

## WHY IS THE INDO- US PACT ON AGRICULTURE BEING KEPT SECRET?

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The politically controversial nuclear deal between India and the US has featured on hundreds of pages of newsprint these last 18 months. What has remained resolutely unreported, almost as if there were a conspiracy of silence over the issue, is the deal between the two countries that was concluded on agriculture. Rather elaborately termed the “ Indo-US Knowledge Initiative in Agricultural Research and Education” , the goal of this initiative is to promote a Second Green Revolution in India which means promoting agricultural biotechnology.

India has already committed to invest 400 crores in the agriculture initiative. Out of this about 300 crores will be used for genetic engineering and biotechnology products. It is not clear what, if anything, the US is investing in this secret Agriculture Pact.

The main features of this India-America agriculture deal are

- Agricultural biotechnology;
- Access to biological resources; and
- Intellectual property rights

All three sectors are interrelated and all are of crucial interest to the US. Agricultural biotechnology has thrown up one very clear fact, that technology rich countries like the US do not have the genetic resources ,which is the raw material needed to make biotechnology products. Intellectual property rights regimes in the form of TRIPS/WTO are the instruments devised to gain access to and *retain ownership* of the developing country bioresources.

- Wal-Mart and Monsanto, two American multinationals are on the board of the Indo-US Knowledge Initiative in Agricultural Research and Education. The board will set the agenda for collaborative farm research with Indian laboratories and agricultural universities. The Indian side is represented by a poultry company and bureaucrats from the Agriculture Ministry. On this unequal playing field, is it realistic to expect that the Indian members will be able to protect Indian interests?
- The research agenda for the agriculture deal encompasses genetically engineered crops, fish and animals...It is not clear who has set this agenda. Who has decided which crops, which traits to engineer? What are the advantages of genetically engineering fish, for instance , as compared to the considerable environmental risks associated with it?
- There is no mention in the deal of key issues of genetic engineering, like respecting crops in their centers of origin, of protecting socio-economic interests of rural and tribal communities and implementing a regime for liability and redress incase something goes wrong with a genetically engineered crop or fish or animal.
- The major stakeholders in agriculture in India , like the National Academy of Agriculture Sciences (NAAS), the Indian agricultural research establishment, the National

Commission on Farmers, Standing Committees of Parliament, State governments, farmer's organizations, civil society organizations and eminent academics, have not been consulted in preparing the framework of the agriculture deal nor in determining the focus areas.

- Developing drought tolerant plants is said to be one of the principal aims of the research program. It is not clear how the US collaboration will help in achieving this aim. The international agricultural research system called the CGIAR ( Consultative Group on International Agricultural Research) has a special one point program to develop drought tolerance , so why are we not collaborating with this public sector institution ?
- Through the Agriculture Knowledge Initiative, the Americans have asked for unhindered access to the rich biodiversity in India's gene banks. Genetic resources are a very valuable economic resource in the era of biotechnology. The Americans have few economically useful genetic resources.
- How will our genetic resources be accessed? Will the terms and conditions of the CBD (Convention on Biological Diversity) be respected? America is a notable dissenter to the CBD and has not ratified it.
- There are no provisions in the agriculture deal for standard CBD features like Prior Informed Consent, Material Transfer Agreement and Benefit Sharing. All this is part of the Indian policy and legislation, the National Biodiversity Act and the Protection of Plant Varieties and Farmers Rights Act. In the absence of such provisions India's considerable genetic wealth may become available to the Americans for free under the guise of this agricultural agreement.
- How will the products of research and the profits be shared ? Will benefit sharing include technology transfer and payment for gene use as provided in the Indian legislation?
- Will the agriculture pact enable India to have free access to the public sector technology and research in US universities and research institutions? Will privately owned US technologies be made available to India for free or at concessional rates? If not, then what is the point of a deal?
- How are farmers going to benefit from programs of the agriculture deal? When a new variety is produced from the Indian genetic material, will it be freely available to them?
- Will the improved varieties be made available to farmers through public research institutions as done during the Green Revolution or will they be given to the private sector for commercialization?
- The Green Revolution was a publicly owned technology. There were no Intellectual Property Rights (IPR) but for the so called "Second Green Revolution" the Board of the

agriculture pact has discussed issues of intellectual property rights on products developed from the research programs. There is lack of clarity on key issues:

- If a database of Indian genetic material is compiled through the collaborative research, will the ownership remain with India?
  - How will the Intellectual Property Rights be granted on outcome of research using Indian genetic resources?
  - In case of conflict over IPRs, is it clear that the Indian law will apply?
  - Will technology and knowledge gained through the collaborative research be freely accessible to the Indian scientific community?
- The Americans along with Agbiotech multinationals like Monsanto have been lobbying for a change in India's IPR laws to introduce patents on seeds and genes and do away with the provisions for protecting farmer's rights.
  - India's unique IPR law called the Protection of Plant Varieties and Farmers Rights Act (PPVFR), the only law in the world which grants legal rights to farmers, will come under threat from American pressure. This will constitute a severe blow to India's ability to be food sovereign and food secure in the long run.
  - There is pressure from corporations nationally and internationally, to remove the ban on the terminator technology. The development of the popularly termed 'terminator' or sterile seed technology will finish off any concept of farmers rights and reduce the farmer to a helpless consumer of the company's seeds. There are apprehensions that the ban on terminator technology in Indian law, might be removed under US pressure.
  - The MS Swaminathan Task Force on Agbiotechnology was set up to provide the policy framework for agriculture biotechnology in India. The report of the Task Force has clearly recommended that India's policy on transgenic crops should be sensitive to biodiversity conservation and the social- economic context of our composite agrarian system, which essentially means that the rights of farmers and their livelihoods must not be jeopardized by any genetically engineered products. The provisions of the Indo –US agriculture deal run counter to these recommendations. The people need to know what will prevail.
  - More recent developments, it is said, under American pressure, include the deregulation of the sector on genetically engineered crops and foods. The government's earlier regulatory oversight on the import of GE foods has been removed and now anyone can import any GE food, without taking permission, declaring the products anywhere or even labelling them.
  - India's consistent position on the mandatory labelling of all GE products at all international forums is changing. Now the Indian government is diluting its stand. The US is the only country that persistently refuses to allow the labelling of GE products at home and lobbies aggressively in international platforms against the labelling of GE products.