecedented", arguing that the Commission is a statutory body mandated to review all mergers submitted to it. "And for its trouble in carrying out its statutory mandate and assisting the court," he said, "it is hit with a sizeable costs order. How can this possibly be correct or appropriate?"

At an organisational level, we have had a positive past six months, with the focus on seed, seed sovereignty and farmers' rights. High points were a national workshop in April and the development of policy and community participation documents. This work was also linked to a visit to the National Gene Bank, participation in the annual National Biotechnology Advisory Committee (NBAC) workshop, and attending a national Department of Agriculture workshop on farmers' privilege relating to the Plant Breeders' Rights Amendment Bill. Biowatch made a submission to the Department in this regard, but did not find anything that affirms farmers' rights!

Other achievements included our "Agro-Ecology in Practice" workshop (see page 3), community workshops that deepen understanding of Participatory Guarantee Systems (also on page 3), community leadership training, as well as video training for staff from developing the storyline, to filming and editing. We are also finalising a farmers' exchange video and look forward to having video material available for readers in the near future.

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Court decision threatens food and seed sovereignty

The Competition Appeals Court has confoundingly permitted the merger of the last major local seed company, Pannar, with US multinational Pioneer Hi-Bred. This merger was opposed from the outset by Biowatch and the African Centre for Biosafety, and was rejected by the Competition Commission and subsequently, upon initial appeal, by the Competition Tribunal (see *Biowatch Bulletin* November 2011 and June 2011).

The judgement also ruled, in a potentially chilling precedent, that the Competition Commission must pay all Pioneer's and Pannar's legal costs. This seems inexplicable as the Commission was pursuing its mandate, and echoes the legal costs order in favour of Monsanto that Biowatch opposed up to the Constitutional Court, and won.

Biowatch is concerned about the weaknesses in the Competition Act that enabled this merger to proceed as it effectively puts control of South Africa's seed market into the hands of US-based multinationals Monsanto and Pioneer. This merger poses a distinct threat to South Africa's seed and food sovereignty – "who controls the seed, controls the food."

GMO testing highlights non-compliance with CPA

As of October last year, all food containing 5% or more of GM crop substances was supposed to carry a label clearly stating "contains Genetically Modified Organisms". But are food manufacturers complying with this Consumer Protection Act (CPA) regulation?

Last month, Biowatch's Mtubatuba office purchased three brands of mielie meal from local stores and sent these to the GMO Testing Facility at the University of the Free State. In all three samples, the amount of GMO detected was about 50% and yet only one, Ace, carried any labelling that warned consumers that it "may contain Genetically Modified Ingredients".

Test results revealed that the Ace sample contained about 56% GMOs, the Buzi Gold sample contained about 50% GMOs, and the Nyala sample contained about 57% GMOs.

Consumers have the right to know which food contains GMOs so that they can make informed choices about what they buy and eat. South Africa has laws and regulations in place to ensure that consumers know whether or not they are consuming GMOs. Based on the results of these tests, however, it is clear that the GMO labelling regulations in the CPA are not being complied with or enforced.



Small-scale farmers from Ingwavuma “map” their homesteads during the second phase of Biowatch’s three-year monitoring and evaluation project in northern KwaZulu-Natal.



Vuyiswa Mdatya, a Biowatch Community Facilitator and member of the Buyambo Community Seed Project proudly shows off her household food garden during a recent two-day Biowatch leadership training in the Eastern Cape. Following agro-ecology principles, this successful small-scale farmer does not use fertilisers or chemicals, and she doesn’t plant GM seeds.

Agro-ecology workshop builds networks

In May, Biowatch hosted a day-long agro-ecology workshop at the Diakonia Centre in Durban.

The purpose of the workshop was to explore and demonstrate agro-ecology practices. Agro-ecology is fundamental to Biowatch’s aim of supporting small-scale farmers to pursue independent agricultural livelihoods that are culturally and ecologically just and appropriate.

Presentations on the day also covered topics including rising food prices, how pesticides are poisoning the land, GMOs in South Africa, and perspectives on biofuels.

One of Biowatch’s aims is to strengthen agro-ecology practice by building networks of well-connected fellow practitioners, learners and collaborators who can collectively support each other and articulate an alternative vision. This network is growing and strengthening, as was evidenced by the more than 80 people who attended the workshop.

These individuals represented 26 organisations including local, national and international NGOs, municipalities, government departments (local and national), farmers’ organisations, and university departments.

Small-scale farmers learn about branding and design their own logos at PGS training workshop



Biowatch ran a Participatory Guarantee System (PGS) training workshop for small-scale farmers in April, in Dumazulu, KwaZulu-Natal. (Above left) The workshop was facilitated by Biowatch Board member, Thoko Makhanya, seen here speaking with farmers during a group exercise. (Above centre) The importance of product branding and logos was introduced by PGS trainer Jeremy Lister-James and Biowatch Agro-Ecology Manager, Lawrence Mkhalihi. (Above right) A logo designed by a group of workshop participants, which could be used to brand produce grown using agro-ecology principles. (Right) A group of workshop participants with their results from a group brainstorming session on the importance of agro-ecology approaches to farming.





Participants from South Africa, Kenya, Niger, Mauritania, Tanzania, Nigeria and many other African countries attended the recent CSO Consultation on the African Agenda to the Rio+20 Summit, which was held in Nairobi.

African agenda for Rio+20

Biowatch participated in a civil society consultation on the African Agenda for Rio+20 summit, which took place in Nairobi in May. Representatives from more than 15 African countries participated in the event, organised by IBON International and the Peoples Coalition on Food Sovereignty.

The discussions were intense and fruitful and culminated in the Nairobi Declaration, which was presented at the People's Summit at Rio+20, together with corresponding declarations from Asia and Latin America. The Nairobi Declaration strongly resolved that the Rio principles be upheld, and warns about the Green Economy agenda being hijacked by the multinational corporate "greed economy" agenda.

A copy of the declaration can be downloaded from www.biowatch.org/docs/african/nairobi_declaration.pdf

WHAT'S COMING UP?

- Biowatch marketing workshop "Steps and processes for getting value from surplus production": 31 July-3 August, Scottburgh
- Biowatch workshop "Trade for community members": 5-6 September, Mtubatuba
- Convention on Biological Diversity (CBD) meeting: 8-19 October, Hyderabad, India
- World Food Day: 16 October
- Terra Madre (Slow Food): 25-29 October, Turin, Italy

Biowatch Bulletin will keep you updated.

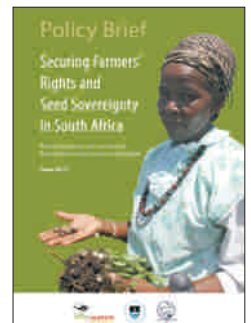
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Recent publications

Policy Brief: Securing Farmers' Rights and Seed Sovereignty in South Africa

by Rachel Wynberg, Jaci van Niekerk, Rose Williams and Lawrence Mkhaliphi

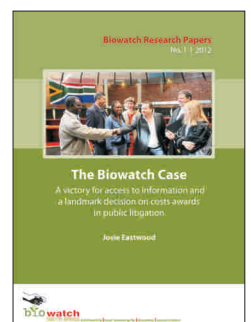
Focusing on small-scale farmers, this Policy Brief reviews farmers' rights in South Africa and the extent to which policies, laws and practices support seed sovereignty and the conservation of agricultural biodiversity. A collaborative effort between the Environmental Evaluation Unit and Biowatch, it hopes to inform policy debate and so enable small-scale farmers to freely use, exchange and sell their seeds and have greater control over their food production and security.



Research Paper: The Biowatch Case – A victory for access to information and a landmark decision on costs awards in public litigation

by Josie Eastwood

This Research Paper is a legal review of the landmark Biowatch Case, one of the most quoted cases in recent South African legal history. The paper examines the case from the original concerns about the regulatory system for GMOs, to the legal contributions of both the High Court judgment in the area of access to information, and the Constitutional Court judgment in clarifying the principles for determining costs awards in all cases with a constitutional dimension.



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