Seedstocks: Cartels Gain Control of Means of Life

The current drive by global "free market" cartels to control the means of life through control of patented seedstocks goes back some 40 years. So today's promising biotechnology and genetic engineering breakthroughs are being nipped in the bud by the imperial cartels, as pliant regulators and lawmakers codify that control. The World Trade Organization was spawned out of the 1994 Uruguay Round of the General Agreement on Tariffs and Trade (GATT) to act as enforcer. The WTO's website boasts that it is "the only global international body dealing with the rules of trade between nations."

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The U.S. tradition, under natural law, has been to *not* patent plants or livestock. As part of that tradition, in the 1920s and 1930s, Henry A. Wallace, founder of Pioneer Hy Bred and FDR's first Secretary of Agriculture, for example, explicitly stated opposition to any form of patenting of seeds.

But in the post-war years, with the "free marketeers" chiseling away at the general welfare protections of the Roosevelt era, five conglomerates came to dominate world seedstocks: Cargill, Monsanto, Dow, Bayer, and Syngenta.

The first time any plants were given protection as intellectual property was under the 1930 Plant Patent Act (PPA). This act was designed to protect nurseries and breeders who produced mainly ornamental plants, such as asexually reproduced flowers, and some fruits. The Plant Patent Act did not offer the more strict protection of an industrial patent, but it did protect specific varieties that were created and claimed by the inventor, by restricting others from marketing his variety. The 1930 act specifically prohibited the patenting of any food crop plants, recognizing that these patents could threaten the food supply.

In 1970, the first version of the Plant Variety Protection Act (PVPA) was introduced, which greatly expanded protection to all plants that were distinct and new. This was not a patent, but merely a certificate, which gave protection to specific varieties of crop seeds for the first time, for periods of up to 25 years. Under the PVPA of 1970, farmers and breeders could save and replant protected seed, resell it, and carry out research using it.

In 1980, the U.S. Supreme Court made a landmark decision in *Diamond v. Chakrabarty,* ruling that living organisms could be patented. The decision allowed the patenting of genetically engineered microbes, which opened the door to the patenting of any life form.

In 1985, the U.S. Patent Office ruled that plants could now be protected under the powerful industrial patent. The industrial patent does not have any exemptions for farmers or for research, so any use of a patented plant or seed without specific license from the patent holder would be considered violation of the patent. This patent decision is the basis for the new weapon to control agricultural production and research that the cartels have pushed to the limit.

In 1994, the PVPA was amended in accordance with the regulations under the GATT. The changes to the act made it illegal for farmers to resell or exchange any seed of protected crops. The GATT agreement also forces the developing nations to recognize the patents and protections on plants and living organisms held by other GATT member countries. This allows the cartels to deny developing countries' farmers access to advanced biotechnology, and instead forces them to pay huge licensing fees to use any patented seeds.