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Schmeisers honoured with 'Right Livelihood' award'

Sweden's prestigious Right Livelihood Foundation Award was presented to Percy and Louise Schmeiser on December 7 at the Riksdag in Stockholm. Known as the 'Alternative Nobels' the awards went to four laureates this year; activists from Sri Lanka, Kenya, Bangladesh and Canada.

Percy Schmeiser, who together with his wife Louise fights against Monsanto's marketing practices, said: 'It is our opinion that the full ramifications of allowing patents on plants and other life forms have not been fully examined. But governments from around the world have bowed to the pressure of big multinational corporations who have requested patents on life forms.'

Percy and Louise Schmeiser were born in 1931 into farming families in Saskatchewan. Percy became a leading farm figure in the area. He was a Member of the Saskatchewan Legislative Assembly (MLA) from 1967-71. Percy was also mayor of his home town of Bruno from 1963-82, where he has also served as a town councillor, most recently from 2003-06. Percy also has been appointed to numerous provincial commissions and municipal boards.

Monsanto versus Schmeiser

In 1998 Percy Schmeiser and his wife received a letter from the US agri-business Monsanto claiming that when planting their 1997 crop they had used Monsanto seeds without a license. However, the Schmeisers had never bought Monsanto seed nor intended to have it on their land. It turned out that some Monsanto 'Round-up Ready' genetically modified canola seeds had blown over from the Schmeisers' neighbour or from passing trucks. Thus, genes that Monsanto claimed to 'own' under Canadian patent law had ended up in the Schmeisers' seeds. Monsanto threatened to sue the Schmeisers for 'infringement of patent,' seeking damages totalling \$400,000 (CAD), including about \$250,000 in legal fees, \$105,000 in estimated profits from the Schmeisers' 1998 crop, \$13,500 (\$15 an acre) for technology usage fees and \$25,000 in punitive damages.

At the same time, Monsanto offered to withdraw the legal challenge if the Schmeisers signed a contract to buy their seeds from Monsanto in the future and to pay the technology use fee.

But the Schmeisers neither gave in nor gave up. They contested the case up to the Canadian Supreme Court, whose ruling supported Monsanto in their claim to own the gene. The court also concluded that the Schmeisers should not have to pay anything to Monsanto because they had not in any way benefited from having the seeds on their property.

However, the Schmeisers had lost their breeding research, built up over decades, and the varieties adapted to their local environment from painstaking years of cross-pollination—

because they now contained the Monsanto-'owned' gene.

Schmeiser versus Monsanto

Currently, in a new legal case, the Schmeisers are turning around the notion of benefit to farmers from Monsanto genes, claiming that Monsanto-'owned' genes are to be regarded as *contamination*.

Since the first court case, the Schmeisers shifted their agricultural business from canola to wheat, mustard, peas and oats in order to avoid future problems. But soon they found genetically modified Monsanto canola plants on their land again. They called the company and demanded that they be removed. Monsanto conducted tests and confirmed that these were their Monsanto Roundup Ready plants. Monsanto agreed to remove them if the Schmeisers signed a document with a non-disclosure statement and an assurance that they would never take Monsanto to court. The Schmeisers did not sign this statement and again demanded Monsanto take the plants off their land. When Monsanto did not react, they paid some workers to remove the plants and sent Monsanto the bill of \$600. When Monsanto did not pay, the Schmeisers sued them in a provincial court. In May 2007, a mediation attempt failed and the trial date is now set for January 23, 2008.

Destruction of Seed Markets

The first Schmeiser case was one of the most prominent cases involving a company claiming to own patents on life. It revealed how traditional seed economics and treatment is currently giving way to a dependency on only a few big multinational enterprises, such that in the end the whole food production chain could be dominated by a few giant food enterprises, relying on very few genetically engineered crops. This would drastically reduce the genetic diversity of staple crops and the economic autonomy of farmers, especially in developing countries.

According to a 2005 report by the Washington-based Center for Food Safety (CFS), Monsanto, with teams of full-time investigators out in the field, had filed lawsuits for patent violations (often, as with the Schmeisers, because of drifted seed) against 147 farmers and 39 small farming businesses in half the states of the US. Farmers have so far paid \$15million to Monsanto (an average payment of about \$400,000).

The CFS report concludes: 'No farmer is safe from the long reach of Monsanto. Farmers have been sued after their field was contaminated by pollen or seed from someone else's genetically engineered crop; when genetically engineered seed from a previous year's crop has sprouted in fields planted with non-genetically engineered varieties the following year; and when they never signed Monsanto's technology agreement but still planted the patented crop seed. In all these cases, because

of the way patent law has been applied, farmers are technically liable. It does not seem to matter if the use was unwitting or a contract was never signed.'

In Canada there is still no specific law regarding patents on genetically modified organisms (GMOs) so the Schmeiser case was decided under the old patent laws, enacted before GMOs existed. But in its verdict, the Canadian Supreme Court called on the Canadian Parliament to enact a specific law. This process is currently under way and it may be expected that Monsanto will lobby lawmakers vigorously for legislation that serves the company's interest.

Schmeiser's Principles

Percy Schmeiser is also a member of the International Commission on the Future of Food and was a core member of the drafting of the Manifesto on the Future of Seed which has had an impact worldwide. In his speeches, Schmeiser promotes twelve principles for food and agriculture in an age of biotechnology, which may be summarised thus:

1. All humans have a right to food or to produce it.
2. Natural systems must be protected so that they can produce healthy food.
3. Humans have a right to safe and nutritious food.
4. No rules should prevent countries controlling food imports.
5. Everyone has a right to information about how their food is produced.
6. Regions should have the right to regulate for their own agriculture.
7. Local production and consumption should be encouraged.
8. Regional biodiversity must be protected.
9. Seeds are a 'common property' resource.
10. No life form should be patented and terminator seeds should be globally banned.
11. Freedom to exchange seeds should be protected.
12. Farmers should have the right for their land to be free of genetic contamination. ☞

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