



## Updates on Plant Variety Protection

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### 1. Editorial

In our first update on plant variety protection 2020, we do not only present new studies and articles, but also, for the first time, a new video which has been produced by APBREBES together with a group of Swiss NGOs. This coalition is engaged in a campaign seeking to prevent Switzerland requesting the implementation of UPOV 91 provisions in Free Trade Agreements (FTAs) with developing countries. A requirement that should actually be a matter of course, since Switzerland itself does not fully implement UPOV 91.

### 2. **New Video: Monopolies on Seeds: How Free Trade Agreements threaten Food Security and Biodiversity**

A [new two-minute video](#) produced by a Swiss coalition of NGOs, including APBREBES, explains the negative impact of UPOV 91 provisions in FTAs on developing countries. The coalition demands that rich, industrialized countries stop requiring strict plant variety protection based on UPOV 91 in their FTAs. Developing countries should have full freedom to establish their plant varieties legislation as their food security depends on the practice of freely saving and using farm saved seed. Slightly adapted versions of the video in French and German are available on the Website of the coalition [www.recht-auf-saatgut.ch](http://www.recht-auf-saatgut.ch).

### 3. **A historical institutional analysis of access governance of plant genetic resources for food and agriculture in Ethiopia.**

This [article](#) published by Teshome Hunduma Mulesa and Ola Westengen from the University of Life Sciences in Norway includes a specific chapter on balancing plant breeders' rights and farmers' rights. A government official is quoted explaining why Ethiopia will not join UPOV: « UPOV does not support the idea of giving full rights to farmers to use all seeds. This is contrary to our biodiversity policy, seed policy, seed sector strategies, plans and PBR law. Joining UPOV 91 means putting millions of Ethiopian smallholder farmers' livelihoods and the country's food security in jeopardy. So, we have a problem with UPOV, and it is improper for Ethiopia's situation.»

Ethiopia's policy of pluralistic seed system aims to ensure the complementarity of formal and farmers' seed system. The country's Plant Breeders' Law provides farmers with easy access to ex situ collections and the right to freely save, use, exchange, and sell protected plant varieties for noncommercial purposes. At the same time, the policy requires commercial actors to disclose

the origin of genetic material for their intellectual property right applications for ease of traceability and enforcing benefit sharing obligations.

#### **4. Copyright or copyleft: An assessment of farmer-innovators' attitudes towards intellectual property rights**

This [paper](#) written by an international research team aims at understanding farmer-innovators' attitudes towards IP protection and open access. The study is based on a sample of 300 farmer-innovators in Kenya, Malawi and Zambia. It highlights that rural farmers develop high potential and locally adapted innovations. The results show evidence that these small-scale farmer-innovators are more inclined towards an open access model. Nearly 80% of the innovators in the sample would prefer to share their innovations freely with fellow farmers and stakeholders. Regression results suggest that the main driver behind innovators' preference for IPR is related to commercial interests.

#### **5. Joint statement by United Nations human rights experts on the occasion of the 1st anniversary of the adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)**

The [statement](#) reiterates that the implementation of the UNDROP represents “a unique and precedent-setting opportunity to redress various forms of discrimination, systematic violations and historical disadvantage that have affected peasants and other people working in rural areas along decades”. States shall fulfil the rights of peasants by, inter alia, supporting peasant seed systems, and promoting the use of peasant seeds and agrobiodiversity (art. 19.6). The UN human rights experts have witnessed in their work the need to better protect the rights of peasants and other people working in rural areas, and urge States to implement the UNDROP in good faith. They specifically also recommend that the UN Human Rights Council creates a new Special Procedure on the rights of peasants and other people working in rural areas.

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