



Updates on Plant Variety Protection

Issue # 9 – October 8, 2014

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1. Editorial

This issue of the APBREBES Updates on Plant Variety Protection highlights key items to be discussed at the UPOV 2014 Autumn Session, and a CSO Open Letter to the ITPGRFA Secretary arguing that the approach of the Secretary to

implementation of Resolution 8/2013 which concerns farmers' rights is flawed. This issue also reports on the historic repeal of Guatemala's UPOV compliant PVP legislation (also known as "Monsanto law") following massive protest by indigenous and farmer communities as well as social movements, and the battle against PVP legislation which rages on in Ghana. Further this issue highlights a recent publication on legal avenues to accommodate the needs and traditions of smallholder farmers in PVP legislation in Sub-Saharan Africa.

2. UPOV's 2014 Autumn Session – Upcoming Issues

UPOV will be meeting in Geneva for its Autumn session from 13th to 17th October 2014. Its Administrative and Legal Committee (CAJ) will meet on 13th October, the Administrative and Legal Committee Advisory Group (CAJ-AG) on 14th and 17th October, the Consultative Committee (CC) on 15th October while its highest decision-making body, the UPOV Council on 16th October. The meetings of the CAJ-AG and the CC are closed to observers.

For key upcoming issues [read more](#)

3. Open Letter to the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture on Farmers' Rights

In a letter dated 18th September 2014 NGOs from around the world have asked Dr. Shakeel Bhatti, the Secretary to the International Treaty to reconsider his approach to implementing paragraph 3 of Resolution 8/2013 (adopted in September 2013) concerning implementation of Farmers' Rights (Article 9) of the Treaty. Paragraph 3 of Resolution 8/2013 requests the Secretary to "invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments".

[Read more](#)

4. Guatemala: "Social mobilization crowned with victory"

On 5th September 2014, the Congress of Guatemala repealed plant variety

legislation that would have allowed Guatemala to accede to UPOV 1991. This legislation passed by Congress in June has sparked massive protests from farmers' organizations, indigenous movements and civil society. The revocation of the legislation also known as "Monsanto Law" follows a decision taken on 29 August by the Constitutional Court to suspend the law based on demands of different farmer and civil society organisations.

For news reports on see:

- *"Guatemala repeals plant breeder rights law"* at <http://www.bilaterals.org/?guatemala-repeals-plant-breeder>
- *"Mayan People's Movement Defeats Monsanto Law in Guatemala"* at <http://upsidedownworld.org/main/guatemala-archives-33/5042-mayan-peoples-movement-defeats-monsanto-law-in-guatemala>

[Read more](#)

5. Ghana: CSOs continue protest against Plant Breeders' Bill

Civil society groups continue to protest against the Plant Variety Protection Bill, which is modeled on UPOV 1991. Previously farmer, labour unions, religious, political and civil society organisations have had street demonstration against the adoption of the Bill, expressing serious concerns over the lack of public consultation, the content of the Bill (in particular the undermining of farmers' rights), and Ghana's intention to join UPOV 1991.

[For the latest see:](#)

6. New Publication: *"Plant Variety Protection in Sub-Saharan Africa: Balancing Commercial and Smallholder Farmers' Interests"*

by Bram De Jonge, in Journal of Politics and Law; Vol. 7, No. 3; 2014

See the [Abstract](#)

Full text is available at <http://ccsenet.org/journal/index.php/jpl/article/view/39778>

Calendar of Events

Autumn session of UPOV bodies, 13 to 17 October 2014

- [Administrative and Legal Committee](#): Monday, 13 October 2014
- [Administrative and Legal Committee Advisory Group](#): Tuesday, 14 and Friday 17 October 2014 (closed to observers)
- [Consultative Committee](#): Wednesday, 15 October 2014 (closed to observers)
- [Council](#): Thursday, 16 October 2014

See also the [Upcoming Events](#) on our website

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