



The Right Livelihood Award

for outstanding vision and work on behalf of our planet and its people

Percy and Louise Schmeiser (Canada)

(2007)



"... for their courage in defending biodiversity and farmers' rights, and challenging the environmental and moral perversity of current interpretations of patent laws".

Photo: Wolfgang Schmidt

With their fight against Monsanto's abusive marketing practices, Percy and Louise Schmeiser have given the world a wake-up call about the dangers to farmers and biodiversity everywhere from the growing dominance and market aggression of companies engaged in the genetic engineering of crops.

Career

Percy and Louise Schmeiser were born in 1931 into farming families in Saskatchewan; one of Canada's ten provinces. Percy became a leading farm figure in the area, and with his family he also owned a successful farm equipment dealership. He was a Member of the Saskatchewan Legislative Assembly (MLA) from 1967-71 for the Liberal Party of Saskatchewan, whose philosophy was based in conservative values and conservative politics. Percy was also Mayor of his home town of Bruno from 1963-82, where he also served as a town councillor, most recently from 2003-06. Percy also has been appointed to numerous provincial commissions and municipal boards. Both Percy and Louise have received many awards, among them the Mahatma Gandhi Award 2000, The Activists of the Year Award 2004 from The Council of Canadians and Advocate of Social Justice Award 2010.

Monsanto vs. Schmeiser

In 1998 Percy Schmeiser and his wife received a letter from the US agribusiness giant Monsanto claiming that they had used Monsanto seeds without a license in planting their 1997 crop. 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 (rape) 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 did they accept this blackmailing attempt. They contested the case up to the Canadian Supreme Court, whose ruling supported Monsanto in their claim to own the gene. Thus the Schmeisers lost their breeding research, which they had built up for decades, and the varieties that they had painstakingly adapted to their local environment for years through cross-pollination, because they now contained the Monsanto-"owned" gene.

However, 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.

Schmeiser vs. Monsanto

Now, in a new legal case, the Schmeisers are trying to turn the notion of benefit to farmers from Monsanto genes around, 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 from Monsanto to take these plants off of 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 March 2008, the Schmeisers settled their lawsuit with Monsanto in an out of court agreement, in which Monsanto agreed to pay all the clean-up costs of genetically modified canola that contaminated the Schmeisers' fields.

The destruction of seed markets through "patents on life"

The Schmeiser case was one of the first and 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.

Monsanto's treatment of the Schmeisers is their standard practice. According to a 2005 report by the Washington-based Center for Food Safety (CFS), as of 2005, 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 (USD) to Monsanto (mean payment 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 a legislation that serves the company's interest.

Schmeiser's principles for food and agriculture

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 12 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.

Quotation

"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 & Louise Schmeiser