



Updates on Plant Variety Protection

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New Publication: A Dysfunctional Plant Variety Protection System: Ten Years of UPOV Implementation in Francophone Africa

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The whole report could be downloaded at www.apbrebes.org/publications

Summary:

In 1999, under the influence of Geneva-based institutions, developed countries and their seed industry, OAPI introduced Annex X on plant variety protection – modelled on UPOV 1991 – into the regional Bangui Agreement. The adoption of Annex X followed promises of agricultural transformation through emergence of a competitive commercial seed sector, foreign investment in breeding, the availability of new foreign plant varieties, significant royalty incomes for national research institutes and overall greater benefit for all levels of society.

More than 10 years after Annex X entered into force on 1 January 2006, the Working Paper studies how Annex X has been operationalized, the impact and relevance of UPOV 1991 for the region and, in particular, whether the promises of UPOV 1991 were ever realized for the 17 countries in the OAPI region. Twelve of these countries are categorized by the United Nations as least developed countries.

The results of the investigation are staggering. It points to a dysfunctionnal PVP system that does not fit the socio-economic and agricultural conditions prevailing in the region. Of the current 17 OAPI member states, only seven have made use of the system, at great cost and at the expense of public funds. The private sector's use of the system in the first 10 years of operation of Annex X is negligible. The system has also not delivered any significant increase in plant breeding activities nor led to the development of the seed industry across the region. In fact, a major concern is the misappropriation of local and farmer varieties through the PVP

system.

These results are the consequence of OAPI adopting a “one size fits all” UPOV 1991 approach to PVP in total disregard of the agricultural, social, economic, cultural and market conditions, systems and practices prevailing in the OAPI member states. In OAPI countries most farmers’ seed needs are met by farmers’ circuits based on traditional seeds and adapted farm-saved seeds, and far less by the formal market.

This shows, once again, that the top-down approach of exporting legal frameworks intended for developed countries to developing countries which have different circumstances, is a flawed colonial strategy, with significant costs and missed opportunities for people of the OAPI region.

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