

# MONSANTO **VERSUS** THE PEOPLE

**On January 20, an international coalition of interveners, led by The Council of Canadians, presented arguments to the Supreme Court of Canada calling for the reversal of a decision rendered by the Federal Court of Canada. Around the world, people rallied around the case with global and historical ramifications.**

For the first time ever, a high court is examining the implications of the patenting of life forms, in this case a canola seed. Packed into the courtroom in Ottawa to watch this drama unfold were television, radio and newspaper reporters, activists from around the world, corporate representatives, lawyers, students and many others.

With a decision expected within the next 3 to 6 months, the Supreme Court Justices are now faced with the important task of determining what constitutes a patent infringement in relation to a life form that has the ability to reproduce itself.

This court case is the unfortunate consequence of the Canadian government's irresponsible decision to allow genetically engineered crops to be grown in open fields across this country. Saskatchewan farmer Percy Schmeiser was found to have infringed a Monsanto patent on a canola seed when he saved and replanted canola seeds from his previous year's crop. The problem was that his field had been contaminated by Monsanto's genetically engineered canola.

Mr. Schmeiser has repeatedly said that his field must have been contaminated by pollen blowing in the wind or perhaps even a passing farm truck. There is no proof that Mr. Schmeiser had stolen the seeds. The seeds themselves had been genetically engineered to be resistant to a brand of Monsanto herbicide. Despite the fact that the lower court acknowledged that Mr. Schmeiser had never used that herbicide – and therefore didn't benefit from the "special" characteristic of the seed – they ruled that he had infringed a patent. Three years after the Federal Court decision, Mr. Schmeiser has become an international symbol of the fight to defend



**Percy Schmeiser meets the press in the lobby of the Supreme Court.**

*Photo: Ian Mauro*

the age-old farming practice of seed saving – a basic principle of farming around the world – and opposition to corporate injustice against the common man.

Dr. Vandana Shiva, an India-based food security expert, says, "Poor peasants of the South cannot survive seed monopolies. That is why the case of Percy Schmeiser will decide the fate of not just one Canadian farmer but billions of peasants. The unjust and unethical case brought by Monsanto against Percy is a crime against farmers."

At the Supreme Court hearing, it was argued that seeds and other life forms should remain within the realm of the commons, and not be subject to a corporate monopoly. It was argued that companies like Monsanto should be made liable for their pollution of the environ-

ment through genetic engineering, rather than the farmer being punished for having his land contaminated. It was also argued that the Justices had to consider the broader public interest, as this case was no longer just a dispute between a farmer and a corporation.

Defenders of Percy Schmeiser left the hearing feeling energized and hopeful that the Supreme Court would do the right thing. They hoped the Court would do what Prime Minister Paul Martin has refused to do – reclaim the commons and affirm that biodiversity, genetic heritage, and life forms will not be subject to corporate greed.

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