



Updates on Plant Variety Protection

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1. Editorial

Several articles in this newsletter focus the farmers-managed seed systems. Some readers may wonder how those systems relate to Plant Variety Protection but the way PVP rights are formulated can have a major negative impact on farmers-managed seed systems and, consequently, food security. The current discussions at UPOV on the interpretation of the private and non-commercial use exception are a worrying illustration of the willful ignorance of this connection by some delegates and industry lobbyists. It would however be the responsibility of state representatives to establish legislation that is oriented toward the common good and therefore supports both farmer-based and formal seed systems and this will only be possible if they have a thorough understanding of both. We hope our newsletter can make a useful contribution to this knowledge-building.

2. What Future for Seeds under the African Free Trade Area?

When [the final draft of the Protocol](#) on Intellectual Property Rights of the Agreement establishing the African Continental Free Trade Area (AfCFTA) was published by [bilaterals.org](#) a few months ago, the possible impact of the Protocol and how it would relate to UPOV was a guessing game. Article 8 of the Protocol, which calls on states to provide protection for new plant varieties through a sui generis system that includes farmers' rights, plant breeders' rights, and rules on access and benefit sharing, as appropriate, seems to indicate a distinct African solution. Shortly after the publication, Mohamed Coulibaly, a lawyer specialising in environmental and international law, and Grain provided a [first analysis of the text](#), which, however, came to a rather critical conclusion.

3. Indonesia Must Resist EU's Trade Talk Demands that Undermine Farmers' Rights

In her [opinion article](#), published in the Jakarta Post, Karine Peschard, Associate Research Fellow at the Geneva Academy of International Humanitarian Law and Human Rights, shows that there are many reasons why Indonesia should not join UPOV from a human rights perspective. She substantiates her arguments with various studies.

4. A Re-examination of the 2021 Nigerian Plant Variety Act from the Perspective of Pre-existing Obligations to Protect Plant Varieties

The [article](#) (restricted access) by Oluwaseun S. Fapetu, law teacher at the Faculty of Law, Adekunle Ajasin University, Akungba-Akoko in Nigeria, finds that the PVP Act of Nigeria provides unbalanced

protection of rights. It strongly protects the intellectual property rights of breeders without taking into account other interests protected by several international agreements to which Nigeria is a signatory, in particular the interests of farmers, communities, and biodiversity. The paper argues that the Act, which meets the requirements of the 1991 Act of the UPOV Convention, will erode age-long traditional knowledge and practices of local farmers and should therefore be amended to ensure a balanced and compliant legal framework.

5. Seed Systems Development to Navigate Multiple Expectations in Ethiopia, Malawi, and Tanzania

The purpose of [the study](#) by Ruth Haug, Professor of International Development Studies at the Norwegian University of Life Sciences, et al, was to assess how multiple expectations of seed systems outcomes, such as closing the yield gap, adapting to climate change, improving nutrition, ensuring equality, enhancing agro-biodiversity, and securing farmers' rights, influence seed systems development in Ethiopia, Malawi, and Tanzania. The authors conclude "that seed systems development must address different needs for different crops in different agro-ecologies and different groups of farmers. To achieve this, different approaches are needed to harness the strengths of both formal and farmers' seed systems".

6. More Than a Resource - the Social Significance of Local Seed Systems and Seed Exchange in the Global South - The Example of Tanzania

Anyone wishing to better understand the mechanisms of the different forms of seed exchange and seed-giving amongst smallholder farmers should read the book by Jonas Metzger, Doctor of Sociology at the Justus Liebig University in Giessen, Germany (restricted access, 185 pages). Through many interviews he gives a voice to smallholder farmers, providing a direct insight into their seed systems. The book identifies seeds as a central social institution of smallholder societies, and free seed-giving as an instrument of social protection. "This practice not only benefits all members of the farming society regardless of age, gender and social position, but even includes strangers as access to seeds is equated with life. The sharing of seeds grows out of an imperative to enable a livelihood for all people in this lifeworld (Lebenswelt). Asking for seed is therefore in no way improper or shameful. It is not begging, but rather the expression of a legitimate claim for support in a solidary community based on mutual assistance."

7. Cultivating Seed Sovereignty in Tarija, Bolivia

In [her thesis](#) submitted to the Faculty of Graduate Studies of the University of Manitoba, Canada, Kaitlyn Duthie-Kannikkatt explores the tensions in enacting seed sovereignty across national and local scales in Bolivia. In her conclusions, she shows that the current seed legislation must be overturned to enable seed sovereignty: "Global intellectual property regimes that encourage countries to conform their seed and agricultural systems to a single standard established within a Western governance paradigm represent a perpetuation of colonial dynamics that we must interrogate. Agrarian movements around the world have criticized the UPOV system for limiting what farmers can do with their seeds, imposing significant limits on community seed sovereignty. It is imperative that all countries, especially countries like Bolivia that have made good work of transforming their constitution around the needs of a diverse, plurinational state, reject these global systems of modernity in favour of community-rooted systems that centre community food and seed sovereignty."

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