

# GROWTH FOR WHOM?

## Statement on Bill C-18 (Agricultural Growth Act)

April 2014

On March 4, 2014, Bill C-18, the Agricultural Growth Act, went to Parliament for second reading. This omnibus bill proposes amendments to several federal agricultural laws including the Plant Breeders' Rights Act, the Seeds Act, the Health of Animals Act, and the Feeds Act. Passing Bill C-18 would bring Canada's Plant Breeders' Rights Act into compliance with UPOV—the International Union for the Protection of New Varieties of Plants.

UPOV is an international treaty that establishes rules that recognize, ensure, and define the intellectual property rights<sup>1</sup> of breeders of new plant varieties. The UPOV treaty was established in 1961 and has been updated several times since—the most recent amendment in 1991. Canada's current Plant Breeders' Rights Act is modelled on UPOV '78. UPOV '91 entails a more restrictive approach to Plant Breeders' Rights (PBRs)<sup>2</sup> than Canada follows at present.

### What does Bill C-18 do?

Bill C-18 amends several agricultural laws at once. Overall, we are concerned that these changes will continue the trend of concentrating power over food in ever fewer hands while increasing farmers' costs, reducing farmers' autonomy, and threatening Canada's food sovereignty. Of particular concern to the United Church is legislation contained in Bill C-18 related to **seeds**.

If Canada complies with the terms of UPOV '91, farmers will not be allowed to save, store, or clean seed for replanting without the express permission of the PBR holder. UPOV '91 allows governments to adopt an exemption called the "farmers' privilege." Bill C-18 includes a partial exemption, but also includes regulatory power that allows government to restrict the farmers' privilege in a number of ways.

### **Seeds are more than a mere commodity to be bought and sold—they are part of the global commons and a gift of the Creator.**

Like food, land, and water, seeds are a gift from the Creator and a part of the global commons. Without seeds, there is no food. Farmers around the world have saved, selected, reused, exchanged, and sold seeds for countless generations. Along with sustaining life, seeds represent the collective vision, knowledge, and culture of global farming communities. We believe these ancient practices, which extend back to biblical times and beyond, must be protected.

In support of farmers, The United Church of Canada has for decades spoken out on agricultural issues from ethical, human rights-based, and social justice perspectives. We do so again now recalling that, in first-century Palestine, the Jesus of the gospels frequently challenged those who acted unjustly toward others. They included Roman occupiers, religious authorities, those who ostracized ill and handicapped people, and those who discriminated against women. Jesus' activism on behalf of the oppressed, sick, and marginalized is an inspiration and guide, indeed a calling, for the United Church and its members.

## Our primary concerns about Bill C-18 in brief

We are concerned about Bill C-18 for several reasons, including the following:

- It would bring Canada into compliance with UPOV '91, effectively impinging upon the right of farmers to save, store, or clean seed for replanting, by requiring permission of the PBR holder. Therefore, it would further concentrate the control of seeds in fewer and fewer hands, further turning both seeds and food into mere commodities to be bought and sold for profit rather than as a part of the global commons and life sustaining gifts from the Creator.
- It would allow for “end-point royalties”—fees that could be collected on a farmer’s whole crop following harvest. Currently, royalties can only be charged on seed at the point of purchase. End-point royalties would give large corporate developers of new varieties additional opportunity to extract even more revenue from farmers.
- At present, farmers can save seed for replanting as they wish, whether or not it is a PBR-protected variety, as long as it is not patent-protected. Bill C-18 would convert farmers’ right to save PBR-protected seed into a government-given privilege, called “farmers’ privilege.” It also gives the government the power to quickly and easily take that privilege away through regulations. (Note: PBRs do not apply to seed that is in the public domain, such as older commercial varieties of wheat, barley, soy, etc., and heritage or heirloom seed.)
- Under “farmers’ privilege,” farmers are allowed to save and condition (clean) seed. However, “farmers’ privilege” in Bill C-18 does not extend to stocking seed. Apparently a seed company may be able to sue a farmer for storing harvested seed saved to plant the following spring or saved to plant in subsequent years, as many farmers prudently do as a safeguard against crop failures or diseases.

**Bill C-18 is primarily designed to benefit large corporations and give seed companies more control over Canada’s food system.**

Bill C-18, in our view, is legislation designed to enable large agribusinesses to secure greater control over new plant varieties and generate greater profits at the expense of Canada’s farmers. More so, it would give multinational seed companies greater control over Canada’s food system. We believe Canadians desire a strong, healthy, and democratically controlled food system—one that allows farmers to retain customary use of seeds and to be fairly remunerated for their efforts.

## A new “Seed Act for Farmers”?

As an alternative, the United Church and other Canadian organizations are calling for the creation of a new Seed Act for Farmers. It would

- re-establish and increase funding for public institutions and public plant breeders/researchers and resume public plant breeding to the variety level

- recognize and enshrine in legislation the inherent rights of farmers—derived from thousands of years of custom and tradition—to save, reuse, select, exchange, and sell seeds
- reorient Canada’s agriculture laws toward principles of food sovereignty—healthy food, ecological biodiversity and sustainability, and democratic control

As a contribution to this suggestion, Canada’s National Farmers Union (NFU) has offered some [principles on which a Seed Act for Farmers could be built](#).

See the United Church’s [Take Action on Bill C-18](#), which calls on members to contact their MPs to raise concerns about Bill C-18.

For more information about and analyses of Bill C-18 from diverse sources involved in the agricultural sector, including those that support the bill, see:

- [National Farmers Union’ Stop Bill C-18 Toolkit](#)
- [National Farmers Union Bill C-18 Fact Sheet](#) [PDF on nfu.ca]
- [Council of Canadians](#)
- [Canadian Seed Trade Association](#)
- [Canadian Federation of Agriculture](#)

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<sup>1</sup> “Intellectual property” refers to laws including patents, Plant Breeders’ Rights, and trademarks that protect inventors from losing control over their intellectual creations. These laws have become a tool to enhance corporate monopolies and consolidate market power. Monopoly control over plants and animals jeopardizes world food security, undermines conservation and biological diversity, and threatens to increase the economic insecurity of farming communities. Agreements and conventions on intellectual properties are administered by, among others, the World Trade Organization (WTO), World Intellectual Property Organization (WIPO), and International Union for the Protection of New Varieties of Plants (UPOV). (Adapted from the definition of the ETC Group: <http://www.etcgroup.org/content/intellectual-property-patents>)

<sup>2</sup> Plant Breeders’ Rights (PBR), also known as plant variety rights (PVR), are rights granted to the breeder of a new variety of plant that give the breeder exclusive control over the propagating material (including seed, cuttings, divisions, tissue culture) and harvested material (cut flowers, fruit, foliage) of a new variety for a number of years.