

Organic Land Care *with*

Season's Greetings and Best Wishes from SOUL

From all of us on the SOUL board
Season's Greetings and Best Wishes for the coming year.
May everyone be safe and, truly, may there be Peace on Earth.



December, 2007

Organic Land Care with SOUL is published ten times per year by the Society for Organic Urban Land Care.

Our Mission:

"To support our communities in their transition to organic practices"

This newsletter is distributed free of charge to all SOUL members. Please feel free to share this publication.

SOUL

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www.organiclandcare.org.

This past year has been very busy and exciting for SOUL. Our membership is increasing, we have made presentations to the city of Victoria, B.C. as intervenors for a Victoria pesticide bylaw which will hopefully come into effect in early 2008. We have attended and been involved in public events throughout Victoria and Vancouver, have continued promoting organic education and have welcomed as members the graduates of the first ever Organic Master Gardener Course. As well, the Vancouver branch of SOUL continues to grow with its committed group of individuals.

In this issue of the newsletter, a brief summary is presented about the winners of the Right Livelihood Award "... for their courage in defending biodiversity and farmers' rights, and challenging the environmental and moral perversity of current interpretations of patent laws". But like all things, there maybe more than one side to a story. For this reason, additional information is presented that provides an additional dimension to this story. The idea that there are different layers to information about organic practices is significant.

The significance of this lies in the fact that the practices and concepts we impart are necessary and sound whereas the stories we tell maybe up for interpretation or refutation. Therefore, we need to remember that we may not be able to defend a story, but we can always rely on our practice. With this in mind, here is a tale of two stories.

I wish to acknowledge Christina Nikolic, Victoria, for sending me the article on the Right Livelihood Award and to Lyn Mattingley, Vancouver, who summarized the Supreme Court of Canada decision. Thanks to you both for sending along these articles that I hope the SOUL membership finds interesting.

Percy and Louise Schmeiser of Canada Winners of the Right Livelihood Award (2007)

This article is about Percy and Louise Schmeiser who are farmers from Saskatchewan and their legal battle against Monsanto who accused them of using their patented "Round-up Ready" seed without a license or permission.

In 1998 Monsanto sent a letter to the Schmeisers claiming that they had used their patented seed without a license. The Schmeisers claimed that they never purchased Monsanto "Round-up Ready" genetically modified canola (rape) seed." The seed, from what they claimed, had blown out of a passing truck and had ended up on their property. But Monsanto was seeking in addition to legal fees somewhere around \$790,000.00. Interestingly, "Monsanto offered to withdraw the legal challenge if they signed a contract to buy their seeds from Monsanto in the future and to pay the technology use fee."

The Schmeisers contested the Monsanto accusations right up to the Supreme Court of Canada where they lost the case. But in this verdict, the Supreme Court also ruled that they did not have to pay anything to Monsanto.

After the completion of the first court case, the Schmeisers began a second legal challenge whereby they attempted to prove that the Monsanto owned plant genes were to be regarded as contamination. Through the courts, they wanted to show that Monsanto's ownership of plant genes was not beneficial to farmers. They wanted to spotlight that an increase in patented genetically modified seeds were threatening the diversity of seed because a few giant food enterprises would have control over the seeds grown for food. They pointed out that seed drift from fields planted with Monsanto seeds were impacting fields not planted with these seeds. Even though farmers did not have any control over this "drift", they were still liable to Monsanto because of patent laws. Furthermore, it appears that they are arguing that this seed drift is changing the biodiversity

of the land because genetically modified plants are now becoming part of the environment. Apparently, this second legal action is working its way through the system. Through their legal actions, the Schmeisers have brought to public attention to the disastrous consequences of patenting living organisms.

*Source: <http://www.rightlivelihood.org/schmeiser.html>
Interview with Percy and Louise Schmeiser:
http://www.rightlivelihood.org/schmeiser_interview.html
Percy and Louise Schmeiser's work:
http://commonground.ca/iss/196/cg196_schmeiser.shtml*

Monsanto Canada Inc v. Schmeiser Enterprises Ltd, [2004] 1 S.C.R. 34.

The Supreme Court of Canada ruled that the Schmeisers were guilty of growing roundup ready Canola without having purchased the seed or having permission to grow this plant. As such, they were found guilty of breaching the Patent Act. It was shown in court that the Schmeisers' crop of the genetically modified plants were many more than could be accounted for by simple blow by or drift. It was also proven that the Schmeisers had over a thousand acres of Round up Ready canola plants and that they had saved seed from Round Up Ready plants and planted them without paying anything to Monsanto. Because the seed for these plants had not been purchased from Monsanto, they had breached the Patent Law by growing plants that had a patented cell and gene without obtaining a license or permission. The court stated that "in reaching this conclusion, we emphasize from the outset that we are not concerned with the innocent discovery by farmers of "blow-by" patented plants on their land"

Please see the Supreme Court of Canada website at <http://scc.lexum.umontreal.ca/en/2004>



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