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► To cite this version:

Elise Demeulenaere. ‘Free our seeds!’ Strategies of farmers’ movements to reappropriate seeds. Fabien Girard; Christine Frison. The Commons, Plant Breeding and Agricultural Research. Challenges for Food Security and Agrobiodiversity, Routledge, pp.210-225, 2018, Earthscan Food and Agriculture, 9781351615907. hal-01793041

HAL Id: hal-01793041

<https://hal.science/hal-01793041>

Submitted on 22 Feb 2019

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13 ‘Free our seeds!’

Strategies of farmers’ movements to reappropriate seeds

Elise Demeulenaere

Demeulenaere É., 2018, « ‘Free our seeds !’ Strategies of farmers’ movements to reappropriate seeds », in F. Girard & C. Frison (eds.), *The Commons, Plant Breeding and Agricultural Research : Challenges for Food Security and Agrobiodiversity*, Routledge (Earthscan Food and Agriculture), p. 210-225.

In Brussels in April 2011, in the course of my research on seed activism in Europe, I attended a protest against big seed companies lobbying EU institutions. It took place just prior to the consultations organised in May 2011 to prepare for a reform of EU seed laws. The event was the result of a coalition of different European organisations involved in seed activism – mostly gardeners’ associations organising seed swaps (events known in the United Kingdom as ‘Seedy Sundays’) or associations for the conservation of heritage cultivated biodiversity. Protestors came from all over Europe. The event was organised in the form of a march, with different stops in front of the headquarters of major seed companies – Monsanto, Bayer, Syngenta – and, finally, the European Parliament. At each stop, actors would play short skits, depicting the greed of capitalists eager to own more and more of the world, to the point of setting their sights on patenting seeds and plants. Protestors were calling ‘free the seeds’. Interestingly enough, at the same time, some people in the march chanted a different slogan – ‘free *our* seeds’. I wondered why two different slogans coexisted, and what this slight nuance meant.

The explanation was given to me by Guy Kastler, then General Delegate of the RSP, a French farmers’ movement calling for farmers to ‘reappropriate’ seeds¹. Guy explained that idea for this protest came from German and Austrian associations close to Navdanya, the movement led by Vandana Shiva, the Indian activist well known for her struggle for ‘seed freedom’. The first version of the campaign slogan was ‘free the seeds’, which most of the associations in the coalition supported. When the RSP was invited to join the coalition at a later stage, it expressed its strong disagreement with the concept of seed freedom. Indeed, the French farmers’ seed movement partly stems from anti-genetically modified

¹ ‘Réappropriation’ is the term that usually used in French. After long discussions with the English native speakers who helped me with the translation of this term, it appears that this concept can be translated by two words in English: ‘reclamation’, from the verb ‘to reclaim’ (i.e. ‘to get something back or to ask to have it back after it has been lost, taken away, etc.’, definition from the Oxford Advanced Learner’s Dictionary), is a term which is very commonly used in grassroots movements which contest the exclusion of certain groups of people from certain resources (see slogans such as ‘Reclaim the lands’, or ‘Reclaim the streets’); and ‘reappropriation’, which is less commonly used, although its root ‘appropriate’ perfectly illustrates the paradox and difficulties this chapter aims to discuss.

organism (GMO) struggles and, hence, it cannot be against the principle of any seed regulations, as seed regulations are necessary to protect organic farmers from GM contamination. Second, contrary to gardeners’ movements, the RSP was an advocate for farmers’ rights against seed corporations. The recognition of the contribution farmers’ communities made to the on-farm management of agrobiodiversity was one of the levers they used to increase the legitimacy of their fight. A slogan calling for the free circulation of seeds would make farmers’ contribution invisible. Thus, Guy pushed for an alternative slogan – ‘free our seeds’, in which ‘our’ refers to farmers but is vague enough to include gardeners or citizens alike – which would satisfy a large number of organisations. The general idea was to refer implicitly to the communities who have been breeding, reproducing, and distributing varieties for centuries, i.e., as delineated by Ostrom, *commoners* managing and replenishing a *common-pool resource*.

This anecdote is meant to set the stage for the diversity of seed disputes in Europe. This diversity tends to be obscured by the fact that seed movements around the world share a common enemy: global seed corporations, such as Bayer, Monsanto², Syngenta, DuPont, etc. which are seen as organising an unfair monopoly over seed markets, using technical devices (such as seed sterilisation and F1 hybrid breeding techniques), industrial property rights, and economic concentration, at the expenses of farmers’ livelihoods. Yet these movements differ in their aims and strategies. Some defend a principle of the free circulation of seeds, thus rejecting any public regulation of the seed trade.³ They often argue that seeds embody a vital principle that, by its essence, cannot be constrained, either by regulation or intellectual property rights (IPRs). Some others, including the RSP and the Confédération Paysanne, want to counterbalance asymmetries of power between corporations and farmers by defending farmers’ rights over seeds, arguing that for centuries farmers have collectively managed and enriched crop genetic resources and have now earned rights in return. Emphasis is placed on the need for more equitable regulations in favour of a specific category of actors: farmers. The nuance is subtle and sometimes blurred by efforts/appeals (both from organisations and academics) to make movements converge into one single fight. Distortions of meaning can also result from inappropriate translations, which reveal not only human mistakes but also the inherent difficulty in concepts to travelling across linguistic borders. For example, calls for ‘*semillas libres*’ in Spanish have been translated in English-language academic works as ‘free seeds’ (Gutiérrez Escobar and Fitting 2016). Yet the term ‘free’ in English has two different meanings, distinguished in Latin language by the two words *libre* and *gratis*. English speakers are obliged to differentiate the two meanings with periphrases such as ‘free as in speech, not free as in beer’ (Stallman 2002, cited in Kloppenburg 2014).

Second, the anecdote underlines an unresolved tension within the strategic lines defended by the second group of organisations. When a farmers’ movement such as the RSP fights for the reappropriation of seeds by farmers, does it really want to translate this into property rights? Isn’t there an intrinsic paradox in the slogan ‘free our seeds’? How can these farmers ask the authorities to liberate the very seeds that they claim at the same time as to be ‘theirs’?

² Bayer announced its intention to buy Monsanto in February 2017, a sale that is to be finalised by the end of the year.

³ On this side, one would find the French association Kokopelli and organisations brought together by Navdanya under the Global Alliance for Seed Freedom.

This paper mainly focuses on a particular seed movement – the French RSP. In the first part of the chapter, I will recall the originality of the movement's action and rationale since its creation in 2003, which broadly aims at framing farmers as those who replenish a resource which is essential to plant breeders' activity: agrobiodiversity.⁴ In the second part, I will present the internal debates about whether or not the movement should join the narrative of the commons. The conclusion comes back to the issue of seed movement strategies to reappropriate *the* or *their* seeds.

The invention of 'peasant seeds'

To fully understand the creation of the RSP and its aims, some contextual elements are required.

During agricultural modernisation in France, the large majority of farmers encouraged both by public agricultural policies and national seed regulations, abandoned the landraces of their forefathers, and massively embraced new improved varieties. These new varieties had the qualities of being high yielding, at least in rich cultivation environments, and genetically homogeneous, which secured predictable yields. Due to legal provisions, landraces disappeared from the commercial seed circuits. The proportion of seeds purchased regularly increased from 10 per cent after World War II to 50 per cent in the 1980s. A whole system was set up so that farmers progressively become the end users of improved varieties which were designed and produced by seed companies. The modernising and forward-looking State gradually organised a Fordist division of tasks between breeders, multipliers, producers, and upstream genetic resource collections to ensure that improved varieties were obtained, certified seeds were multiplied, crops were produced, and genetic resources (i.e., the raw material for breeders) were conserved, respectively. The objective of the seed industry was progressively to put an end to on-farm multiplication of seeds (a practice called 'farm seed-saving') in order to reach the objective of 100 per cent certified seeds (see Bonneuil and Thomas 2009, 2010).

However, in the 1980s, the price of grain dropped. Accordingly, farmers returned to saving seeds in order to make ends meet. For the first time since the 1950s, the proportion of farm-saved seeds increased. The first lawsuit brought by plant breeders against large-scale farm seed-saving practices provoked anger from the farmers. This led to the creation of the *Coordination nationale pour la Défense des Semences fermières*, an organisation defending farm-saved seeds ('*semences de ferme*' in French).

The revision of the International Convention for the Protection of New Varieties of Plants (UPOV Convention) in 1991 also limited farmers' rights to save seeds (a right known in the UPOV system as the 'farmer's privilege') by providing that States could grant or withhold this privilege. The subsequent European Directive of 1994 stated that seed saving would be authorised for a given list of species providing that seed savers pay a tax to contribute towards varietal innovation. In the context of modernised agricultures, these farmers were perceived

⁴ This part is partly based on Demeulenaere (2014). For a more detailed account, see Demeulenaere (2014).

as the ‘free-riders’ of genetic progress, in the sense that they benefited from it but did not pay for it. This was the rationale behind the introduction of a tax.

The rights of organic farmers to save seeds were, moreover, further complicated in late 2002, by a draft European Directive, which required organic farmers to provide evidence that the seeds they use are organically produced. The problem is that only certified seed companies can provide such evidence, whereas organic farmers usually prefer to produce their own seeds. Indeed, many organic farmers consider that commercial varieties do not meet their agronomic needs, as they are bred *within* and *for* conventional farming systems, and are not adapted to the specificities of low-input forms of agricultural production.

This new state of affairs led left-wing farmers’ movements who were already engaged in the anti-GMO struggle to move beyond protest and to begin imagining alternatives to commercial seeds.

The RSP was set up in 2003 at the crossroads of the aforementioned movements (the farm-saved seeds and anti-GMO movements), with support from various organisations for the development of organic or biodynamic agriculture (Nature & Progrès, Fédération nationale d’agriculture biologique, Mouvement de l’agriculture bio-dynamique), plus a farmers’ union. The *Confédération Paysanne* (literally ‘Peasants’ Confederation’) was created in 1987 emerging from various farmers’ organisations on the left of the political spectrum which were critical of agricultural modernisation. It played a significant role in reappropriating the word *peasant*, by associating it with a model of farming, *l’agriculture paysanne*, based on the defence of farmers’ autonomy and a wider set of values addressing environmental, health-related, and social challenges (Morena 2014). In that respect, the *Confédération Paysanne* is part of a wider movement in Europe of *repeasantisation*, as defined by van der Ploeg (2008; also see Da Via 2012).

The expression *semences paysannes* (literally ‘peasant seeds’) was coined and popularised at the same time the RSP (literally ‘peasant seed network’) was initiated. It benefited from the positive image of the peasantry and of the farming model promoted by the *Confédération Paysanne*. It also strove to distinguish the RSP’s project from simply defending farm seed-saving (*semences de ferme*). Indeed, the ambition of the RSP’s founders was to promote and defend a radical change in farming practices: farmers would not only multiply seeds on their farm but, more ambitiously, also regain complete autonomy over all seed activities including breeding. To this end, they would revive landraces or heritage varieties which had been abandoned during the modernisation process. Thus, not only would ‘peasant seeds’ differ from commercial seeds in terms of their origin of production (as would be the case for farm-saved seeds), but also in terms of their genetic identity and agronomic characteristics. Practically, the RSP leaders called for the defence of farmers’ rights to cultivate and exchange seeds from varieties that were not included in the official Catalogue of Protected Varieties. Simultaneously, the organisation promoted the development of such practices in the largest number of farms as possible, so as to revive on-farm breeding. To this end, working groups by species (e.g., wheat and straw cereals, maize, vegetables) were formed. Not all farmers taking part in the groups are involved in the *Confédération Paysanne*, but all of them fall under the

umbrella of ‘peasant agriculture’, which promotes autonomy, local development, social fairness, and respect for the environment. Soon after its inception, the RSP began to collaborate with population geneticists. These partnerships allowed the genetic diversity cultivated in these farmers’ fields to be characterised. For the first time, decisive evidence was provided of the resurgence of on-farm conservation in France, at a time when it was being denied. The results, published in an article signed by the whole team including the farmers, present a wider diversity in the fields than in genetic resource collections and gave rise to recommendations about genetic resource conservation policies (Demeulenaere et al. 2008). One year after publication, the RSP was invited to join the steering committee of the French Foundation for Research on Biodiversity (FRB) as a ‘biodiversity stakeholder’.

Besides bringing institutional recognition, the population genetics approach – a subfield of genetics that deals with genetic differences within and between populations, and which addresses such phenomena as adaptation and speciation – also provided new insights into the farmers’ movement. First of all, the theory of population genetics as part of evolutionary biology relies on a representation of living matter as evolving. This provides scientific arguments to contest the industrial ideal of obtaining fixed plant varieties. In addition, population genetics has provided farmers with the scientific vocabulary to objectify their practices and make them more explicit. This has been of critical importance, as the vocabulary borrowed from the conventional world of genetic resource conservation and plant breeding traps actions and actors in erroneous concepts or irrelevant divides. For example, ‘conservation’ in its literal sense means ‘keeping things identical’. An expression such as ‘in situ conservation’ does not properly capture the dynamic dimensions associated with on-farm management. Furthermore, while for a breeder conservation is a distinctive activity separate from other activities of the genetic resource processing chain, such as breeding, multiplying, and producing, on-farm seed management intertwines various motives and includes all these activities. Awareness of these pitfalls encouraged the leaders of the RSP to avoid words which were commonly used in institutional arenas dealing with genetic resources, conservation, and plant breeding (because they implicitly refer to a division of tasks and power relations that the RSP contests), and, rather, to ground their advocacy work in words inspired by population genetics. They spoke, for example, of ‘on-farm maintenance and renewal of agrobiodiversity’ instead of ‘genetic resource conservation and breeding’. Later, further collaborations with geneticists were formed around participatory plant breeding.

The trajectory of this farmers’ movement showed its capacity to produce a shift in conceptual categories and lines of legitimacy. Indeed, in the dominant narrative, the activities of conservation, breeding, multiplication, and food production are separate. In charge of these different activities are genetic resource collections, breeders, multipliers, and farmers, respectively. Farmers are thought of as end users of improved varieties bred for them by professionals whose primary aim, in the context of agricultural modernisation, is to increase productivity. The varieties produced in this system must be genetically uniform and stable,

in line with the standardised ideal of the industrial model. The IPRs which are established in the form of successive versions of plant breeders’ rights (PBRs) are justified by the need for breeders to be remunerated for their innovation investments. In return for the royalties they pay, the farmers benefit from ‘genetic progress’. In this narrative, seed savers are seen as free-riders (benefiting from genetic progress but not paying for it). Following this logic, it is legitimate either to forbid or to tax seed-saving.

Contrariwise, in the ‘peasant seed’ narrative, farmers together carry out all activities related to on-farm seed management. Their collective and dynamic management leads to genetically heterogeneous varieties with a high potential for local adaptation. There is no ‘one-directional genetic progress’ as every farm has its own agronomic and organisational needs and preferences. Genetic diversity is valued instead of, or together with, productive performance. In this counter-narrative, farmers contribute towards enriching global crop biodiversity, which can be used as a resource for breeders. Hence, they provide a service over which they can legitimately claim rights.

The line of argument is best summarised by Guy Kastler himself:

New genetic complexes adapted to increasingly rapid changes in growing conditions appear in the fields of peasant farmers who painstakingly select them, year after year, in those growing conditions. The hundreds of millions of peasants who reproduce their seeds each year create far more new diversity than a few thousand researchers with sophisticated equipment. This constant renewal of agricultural biodiversity in the fields is essential, not only for its adaptation in each locality to changing growing conditions, but also in order to replenish the industry’s stock of plant genetic resources. Only by drawing on that constantly renewed reservoir can the industry continue to produce the innovations needed by today’s farmers⁵.

In saying this, he reverses the plant breeders’ argument intended to make farmers pay. By shifting away farm-saved seeds and endeavouring to revive onfarm dynamic management, the RSP was in a position to win some battles in its struggle for seed autonomy.

Whether or not to join the narrative of the commons

In recent years, the RSP has had to clarify its position on a concept that was gaining huge momentum in the public arena: ‘the commons’.

This issue was attracting greater attention in the media and in the nebula of social movements as an alternative to the global expansion of capitalism. Some milestones help trace the history of the resurgence of the commons in France. Let us first cite the publication in 2014 of *Commun*, a 500-page book written by two Marxist intellectuals which proposes a political philosophy contribution to reviving the commons (both the concept and the political practice) against neoliberalism and deficient states. Specifically, the authors call for the

⁵ La Via Campesina (30 November 2016). UPOV must respect farmers’ rights [Press release]. <https://viacampesina.org/en/upov-must-respect-farmers-rights/> [Accessed on 18 October 2017].

local multiplication of the commons, and ultimately, for their convergence into one single principle, the Common (Dardot and Laval 2014). The book has been widely commented upon both in academic circles and in activists' groups. In 2015 for example, a Francophone Festival of the Commons, entitled 'Le temps des Communs'⁶ was held. In Spring 2016, when strong movements emerged against a reform of French labour law, Dardot and Laval proved to be influential. Their appeal to a 'federation of the commons' responded to another aspiration of the leaders of the movement, the 'convergence of struggles'.

Before the sudden upsurge of the 'commons' in the political landscape, less visible and lengthy work had been undertaken to introduce the Ostromian concept to France, at the frontier between academia and Non-Governmental Organisations (NGOs). In the mid-2000s, the international epistemic community, working on the study of the commons structures itself (van Laerhoven and Ostrom 2007) and diversified, enlarging its agenda to include '[...] scientific knowledge, voluntary associations, climate change, community gardens, wikipedias, cultural treasures, plant seeds, and the electromagnetic spectrum' (Hess 2008: 1).

Vécam, an NGO working on citizenship in the digital world, seized this opportunity to defend commons in the knowledge sector against IPRs (Vécam 2005, 2011). Interestingly, the two books edited by the NGO advocating a 'knowledge commons', include contributions by members of the RSP presenting the case of 'peasant seeds'. Arguably, this bears testimony to the willingness of these committed intellectuals to bridge the gap between the knowledge commons and peasant initiatives around seeds. Further evidence of the rapprochement underway at that time is the research project on 'natural and knowledge commons' led in 2012 by Hervé Le Crosnier (a specialist in information science) and Mélanie Dulong de Rosnay (a lawyer), both of whom were active in the defence of the digital public domain, alongside the economist Benjamin Coriat, at the time coordinator of a research project on the commons (Coriat 2011) to which representatives of the RSP were invited to contribute.⁷

Guy Kastler, then General Delegate of the RSP who was very influential in shaping RSP' advocacy until he retired at the end of 2015, has always expressed reluctance to such rapprochement. His position had probably been partly shaped by his experience at the Biodiversity and Genetic Resources committee at La Via Campesina. At the beginning of the 2000s, the international farmers' union decided to launch a global campaign on seeds. Initially entitled 'The seeds common heritage of humanity', in 2005 it was renamed 'Seeds: Patrimony of Rural Peoples in the Service of Humanity'. A stakeholder from that time provides insight into what happened:

We were in Mexico arguing about *Food Sovereignty* [...]. We realized that the food sovereignty was going to be at risk, because even if we had agrarian reform, if we did not defend the seed, the reform would remain at the discretion of *transnational seed companies* [...]. [...]. At Rio +10, in Johannesburg in 2002, the transnational company Monsanto agreed that the *seeds were a World Heritage site*, because so we all

⁶ A reference to la Commune, the insurrectional period in Paris in 1971.

⁷ In addition, there were also purely academic works clearly dedicated to an Ostromian institutional analysis of genetic resource management, with case studies in animal breeding (Labatut 2010; Labatut et al. 2013).

had rights over them, including them. That gave us an attack! We questioned our strategy, and it was at our second meeting in Caguazu, in the south of Paraguay, where we said: “No, they are not the patrimony of humanity, they are the *heritage of our indigenous and peasant peoples*, And we have put them at the service of humanity”. (emphasis original)⁸

Guy Kastler felt similar scepticism, wary of the confusion that the term ‘common’, or even the ‘commons’, could cause. In the proceedings of a workshop organised in February 2013 on IPRs and the Commons, Kastler wrote that farmers’ organisations have endorsed the narrative about seed built around the notion of ‘common good’ or ‘common good/heritage of humanity’ without thinking about it critically, ‘persuaded that it was the best tool to oppose their confiscation by industrial property rights’ (Kastler 2014: 94).

To fully understand his reluctance, it should be underlined that the concept of the ‘commons’ had been recently imported from the English-speaking world, as evidenced by the lack of a stable French translation⁹ and in some cases the absence of a translation altogether (Queffelec 2013). The novelty of the concept in France in the beginning of the 2010s is also revealed by translations of documents produced as part of transnational coalitions. The slogan displayed on the English pages of the website of the international campaign for Seed Sovereignty in 2011 reads ‘Campaign for Seed-Sovereignty – Seeds must remain part of the Commons!’, whereas the slogan on the French version was limited to ‘*Campagne pour la souveraineté sur les semences*’¹⁰: the reference to the commons was not translated at all. Another example comes from Vandana Shiva whose Declaration on Seed Freedom reads in English ‘we commit ourselves to defending seed freedom [...] as the freedom of human communities to *reclaim open source seed as a commons*’ (Shiva 2012 our emphasis, <http://seedfreedom.info/declarationon-seed-freedom/>), while in French it refers to the ‘common good’,¹¹ which is confusing (‘the common good’ being that which is for the benefit of or in the interests of all).

Later, however, the board of the RSP decided to deepen this reflection through different actions. It decided to sponsor a Master’s dissertation (Bouvier d’Yvoire 2015), to convene a session at the international meeting ‘Sow your Resistance’ in September 2015 in Pau (south-western France), and finally, to organise a two-day workshop in October 2016 near Paris. This reflection was driven by new challenges. First of all, in most of the regional collectives, the growing public interest in peasant seeds had resulted in an upsurge in the number of participants. While access to seeds and norms of sharing used to unfold informally on the basis of interpersonal trust, the collectives suddenly felt the need to formalise their internal rules, clearly setting out the rights and obligations of their members. The Ostrom analytical framework and the Bloomington school seemed promising candidates for developing reflexivity on this institutionalisation process. Second, the media success of peasant seed products made them suddenly attractive to conventional economic actors. The fear emerged

⁸ A member of ANAMURI interviewed by Santiago Garrido, on 16 May 2016, on the International Campaign ‘The Seeds, Patrimony of Peoples in the Service of Humanity’, within the framework of the research project TRANSIT: www.transitsocialinnovation.eu/sii/ctp/international-campaign-the-seeds-patrimony-of-peoples-in-the-service-of-humanity [Accessed on 18 October 2017].

⁹ At least at that time, before the mediatisation of Dardot & Laval’s (2014) and Coriat’s (2015) works.

¹⁰ www.seed-sovereignty.org/FR/ [Accessed on 18 October 2017].

¹¹ Que ‘la liberté pour les communautés humaines de revendiquer que les graines libres de droits soient bien commun’ (French translation).

that external actors – external in the sense that they do not necessarily share the same values as the peasant seed community – capitalise upon the patient work that has been collectively accomplished over more than 10 years. It then became pressing to organise a system of fair and equitable remuneration for the farmers who had invested a considerable amount of time in the maintenance and renewal of agrobiodiversity,¹² or more generally to develop a framework for greater (economic) justice for farmers working with peasant seeds.

As a researcher investigating on seed issues, and as a member of the RSP, I participated in the workshop in October 2016. Various avenues were explored, some of which are pending validation by the General Assembly and cannot be mentioned in this chapter. The workshop also offered an opportunity to present and discuss the internal rules being developed in the small collectives taking part in the Réseau (see Boxes 1 and 2). It is clear that collectives are striving to clarify their rules, both in order to secure the process of replenishing seeds and diversity and to protect the collective group from external free-riders. In some cases, they explicitly embrace the idea of managing a commons.

BOX 13 .1 RULES OF USE WITHIN THE PÉTANIELLE ASSOCIATION

(by Michel Metz)

The Pétanielle association brings together farmers and gardeners with a view to conserving and developing cultivated biodiversity. Its activities concern bread cereals as well as other species such as barley, oat, corn, and vegetables. Conservation is implemented by gardeners on 1 m² plots and by farmers on their fields. Their objective is to conserve a large diversity of varieties and to make them available and to promote them as an alternative to corporate seeds. The general idea is to allow farmers to regain their autonomy as well as to ensure that everyone can afford quality and ecologically friendly products. The entire collection of varieties is also sowed on one farm, on a collective plot or in a gardener's garden. This collection increases in size every year. It serves as a stock for farmers who want to test the bread qualities of a particular variety. Besides the stock function, this collection can also be regarded as enabling *in situ* conservation.

The synergy between farmers and gardeners which is at the heart of the Pétanielle association relies on a growing number of farmers, gardeners, association members, or people simply practicing sowing. Conservation, premultiplication, and multiplication activities are regulated by rules of use which are differentiated according to actors.

□ Gardeners: seed samples are hand delivered, without stringent controls or monitoring, during agricultural fairs or other events. Gardeners are

¹² In September 2017, Carrefour, the famous multinational retailer, launched a campaign to advertise its partnerships with producers of heirloom varieties and to promote 'peasant seeds', epitomising the shift feared by the RSP.

encouraged in return to contribute part of their harvest, a minimum amount in order to restore the associations’ backup stock and to renew the stock for distribution. Practical advice on growing wheat in the garden is provided on the website. A collective threshing is organised yearly to encourage participation. Giving seeds back is a moral commitment. Gardeners do not necessarily have to become members of the association. Each variety is distributed to several gardeners to guarantee it against climatic or other farming hazards.

□□ Steward-Farmers (*paysans-parrains*): circulation of seeds is regulated through a ‘stewardship and multiplication agreement’ (*convention de parrainage et de multiplication*) signed by both parties. Pétanielle provides a sample of seeds (not more than a few tens of kilogrammes) and technical support. In return, the steward-farmer agrees to keep one variety as pure as possible on a 3000 m² surface, to follow the rating and harvesting protocol, to return a quantity of seeds equivalent to that received (clean enough to be sown), and to provide another steward-farmer with a seed lot from the same variety at the annual meeting on seed and experience sharing.

This mode of organisation to manage and protect farmers’ seeds constitutes what is known as a ‘Farmer Seed House’ (*maison des semences paysannes*) and can be regarded as a farming commons according to Ostrom’s definition.

BOX 13 .2 NATIONAL ‘WHEAT PARTICIPATORY BREEDING’ GROUP (GROUPE NATIONAL SÉLECTION PARTICIPATIVE BLÉ)

by Alexandre Hyacinthe (ARDEAR Rhône Alpes)

This working group on straw cereal breeding started 10 years ago. At the outset, there were informal trust-based relations between researchers, farmers, and local collectives. Progressively, new questions have emerged, due to expansion of the group and the addition of newly bred populations: when the number of participants increases dramatically, with whom do we choose to work, and what are our objectives? What would be the legal status of these new varieties? What use do we promote or authorise, given the growing interest shown by industrial actors?

These questions challenged the informal dimension of our organisation. We thus decided to draw up internal rules. The following points were raised:

□□ Defining the nature and the boundaries of the group: identifying the different kinds of actors composing it (farmers belonging to local

collectives, single farmers, researchers, project facilitators); who can become a member and who cannot (particularly, what kind of farming practices do we accept in the group); and how do they join (accession protocol).

□□ Defining rules of access to the collectively produced results: access to seeds, use of production resulting from varieties circulating in the group, level of distribution of data concerning these varieties, level of distribution of tools developed within the project (e.g., architecture and design of the database).

The pace at which these internal rules are established is relatively slow. We meet twice a year. Approximately 15 people (out of a total of about 100 in the group) usually attend. The report of the meeting remains open for comments and amendments for a month after the meeting. Decisions can also be made by email. For the moment, we have come to a minimum agreement on the following principles:

New candidates must explain their motivation for joining in a written request and must also be recommended. Their possible admission must be discussed before being accepted or not. In the first year, they have access only to seed lots of varieties of common knowledge: they are in an ‘observation phase’. They must wait until the second year to have access to the results of the group (included the seeds of newly bred populations) and to the right to participate in decision-making. A procedure for resolving internal conflicts has also been formalised: a commission drawn by lot will be created in the event of disputes and will make proposals to the group for resolving the dispute.

Scholars and commentators have raised the question of whether or not the RSP qualifies as a commons (Thomas 2017). Currently, it depends on the scale on which the RSP is considered. On the scale of regional collectives or working groups such as that on wheat participatory breeding, yes, there are rules on access to seeds, rules on admission and exclusion of members, as well as formalised governance both of the group and of the seed resource. As concerns the RSP itself, this is more difficult. Arguably, there is a formalised governance of the group (association by-laws), but at this level, no decisions are made directly in respect of seed management. Nevertheless, whether the Ostromian definition of a commons fits or not, one can reasonably consider the sustainable dynamic management of agrobiodiversity as an emerging property of the collective.

Furthermore, one element which is missing from the discussion is the nature of the common-pool resource itself – its ontology. The legal and political context has certainly produced a dominant framework into which the leaders of the RSP have stepped, for strategic reasons. Presenting farmers as the stewards of

agrobiodiversity was identified as the best way of advancing the cause. However, this does not necessarily correspond to farmers’ practical experiences, for whom ‘agrobiodiversity’ and ‘genetic resources’ remain abstract concepts. The discussions in October 2016 revealed that they did not want to be reduced to the stewards of genetic resources. Strictly speaking, what they manage are seeds of heirloom varieties or peasant-bred varieties. They see them as the result of a co-evolution between humans, plants, and territories. Besides plant diversity, they value a way of life, a connexion with nature and with people, know-how, a territory, and a certain vision of good food (nutritious, healthy, diverse, etc.). Their commons – more than strictly agrobiodiversity – encompasses peasant seeds with all these attached values. Presently, because it is productive, the narrative of agrobiodiversity stewardship dominates, but one could imagine, and even anticipate, that another global framework could trigger new narratives.

Conclusion

Returning to the discussion which was opened in the introduction about seed movement strategies, one can observe a significant shift in seed disputes around the world, from a discourse centred on *seed freedom* to a discourse calling for *seed sovereignty*. Change is more evident in movements where the farmers carry more weight, which ultimately creates a divide between movements supported by farmers’ associations and movements supported by civil society organisations.

Such evolution has been described, for example, within Vandana Shiva’s organisation (Kloppenburg 2014). Another example can be seen in Latin America, within the *Red de Semillas libres de América* (‘America’s free seed network’) founded in Peru in 2012 under the auspices of Kokopelli, and which has fostered the creation of several national networks known as the *Red de Semillas Libres* (in Colombia, Argentina, Chile and Peru). In the Declaration proclaimed at the creation of the network, seeds are presented as a ‘common good and a global heritage at the service of humanity’ (*‘un bien común y un patrimonio planetario al servicio de la humanidad’*)¹³. However, three years after its creation, it was renamed *Red de Semillas de Libertad*, partly in an attempt to distance itself from Kokopelli and his libertarian ideology. In the new Declaration, seeds are now framed as ‘a legacy of native peoples and peasants for Humanity’ (*‘un legado de los pueblos originarios y campesinos para la Humanidad’*)¹⁴. First of all, these movements abandon a universalist discourse and choose to highlight specific actors – be they native peoples or farmers – just as the RSP highlighted peasants as the most relevant farming category in the French context. Furthermore, all these actors are presented as stewards of agrobiodiversity¹⁵. Second, this strategy of naming a group of *commoners* enables another shift in the legal claims: from individual rights to collective rights, and from liberty rights to claim rights¹⁶. These claim rights are defined in the case of seed struggles either as ‘food sovereignty’, ‘farmers’ rights’ or, more recently, ‘seed sovereignty’ (Kloppenburg 2014), or even, when the large nebulous public involved in alternative agri-food networks is included in the loop, ‘food democracy’. Whether or not they

¹³ *Declaración de principios de la Red de Semillas libres de América*, proclaimed on 12 August 2012 in Ollantaytambo, Valle Sagrado de los Incas, Peru, <http://worldconsciouspact.org/es/derechos-naturaleza/red-de-semillas-libres-de-america/declaracion-de-principios/> [Accessed on 18 October 2017].

¹⁴ *Declaración Red de Semillas de Libertad ¡Con las manos en la tierra!*, proclaimed on 6 October 2015, in Cuenca, Ecuador. www.colombia-redsemillas.org/2015/11/20/redde-semillas-de-libertad-con-las-manos-en-la-tierra/ [Accessed on 18 October 2017].

¹⁵ ‘They are those who continue to conserve the great biodiversity and knowledge that maintains the seeds and the permanent processes of diversification that allows the adaptation of the species [...]’ reads the Declaration of *La Red de Semillas de Libertad*.

¹⁶ ‘Droits créances’ in French (Pech 2009). French makes it possible to easily distinguish between these two categories, because they are formulated differently: ‘droit de...’ [right of] and ‘droit à...’ [right to].

explicitly embrace

the narrative of ‘the commons’, these new claims allow for the defence of a strong public domain for cultivated varieties together with the demand for positive action from public authorities to protect small food producers’ ways of life, practices and values.

Such a strategy might have seemed utopian a few years ago. The principle of farmers’ rights has certainly been enshrined in the FAO International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) since 2001, but Article 9 on this issue¹⁷ is not legally binding. Nonetheless, the adoption of a resolution on peasants’ rights by the UN Human Rights Council on 29 September 2017, which includes a consistent ‘right to seed’, is regarded by farmers’ organisation and other NGOs as an important milestone victory¹⁸. The forthcoming UN Declaration (planned for 2018) will surely provide significant support for small farmers’ future struggles.

Some authors have argued that public domain was a property regime which was too weak to resist private appropriation (Thomas 2015). Some, inspired by the Open Source Licence in computer science, have gone a step further and proposed organising plant varieties into a ‘protected commons’, based on private licences, as an alternative to public domain and private property (Kloppenburger 2010, 2014; Kotschi and Rapf, 2016). Ironically, the experiments which have already been conducted in this regard (the Open Source Seed Initiative in the USA, the Open Source Seed Licence in Germany and more widely in Europe) show that this ‘commons’ is not managed, maintained and replenish by communities of farmers but rather by philanthropic professional plant breeders. This does not really correspond to ‘commoners’ in Ostrom’s sense. Second, these authors’ idea is certainly to subvert property rights to the service of a good cause but, as admitted by Kloppenburger (2014), this implies using the ‘master’s tools’ (i.e., property) which may be cumbersome for small farmers. A more promising strategy would be to continue to forge farmers’ rights on all levels – internationally and nationally – while continuing to support and revitalise farmers’ seed systems. ‘Seed reappropriation’ has definitely more to do with farmers’ empowerment and sovereignty over seed issues rather than acclaims to ownership of the seeds or the varieties they cultivate.

¹⁷ It includes the right of farmers ‘to save, use, exchange and sell their farm-saved seed’.

¹⁸ La Via Campesina/FIAN International / CETIM (3 October 2017). A new step forward in the process for a UN Declaration on the Rights of Peasants [Press release]. <https://viacampesina.org/en/new-step-forward-process-un-declaration-rights-peasants/> [Accessed on 18 October 2017].

Abstract

Seed movements around the world share a common enemy: global seed corporations, which are seen as organizing an unfair monopoly over seed markets, using technical devices, industrial property rights, and economic concentration, at the expenses of farmers' livelihoods. Yet these movements differ in their aims and strategies. Some defend a principle of the free circulation of seeds, rejecting any public regulation of the seed trade. They argue that seeds embody a vital principle that, by its essence, cannot be constrained, either by regulation or intellectual property rights (IPRs). Some others want to counter-balance asymmetries of power between corporations and farmers, arguing that for centuries farmers have collectively managed and enriched crop genetic resources and have now earned rights in return.

This chapter focuses on an organisation belonging to the second group – the French Réseau Semences Paysannes. From the beginning, it has clearly placed emphasis on farmers, framed as commoners who replenish a common pool resource, genetic resources, which is essential to plant breeders' activity. Yet the positioning of the movement towards the banner of 'the commons' is internally debated: presenting oneself as stewards of agrobiodiversity is certainly productive but appears to some members as reductive of their experience. Farmers' seed 'reappropriations' do not necessarily translate into property claims, but rather into the defense of farmers' collective rights on seeds.

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