



Updates on Plant Variety Protection

Issue #42, 22 August 2020

1. Editorial

Hopes to see the COVID-19 crisis subsiding are long gone as the pandemic still impacts our daily lives and is pushing people into misery. Meanwhile, international fora are resuming their work and holding virtual meetings, with the risk of exacerbating existing imbalances. Indeed, virtual meetings hold the risk of putting those with poorer internet connection at a disadvantage, preventing them from being heard. Next week, [the third meeting](#) of the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG-FR-3) of the International Treaty on Plant Genetic Resources for Food and Agriculture ([ITPGRFA](#)) will take place virtually (25-28 August). It would not be a surprise if the contradictions between intellectual property rights and farmers' rights are hotly debated once more. To shed some light on this debate, APBREBES is publishing a Policy Brief "Intellectual Property Rights and the Realization of Farmers' Rights under the ITPGRFA – A Conflict?".

2. Intellectual Property Rights and the Realization of Farmers' Rights under the ITPGRFA – A Conflict?

The [new policy brief](#) published by APBREBES speaks about the contradictions between the right that farmers have to save, use, exchange and sell farm-saved seed/propagating material and the Breeders Rights in line with the 1991 Convention of the International Union for the Protection of New Varieties of Plants (UPOV 91). Those contradictions are a major concern in the negotiations for the realization of Farmers' Rights under the ITPGRFA. Since the majority of the ITPGRFA Parties are not members of UPOV, the AHTEG, working under the treaty to develop options to encourage, guide, and promote the realization of Farmers' Rights, should only consider proposals that fully implement farmers' right to save, use, exchange and sell farm-saved seed/propagating material. The AHTEG should also build synergies with the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) and the Convention on Biological Diversity (CBD). The need for compatibility with UPOV 1991 has been rejected by the Governing Body of the ITPGRFA and hence should not be the benchmark for any proposal concerning implementation of Farmers' Rights.

3. Thai House Committee on Trans-Pacific Partnership presses clarification on Thailand official observer status in UPOV

[Bilaterals.org/Prachatai reported](https://bilaterals.org/Prachatai-reported) that on 22 July 2020, Assoc. Prof. Surawit Wannakrairoj, a member of the Agriculture Subcommittee of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), informed the Thai House Committee about an anomaly on the UPOV website. It categorizes Thailand' as an official "observer" who "has been in contact with the Office of the Union [UPOV secretariat] for assistance in the development of laws based on the UPOV Convention" and hence granted access to observe in the four main bodies of the Convention. A member of the House Committee found the practice highly irregular. "In comparison, when the Comptroller General's Department under the Ministry of Finance wished to become an observer in WTO's Agreement on Government Procurement (GPA); it had to seek approval from the Cabinet. However, there is no cabinet resolution regarding Thailand's observer status in UPOV. Accordingly, misconduct by civil servants may be considered." The Committee submitted inquiries to the UPOV secretariat, and the responses on main issues "led to grave concerns over possible intervention in domestic legislation process," according to Prachatai, which added that seed exchanges which farmers may not consider as a commercial activity, may be considered in a different way by UPOV.

4. The importance of Food Sovereignty for the Farm to Fork strategy and the New Green Deal

An [Academic Brief](#) published by Jessica Duncan, Marta Rivera-Ferre and Priscilla Claeys gives recommendations on how to advance food sovereignty and agroecology in the [Farm to Fork Strategy](#) of the European Union. "At the heart of agroecology are diverse and heterogeneous peasant seed systems. In line with Article 9 of the ITPGRFA, and Article 19 of the recently adopted UNDROP, the EU and EU Member States must take measures to address concentration in the seed sector and ensure that seed policies, plant variety protection and other intellectual property laws, seed marketing laws, variety registration and certification systems respect, protect and fulfil peasants' rights to seeds."

5. New Book: Local Knowledge, Intellectual Property and Agricultural Innovation

The [new book](#) (Springer, 2020) edited by Michael Blakeney and Kadambot H. M. Siddique (both from the University of Western Australia) gives a broad overview about the topic and includes many case studies, especially from Asia. Worth reading is the case study on Indonesia, which confirms the importance of local knowledge in selecting and breeding varieties suitable for climate change and environmental crisis adaptation. In Indonesia, as in other parts of the world, however, farmers and scientists in agreement with grassroots-level concerns are often struggling to be heard over discourses often dominated by the growth and output considerations of developmental governments.

6. Subscription, Feedback & Contact

[Subscribe/Unsubscribe](#) to the APBEBES Updates.

You are welcome to forward this issue to other interested individuals or organizations.

Feedback & Contact

François Meienberg, Coordinator Association for Plant Breeding for the Benefit of Society (APBEBES) Mail: contact@apbrebes.org, Web: www.apbrebes.org