

CIVIL SOCIETY STATEMENT

EIGHTH SESSION OF THE GOVERNING BODY (GB8) INTERNATIONAL SEED TREATY (IT PGRFA)

15.4 – Cooperation with UPOV

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Madame Chair, distinguished delegates

I am speaking on behalf of the civil society organizations present at this meeting.

We like to draw your attention specifically to point 10 in the Resolution of Doc 15.4/1, where the Secretary is requested to explore a possible new initiative proposed by UPOV to develop brief explanations of the objectives and mutual supportiveness of the International Treaty, the CBD and the UPOV Convention.

We believe that such an initiative would be inappropriate. The majority of contracting parties to the Treaty have not ratified the UPOV Act of 1991. Instead, many of these parties enacted a *sui generis* plant variety protection law, which tries at least to balance breeders rights and Farmers' Rights thus trying to satisfy the requirements of Art. 9 and Art. 6 of the Treaty. These countries have implemented specific chapters on Farmers' Rights and are protecting farmer varieties and traditional knowledge. In the opening ceremony the honourable Indian agriculture minister presented the Plant Variety and Farmers' Rights Act of India as one example, allowing farmers to save, use, exchange and sell protected seeds.

Wouldn't it be very strange if the Governing Body were now to request the Secretary to develop brief explanations on mutual supportiveness with UPOV? This a system which cannot be described supportive of the Treaty, especially when compared to other PVP *sui generis* laws implemented by contracting parties of the Treaty? We do not think that such an initiative would be appropriate. What makes sense, would be to analyse various PVP laws from all Treaty contracting parties – and to examine the different levels of supportiveness.

Ladies and Gentlemen, it would be a devastating signal to give credit to a PVP system like UPOV 91 while not to give greater recognition to the numerous contracting parties that have enacted *sui generis* PVP laws including Farmers' Rights that contribute more significantly to the implementation of the Treaty.

Thank you very much for your attention