

PROCEEDINGS OF THE GREEN IRELAND CONFERENCE

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PERCY SCHMEISER • Keynote address

Canadian farmer who was contaminated by GMOs.

Former Member of the Canadian Parliament.

Member, World Commission on the Future of Food and Agriculture.



Percy Schmeiser is a 75-year old Canadian farmer who faced a patent infringement lawsuit from Monsanto after his fields became contaminated by their patented GMO seeds in 1996 - 1998.

Monsanto wanted the profits from his entire crop, patent licensing fees, and a million dollars in court costs. Unlike many other contaminated farmers who were similarly intimidated, Percy stood up for his rights to use his own seeds. After a protracted legal battle, the Supreme Court of Canada dismissed Monsanto's financial claims but ruled that Percy's crops belong to Monsanto.

This ruling triggered class action and liability lawsuits currently underway against Monsanto in the USA and Canada for losing control of its patented crops.

In May 2006, Percy filed a complaint against the Government of Canada at the United Nations Council for Human Rights for violating the rights of farmers, consumers and future generations.

This is the complete transcript of a video recording of Percy's keynote address to the Green Ireland conference on 16 June 2006, slightly edited for clarity.

The various Monsanto documents which Percy refers to may be downloaded by following the footnote links on page 8.

An earlier interview of Percy Schmeiser by GM-free Ireland at the Terra Madre Festival hosted by Slow Food in 2004 may be found at www.gmfreeireland.org/interviews/schmeiser.php

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Thanks very much Michael. It's really indeed a pleasure to be here because it's the first time that I have been able to visit Ireland, so I am really grateful for the invitation.

As mentioned, I come from Western Canada, in the heart of the grain-growing area. My wife and I were seed developers in rapeseed - or Canola as we call it there - since around 1947. Besides being a farmer, I was also involved in other different types of occupations: I was a Member of Parliament, and in that position I was on many agricultural committees, both at the provincial and federal level dealing with rules, laws and regulations which I always thought would benefit farmers. So basically, I have been dealing with agriculture all my life - both practically and in law-making.

The whole issue of GMOs - genetically modified organisms - to me can be basically divided into three main categories. First of all the property rights of people and farmers and the intellectual property rights of corporations; the health and food issues; and the environmental issues.

Now in North America we are really involved with the Terminator gene, the Cheater gene [also known as the Traitor gene], and with Pharma plants - prescription-type drugs now being produced by plants in the wild or in the open as we say.

I'd like to go back to 1996, when regulatory approval was given in North America for four principal GMO crops: soybeans, corn or maize, cotton, and - in Canada - Canola or oilseed rape.

In 1998 Monsanto laid a patent infringement lawsuit against my wife and myself, in which they said we were growing their GMO rapeseed without a license from them. Up to that point we had never bought Monsanto seed, we had never gone to a Monsanto meeting, we didn't even know anybody from Monsanto. So that was a real surprise to us. Especially since we were seed developers in rapeseed, we realized there was a possibility that all of what we had developed over the past fifty years might now be contaminated with GMOs. And indeed later on we found out that this was the case. There were some other items in that lawsuit: that we had somehow illegally obtained their seed, even stole it, and so on.

Patent laws generally come under Federal jurisdiction in most countries of the world, including Canada. So this became a Federal Court issue.

So we stood up to Monsanto and said "if you have any of your GMOs in the crops that we have developed, you should be liable and there should be a liability lawsuit laid against you."

The case went to the Federal Court of Canada with one judge. But in the pre-trial period, which lasted almost two years, Monsanto withdrew all its allegations that we had ever obtained their seed illegally, because they knew at that time who they had sold their seed to and there were only three farmers in the whole of our region who had grown GMO canola in 1996 and 1997.

After two-and-a-half weeks of trial in June 2000, the decision of the trial judge made my case known around the world almost immediately when people realized that they could lose the rights to their seeds and crops almost overnight if they were contaminated. As I mentioned, Monsanto had withdrawn all its allegations, but the judge said it doesn't matter how their GMOs get in to any farmers field.

People realised that they could lose the rights to their seeds and crops almost overnight if they were contaminated.

This is primarily what the judge ruled: he said it does not matter how Monsanto's GMOs get in to any farmers fields or seed supply. And he mentioned how this could happen: direct seed movement by wind, by birds, by bees etc and also through cross-pollination. Back in 1997 and 1998 there was very little cross-pollination, so cross contamination at that time was mainly by direct seed movement, but there was some cross-pollination.

And if that happens to any farmer – whether you're an organic farmer or a conventional farmer like myself – you no longer own your seeds and plants: they become owned by a corporation, in this case Monsanto. The level of contamination does not matter. If it's only 1% or 2% or 8% - as it was shown later on by tests on our fields - you no longer own your seeds or plants.

The judge also ruled that Monsanto owned all of what we had developed in Canola or rapeseed in the last fifty years, because their gene was now to some degree in our crops, and also that we were not allowed to use our seeds and plants again.

And all our profit – we had about 1,030 acres seeded to rapeseed in 1998 – all the profit from all the fields goes to Monsanto, even from our fields that had no contamination in them, because he ruled that since we were seed developers using our own seeds from year to year, there was a probability there could be some of their genes in the rest of those fields.

So that is what the ruling was, and that is what made our case become internationally known.

We then took it to the Federal Court of Appeal, where you primarily discuss facts of law, points of law, or where the trial judge erred in law. And the Federal Court of Appeal ruled that they did not agree with all of the trial judge's decision, but they still upheld it on the issue of the patenting of genes.

After close to five years of battle spending around \$ 300,000 fighting Monsanto through the courts, we then applied to the Supreme Court of Canada. And it was really a relief for my wife and me when the Supreme Court of Canada decided to hear the case.

Now we had an opportunity to bring other items in, besides the issue of patent infringement.

Some of these issues were: can living organisms - seeds, plants, genes and human organs - be owned and protected by corporate patents on intellectual property? Can farmers' rights to grow conventional or organic crops be protected? Can farmers keep their ancient right to save and use their seed from year to year?

Another issue, which was very important to my wife and myself, was who owns life? Can you patent life? This became a very important moral and ethical issue to us.

What a lot of people don't know that in the time of the patent infringement claim, Monsanto had also laid another lawsuit against us for a million dollars for their court costs up to a certain period. They said we were stubborn, we were arrogant, and we didn't do what Monsanto wanted – so we had this other million-dollar lawsuit to fight. All of these issues then came before the Supreme Court.

And the Supreme Court ruled in our favour: they said that we didn't have to pay Monsanto anything. But what was not fair, was the Court ruling that we would have to pay our legal costs, which by that time were over \$400,000, and Monsanto would pay theirs which were about \$ 2 million. It's a lot easier for a corporation on a test case to pay their legal costs versus a farmer fighting for his rights for \$ 400,000. So that was a major victory for us.

The Supreme Court ruled that whenever Monsanto's GMO genes arrive into any higher life form, Monsanto owns and controls that life form.

But what about the issue of patenting life? This is the exact ruling from the Supreme Court. They said Monsanto's patent on a gene is valid. And whenever that gene arrives into any higher life form, by whatever means – and I mentioned some of those before: cross pollination, direct seed movement – Monsanto owns and controls that life form. So where does it stop now? Does it stop with seeds, plants, birds, bees, animals, or ultimately with a human being because of that ruling?

The Supreme Court also said it really has to go back to the Parliament and people of Canada to decide who owns life. So now there are actually more questions than answers with that ruling. And I'm sure that eventually within the next two years it will become before the Parliament of Canada to address the whole issue of patent law in regards to the patenting of life.

You are fortunate here in Ireland because you still have a choice. We no longer have a choice in Canada in regards to two major crops – soybeans and rapeseed - because all our seed supply is now contaminated. We no longer have any pure Canola seed or soybean seed left. It's all contaminated with GMOs.

You are fortunate here in Ireland because you still have a choice.

So you have that choice. In 1996 when GMOs were introduced in Canada, we didn't have anybody to come and tell us what could happen. This is what the farmers were basically told in 1996: GMOs would increase yields, make crops more nutritious, and most importantly, reduce the use of chemicals. There were other buzzwords; we would now be able to feed a hungry world, we would always have sustainable agriculture, and I know you are hearing that in Europe now. That's what farmers were told.

But what happened within one or two years? Number one, the yields went down, especially in rapeseed and soybeans - at least 15% in soybeans. And the nutritional value went down, sometimes by 50%.

But worst of all is the massive increased used of chemicals – at least three times more than ever – because already a regular conventional rapeseed plant has developed into a new superweed which we never ever had before on our prairies or on the northern plains of the US. And that new superweed is in every field now. It's in wheat fields, barley, oats and so on, and takes a massive new use of more powerful highly toxic chemicals to control. And it's not only in our fields; it's also in our cities, our towns, cemeteries, golf courses. So it's a new expense to control this new superweed.

Everything that the corporations told us back in 1996 has turned out to be exactly the opposite. The economic issue has been devastating to our farmers. We cannot sell rapeseed to many countries in the world including the European Union. And so the prices have dropped. Our honey industry has basically been destroyed because our honey has been contaminated with GMOs. A bee doesn't know which flower is a GMO and which flower is not.

These are some of the results of the introduction of GMOs. But there is a whole other side to it. And that is the issue of control, the culture of fear that has also developed as a consequence. And I think it's very important for me to bring you this message here this morning.

Here is a contract from Monsanto [1]. This is a Canadian one, and I also have an American one, but basically they are the same. Number one, a farmer never can use his own seeds; he must always buy the seeds from Monsanto and buy the chemicals from Monsanto. He must pay Monsanto a license fee of about \$40 per hectare per year. He must also sign a non-disclosure statement where if you commit some violation you can never talk to your neighbours or to the press about what Monsanto has done to you. So your freedom of speech and expression is taken away. Another clause in the contract says you must permit Monsanto's police force to come onto your land for three years after you sign this contract, and they can go through your fields, your tax records, your granary, to check on you. Another clause for this year is that a farmer gives up his rights for the rest of his life to take Monsanto to court for any violation. So you give up your rights of even taking Monsanto to court.

That is the contract they get farmers to sign. But if you are contaminated against your wishes like we were, you fall under the same provisions through the Patent Act on the gene as if you had signed the contract.

This year they have another policy where they don't have to mess around with contracts or anything like that. They now have on the seed bag – and here's a copy which I just got from a

farmer three weeks ago [2] - a statement that by opening up the seed bag, you agree to all the terms and conditions of Monsanto. So that is how they get total control over farmers.

This is another document from Monsanto which they call "information" [3]. This states that if you think your neighbour is growing GMOs without a license you should inform on him to Monsanto. And if one farmer does that to his fellow-farmer or neighbour, you get a free gift from Monsanto such as a leather jacket or free chemicals. But it's pretty serious, and I think it's one of the worst things that could happen, because when Monsanto gets that information they immediately send round two of their police. They have their own very large police force in Canada - former Royal Canadian Mounted Police - and in the US they hire Pinkerton Investigation Services. And immediately they send two of these police officers to a farmer's home and say to him or his wife "we have this information or tip or rumour that you are growing GMOs without a license from us" and a farmer will say "I'm an organic farmer or a conventional farmer, I had nothing to do with you people" and then Monsanto's police will say "you're lying, if you don't confess we'll take you to court and you won't have a farm left".

Now that's one method. Another method is when they can't find a farmer at home, they will send what farmers call extortion letters [4]. We don't know how many thousands of these have been sent out to farmers. But basically it states "We have reason to believe that you might be growing Monsanto's GMOs without a license. We estimate you have a hundred hectares or two hundred hectares. Send us \$100,000 or \$200,000 in two weeks time or whatever and we may or may not take you to court."

Can you imagine the fear in the farm family when they get a letter like this from a multi-billion dollar corporation? "Send us \$100,000 by a certain date because we think you might be growing our GMOs". So that's the whole new fear culture which Monsanto has been able to exercise over our people. We never thought this could happen to us in Canada. But it has happened, is happening, and continues to happen.

I should also say that in this letter, there is a clause stating you are not allowed to show this letter to anyone or we will fine you.

I have another letter I got from a farmer where they state to the farmer "it will be in your best interests to settle with us if you want to continue to farm in the future".

So that is what I'm talking about, this whole new culture of fear.

What about our rural social fabric? I'm sure you don't want this to happen to you people here in Ireland, to your farmers. When these police leave a farmer's home, what do you think goes through his mind or that of his wife? Was it this neighbour, or that neighbour, or the other neighbour down the road who has caused me this trouble? And now you have suspicion, you have farmers not talking together, farmers scared to talk together. In my case farmers were scared to even associate with us or talk to us because they were scared that Monsanto might find out and they also would be intimidated and harassed.

One of the worst things that happens with the introduction of GMOs is the breakdown of our rural social fabric and a whole new issue of fear.

So now you have that breakdown of our rural social fabric. And I think that is one of the worst things that could happen with the introduction of GMOs - the breakdown of our rural social fabric and culture. This is a whole new issue of fear. Put fear into people to be subject to Monsanto's patent on the gene.

I should say this. In Canada we do have a Federal law where you cannot patent a seed or plant. But the court ruled that if Monsanto's patent on a gene is valid, and that gene gets into any higher life form, they own and control that higher life form. So they don't need a patent on a seed or plant just by the fact of having a patent on a gene.

I think there are two important things that you really have to remember if you ever introduce GMOs into Ireland besides the patent issues and the fact that production and nutritional values go down.

The first issue is “co-existence” or containment. Once you introduce a new life-form like a GMO into the environment you can never contain it. You can not contain the wind or cross-pollination. You can’t build a wall big enough! And I heard that sometimes in Europe here they said all you need is three meters [for a buffer zone or crop separation distance between GMO and conventional or organic crops].

Once you introduce a new life-form like a GMO into the environment you can never contain it. You can not contain the wind or cross-pollination. You can’t build a wall big enough! There is no such thing as “co-existence” of GM with conventional and organic crops.

We know from experiments done by scientists at the University of Winnipeg at Manitoba that there is no safe distance! The studies related to how long pollen will stay in the air and wind speeds. So you can not contain it.

The second issue is that if you can not contain it, you can not – believe me – you can not have “co-existence.” If you introduce GMOs, eventually as by us in three or four years, it became all GMOs. So there is no such thing as “co-existence”! I’ve heard that again in Germany, Switzerland and Austria when I was there during the last three months.

They say you can have “co-existence”, that farmers have choice. There is no more choice! Your choice is gone. So it’s a point of no return. Once you introduce it, it’s over and it’s over! And many times we are asked, can it ever be called back from the environment? As far as we know up to today, once you introduce a new life-form into the environment, there is no calling it back. What would you call back? In the case of rapeseed, it has very close cousins. It comes from the Brassica family – broccoli, brussel sprouts, cabbage, cauliflower, collards, kale, kohlrabi, mustard, and turnip including distant cousins like wild mustard. Back in Canada it is already cross-pollinating into these close cousins including radishes, turnip, cauliflower – making more crops organic farmers no longer can raise. It keeps destroying one industry after another.

But you still have the choice here in Ireland. I have not come here to Ireland to tell you what to do. I’m here to tell you what has happened to us. And you can benefit from our experience.

In the last ten years there have been no new GMOs introduced into Canada. Just the four principal ones in 1996 – Monsanto wanted to introduce GMO wheat, GMO alfalfa, GMO flax, and GMO rice. And they have not been allowed or given regulatory approval to do so because farmers have seen what has happened with the introduction of those four GMO crops back in 1996.

My case has now been taken before the United Nations Commission on Human Rights [since renamed the UN Council on Human Rights] in May of this year [2006]. The Government of Canada is charged with drastic violations of human rights with the introduction of GMOs – human rights in regards to people and consumers. We don’t have GMO labeling. We don’t know what we’re eating, what’s in our food. We don’t know what we’re feeding our children and our grandchildren. That’s a drastic violation of our human rights. Farmers’ choice has been taken away. Organic farmers’ choice has been taken away... a drastic violation of human rights.

Another issue is that in our academic field, in our universities, and in our government research stations, scientists are muzzled because most of their funding now comes from the private sector instead of the public purse. And they are not allowed to speak out on their findings. That is a drastic violation of our academic community.

So this has gone before the United Nations last month [May 2006] in Geneva, and what the results will be from that we do not know. But that is another issue that my case has brought forward, the violation of human rights.

Those are some of the issues that have happened with the introduction of GMOs. But one of the greatest curses is the two new issues that I mentioned before: the Terminator gene and the Cheater gene [also known as the Traitor gene] and now the introduction of Pharma plants through which pharmaceutical drugs are produced by plants.

The Terminator gene is the greatest assault on human life that we have ever seen on this planet.

I will go into the Terminator gene first. Basically it's a gene put into a seed so that the seeds produced from that plant are sterile. It's a termination of life. What's very important about that is that it can cross-pollinate into your neighbour's crop and render his seeds also sterile. Now where does it stop?

A Terminator gene can be put into any higher life-form. And when I use the term "higher life-form" I mean anything that basically comes from a seed. So again, where does it stop? Birds, bees, animals, and what about human beings? A big article in a Canadian newspaper about three weeks ago asked if this is a new form of life control. Think about it! So when these corporations call themselves "life sciences", it's basically death science when they introduce something into the environment that will destroy life. To me it's the greatest assault on human life that we have ever seen on this planet. Imagine introducing something that can terminate life in all higher life-forms!

The other issue I mentioned is the Cheater [or Traitor] gene, which would then give corporations total control over the seed supply and the food supply. The Cheater gene and the Terminator gene can both be put into a seed and when the seed is planted and grows into a plant, it will not produce a seed unless you spray a chemical on it. When you spray the chemical on it the plant produces a seed but the Terminator gene kicks in and renders the seed sterile.

That will give them total control of the seed supply and food supply. And this is what it's all about. Control of the seed supply and food supply, and also the massive increased use of chemicals.

Pharma plants we think are absolutely criminal. Both the US and Canadian governments have allowed prescription-type plants to be grown in the wild and in the open. Six major drugs are being produced by plants right now in North America – in the open! I will try and remember them: industrial enzymes, contraceptive drugs, growth hormones, blood thinners, blood clotters are now being produced by plants. Now you say why are they doing it? It's a lot cheaper to produce a drug in a plant than it is in a lab. We don't have labeling in North America, so we don't know what we're eating. Now we could be eating foods that not only contain GMOs but also contain drugs. Not long ago I was at a meeting in California, and there was a doctor there from Oregon where they have done a lot of testing on these pharma plants. And he gave some examples. If a person has major surgery and then goes home and eats a food with blood thinner, what will the results be? Another example he gave: if a woman is pregnant, and eats food with a contraceptive drug in it, what will the results be?

This is what's going on now with the introduction of GMOs, and I'm sure you don't want this to happen here in Ireland. But this is what has happened to us in Canada and the United States.

I won't go into the environmental issues, and the other dangers of eating GMOs, and the massive use of chemicals. And believe me, I was there in 1947 when chemicals were first introduced in Canada after the Second World War. We've seen the harm the massive use of chemicals has done to our environment and to human health. Now we have the massive use of GMOs.

Why did my wife and I stand up to Monsanto? Sure, we lost fifty years of development, we had two lawsuits against us, but we felt that farmers should never ever lose their right to use their own seeds and plants. First of all, the development by farmers of seeds and plants that are suitable for their own climatic and soil conditions. Even though we were developing a new rapeseed for our region around Saskatoon in the central part of Saskatchewan, it may not have done as well two hundred miles away where soil and climatic conditions are different. One glove does not fit all in the seed industry. And the other issue is that if you get down to one or two varieties of any species of seed or plant, and you have some disease, some blight, some disaster, you've got nothing to fall back on. That's what's happening in Mexico in the states of Puebla and Oaxaca, where half of the ten thousand varieties of maize are now contaminated with GMOs through American food aid given in the form of corn or maize. So what will happen if you ever lose that [biodiversity]? You have nothing more to fall back on.

Another reason is that my wife and I have five children, fifteen grandchildren, and a great-grandchild on the way. Do we want to leave a legacy of an environment full of poisons - our land, our soil, our air and our water full of poisons? We've seen with fifty years of experience what has happened. I don't think any of us want to leave that kind of legacy!

That's one of the reasons I am here in Ireland today - to bring you that message about what can happen with the introduction of GMOs and the massive increased use of chemicals. We feel it is so important to provide an environment for future generations with safe food, and air, and water. And we have to do it now!

Fifteen years from now one of my grandkids may say to me, "Grandpa, you had a chance to do something about it. And you didn't do anything about it."

My wife and I are here to bring you that message. We are so concerned about future generations. Farmers should never ever give up their rights to plant their own seeds and plants. And if they do, you're back to the feudal system and you become serfs of the land. That's what's happening in Canada right now, where the control is no longer by governments, it's by corporations.

And believe me, so long as my wife and I have life in us, we're going to go down fighting for the rights of people and of farmers especially always to be able to use their own seeds from year to year.

It's a pleasure to come to Ireland. Thank you, Michael, for the invitation, and I hope some day to come back. Thank you very much.

NOTES:

Copies of Monsanto documents referred to in the text may be found on the web (along with printer-friendly PDF versions) as follows:

1. Monsanto contract: www.gmfreeireland.org/conference/trans/exhibits/A.php
2. Monsanto GMO seed bag label: www.gmfreeireland.org/conference/trans/exhibits/B.php
3. Monsanto flyer encouraging farmers to denounce their contaminated neighbours: www.gmfreeireland.org/conference/trans/exhibits/C.php
4. Monsanto "extortion letter": www.gmfreeireland.org/conference/trans/exhibits/D.php