

Monsanto in India: A Fight for Seed Freedom

AP/HREQ 3010, York University
Gire Josephine Jonathan



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METHODOLOGY

- Quantitative Research
- Secondary Data (Academic)
- Legal Instruments & Government Documents

OBJECTIVE

- To bring awareness to Monsanto's negative impact on the sustainable farming practices of small farmers in India
- To further the fight for subsistence rights and food security and food democracy



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INTRODUCTION

The use of biotechnology has become a global issue tied to politics, economics and social justice. Economic growth and its expansion have been prioritized at the expense of sustainability by the WTO (Plahe, 2009). Biotechnology and the power of economic institutions in India have presented numerous cases of human rights violations one being that of subsistence rights, which are rights to food, clothing, shelter and the right to have a livelihood that ensures these basic needs. Monsanto is an American biotechnology corporation known for genetically modifying seeds (Shiva, 2010). In India it took the seeds of certain crops, patented them and then sold it to farmers at a very high price (Shiva, 2010) leading to financial dependency and resulting in thousands of small farmers committing suicide. Thus the subsistence rights of farmers have been denied in the name of biotechnology and free markets. The International Covenant on Economic, Social and Cultural Rights has been a significant move towards subsistence rights and food security..

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

- Article 1 Section 2: "all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence" (1966).
- Article 6 section 1: "the States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right" (1966).



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IMPLICATIONS

- fluctuations in the yield of commercial crops and their prices has led to growing indebtedness
- the costs of seeds has trapped Indian farmers and as a result thousands have committed suicide
- hybrid seeds with terminator gene cannot be re-sown and are thus financially burdensome
- Small farmers cannot afford to hold Monsanto and other multibillion dollar multinational corporations accountable
- the seed business threatens the customs established around the sowing of seeds and harvest
- India's economic development is weakened since the profits gained from the economic activities of Monsanto do not go to the host nation

CENTRAL CHALLENGES

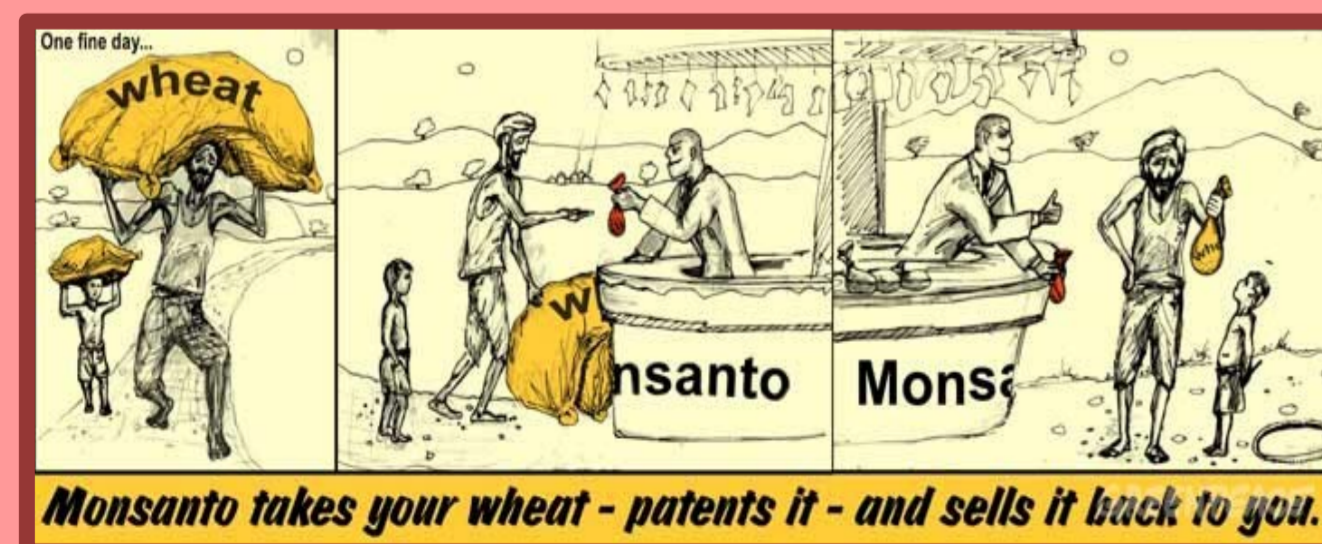
- corporations have tremendous power
- the realization of the subsistence rights for farmers in India presents an obstacle for Monsanto & other MNCs
- there are competing rights such as the rights of farmers and the rights of patent holders which further complicate the matter
- powerful institutions committing gross violations of human rights also provide funding for organizations pushing for Human Rights (EX. the UN receives most of its funding from the IMF and World Bank)
- not all human rights documents are legally binding
- biotechnology is not within the reach of small farmers
- human rights abuses are often censored and inaccessible

CONCLUSION

- the governing principles of the global economy must be dismantled
- the human rights documents must be legally binding to be effective
- legal institutions pushing for human rights must be sheltered from economic & political influence
- the monopoly of seeds must be demolished
- global economic politics must not destabilize efforts toward sustainability and food sovereignty
- small farmers must be engaged in the process and recognized as people entitled to subsistence rights
- India's patent legislation must specifically define concepts so as to shut out loopholes

INDIA'S PATENT LEGISLATION

- India's first patent legislation was established under British authority in 1858
- Committees were established to inspect and access the Act (The Patent Inquiry Committee and The Ayyangar Committee)
- Ayyangar committee discovered that transnational corporations held within 80% to 90% of patents in the country
- India's Patent Act of 1970 limited patents in the food and agricultural sector
- Section 5(1) demanded that no patents be provided for food, drugs or medicine but for the steps taken in manufacturing
- Changes have been made to India's Patent Act to meet TRIPS standards
- It allowed for patent applications for drugs and medicine
- TRIPS also led to changes in the duration of patents
- Section 5 was removed which prohibited the patenting of food, drugs and medicines



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NEOLIBERALISM & TRADE-RELATED INTELLECTUAL PROPERTY RIGHTS (TRIPS)

- neoliberalism is not simply about economic expansion but the implantation of certain ideologies and cultural values that support economic growth
- TRIPS is an agreement of the World Trade Organization that protects the privatization of knowledge and is legally binding for all members of the WTO
- TRIPS has been the source of numerous human rights violations, particularly subsistence rights for small farmers
- in India TRIPS has threatened food security and rights to subsistence



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