

OPEN LETTER

To:

- 1. Mr. Francis Gurry, Secretary General of UPOV**
- 2. Mr. Rolf Jördens, Vice-Secretary General of UPOV**
- 3. Member States of UPOV**

SUPPORT FOR FARMER AND CIVIL SOCIETY ORGANISATIONS' OBSERVER STATUS TO UPOV

We, the undersigned organisations call on UPOV to open its doors to farmer and civil society organizations.

Last October, UPOV's Consultative Committee rejected the application by the Association for Plant Breeding for the Benefit of Society (APBREBES) and the European Coordination Via Campesina (ECVC) for observer status in UPOV's bodies. In addition, ECVC learned of the rejection through official meeting records, as UPOV did not even consider it necessary to communicate to ECVC of the outcome of the application for observer status.

UPOV being a Union of States must represent the interests of all their people. Thus in our view, this rejection was without any concrete basis and is simply unacceptable.

ECVC is a member of Via Campesina, the biggest international movement of peasants, small- and medium-sized producers, landless, rural women, indigenous people, rural youth and agricultural workers.

APBREBES is founded by organizations working on plant breeding and issues related to UPOV regulations. APBREBES is made up of the following organizations: Berne Declaration (Switzerland); Center for International Environmental Law (USA); Community Technology Development Trust (Zimbabwe); Development Fund (Norway); Local Initiatives for Biodiversity, Research and Development (Nepal); Searice - The Southeast Asia Regional Initiative for Community Empowerment (Philippines); and Third World Network (Malaysia).

The competence of ECVC and APBREBES in matters governed by UPOV is beyond question.

We are of the view that UPOV's decision on the application for observer status needs to be revisited. The decision is disappointing. It shows that UPOV is not inclusive or supportive of farmer and civil society organizations that work in the interest of peasants, small and medium scale farmers and the broader public. It also shows that UPOV favors

and prefers to largely involve right-holders, private seed companies, and their representatives in its decision making processes and is against having a variety of views presented in the Organization's discussions. Its attitude is against the global trend of more inclusive participation of civil society in multilateral intergovernmental fora.

Organizations such as the International Association for the Protection of Intellectual Property (AIPPI); International Chamber of Commerce (ICC); European Federation of Pharmaceutical Industries' Association (EFPIA); International Federation of Industrial Property Attorneys (FICPI) and other associations that represent the interests of major seed and biotechnology companies and IP holders have observer status at UPOV.

As such it is indefensible that farmer and civil society organizations such as ECVC and APBEBES were denied observer status last October. This is even more so in view of the recent report of the UN Special Rapporteur on the Right to Food that has presented evidence of the possible adverse impact of plant variety protection laws on the lives of farmers and food sovereignty.

We are of the view that representation of all stakeholders is crucial for the further development of UPOV. UPOV being an intergovernmental organisation cannot only serve the interests of the private sector and ignore the interests of peasants, small and medium scale farmers and the broader public.

We strongly support the application by ECVC and APBEBES for observer status in UPOV bodies and urge the UPOV Secretariat and Member States to grant observer status to ECVC and APBEBES at the next UPOV-Meeting.

A rejection of the applications would signify to the world that UPOV only favors certain stakeholders and is not interested in taking into account issues that affect the most vulnerable communities, food sovereignty and biodiversity.

(March 2010)

SIGNATORIES

1. Action Aid, Pakistan
2. Agric Link Multipurpose Cooperative Society Limited, Nigeria.
3. Alliance Sud, Switzerland
4. ARCHE NOAH, Austria
5. Association de soutien "biosem", Switzerland
6. Association de producteurs et de consommateurs pour l'agriculture de proximité
Lopin bleu, Switzerland
7. Association les Mangeurs, Switzerland

8. Association marches paysans, Switzerland
9. Berne Declaration, Switzerland
10. Bharatiya Krishak Samaj, India
11. Bio Suisse, Switzerland
12. Butere Focused Women in Development (BUFOWODE), Kenya
13. Center for Human Rights and Rehabilitation (CHRR), Malawi
14. Center for International Environmental Law, USA
15. Citizens' International, Malaysia
16. Community Development Association (CDA), Bangladesh
17. Community Health Evangelism Programme, Sierra Leone
18. Community Technology Development Trust, Zimbabwe
19. Congregation of Our Lady of Charity of the Good Shepherd, Switzerland
20. Consumers Association of Penang, Malaysia
21. Coopérative Les Jardins de Cocagne, Switzerland
22. 3D-> Trade – Human Rights – Equitable Economy, Switzerland
23. Development Fund, Norway
24. Die Grünen Schweiz – Les Verts Suisse; Switzerland
25. Diverse Women for Diversity, India
26. Ecologistas en Acción, Spain
27. Ecoropa, Germany
28. EED (Church Development Service), Germany
29. Farmer's Initiatives for Ecological Livelihoods and Democracy (FIELD), Indonesia
30. Farmer Unions' Confederation of Turkey, Turkey
31. Fédération romande de l agriculture contractuelle de proximité, Switzerland
32. Friends of Earth, Spain
33. GENET - European NGO Network on Genetic Engineering, Europe
34. German NGO Forum Environment & Development, Germany
35. ILSA, Colombia
36. International Baby Food Action Network - Geneva Infant Feeding Association (IBFAN-GIFA), Switzerland
37. Indian Coordinating Committee of Farmers Movements (ICCFM), India

38. Initiative for Health Equity & Society, India
39. Institut Masyarakat Berhad, Malaysia
40. Interessengemeinschaft für gentechnikfreie Saatgutarbeit (IG Saatgut), Germany, Austria, Switzerland
41. Jardin des Charrotons, Switzerland
42. Karnataka Rajaya Rithi Sanga (KRRS), India
43. KECI - Urban Initiative in Solidarity with Farmers, Turkey
44. "Kein Patent auf Leben!" "No Patent on Life!", Germany
45. Kenya Biodiversity Coalition (KBioC), Kenya
46. Kheti Virasat Mission, India.
47. KIKANDWA Rural Communities Development Organisation, Uganda
48. Labour, Health and Human Rights Development Centre, Nigeria
49. Local Initiatives for Biodiversity, Research and Development, Nepal
50. Lokoj Institute, Bangladesh
51. Lok Sanjh Foundation, Pakistan
52. MIJARC Europe
53. Network Opposed to GMOs (NO2GMOs), Philippines
54. Oikos - fellesorganisasjon for økologisk produksjon og forbruk, Norway
55. Organic Producers and Processors Association of Zambia, Zambia
56. Peoples Health Council South Asia
57. Peruvian Society for Environmental Law (SPDA), Peru
58. Plataforma Rural, Spain
59. Pour la Coopérative Européenne Longo Mai, Switzerland
60. Pro Specie Rara, Switzerland,
61. Programa Universitario México nación Multicultural-UNAM-PUMC-UNAM, Mexico
62. Rural Reconstruction Nepal (RRN), Nepal
63. Sahabat Alam (Friends of the Earth) Malaysia
64. Sahaja samrudha-Organic farmers association of Karnataka, India
65. Sarawak Dayak Iban Association (SADIA), Sarawak, Malaysia
66. Seed Trace Association, Turkey

67. Senterungdommen, Norway
68. Schweizer Bergheimat, Switzerland,
69. Schweizerische Vereinigung zum Schutz der kleinen und mittleren Bauern VKMB,
Switzerland
70. Scottish Crofting Federation, United Kingdom
71. UHSPA, Uganda
72. Southeast Asian Council for Food Security & Fair Trade (SEACON), Malaysia
73. The Southeast Asia Regional Initiative for Community Empowerment (SEARICE),
Philippines
74. Spire, the Development Funds Youth Organization, Norway
75. Swissaid, Switzerland
76. Tamil Nadu Organic Farmers Federation, India
77. Thanal, India
78. Third World Network, Malaysia
79. Transnational Institute, the Netherlands
80. Uniterre, Switzerland
81. Vision Landwirtschaft, Switzerland