



Updates on Plant Variety Protection

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1. Editorial

A few days ago, the 11th meeting of the FAO Plant Treaty (ITPGRFA) Governing Body concluded with a disappointing outcome for many: no consensus was reached on reforming the multilateral system, nor was there agreement on a follow-up process. During negotiations on farmers' rights, Japan, in particular, with the support of representatives of the seed industry, sought to prevent any further work to promote farmers' rights at the policy level. The reason repeatedly cited in the bitter fight was that political work on farmers' rights amounted to an attack on breeders' rights under UPOV. Their effort was unsuccessful, but the dispute once again showed how closely the two issues are linked and that, if farmers' rights are to be truly respected, changes to plant variety rights are needed.

As this is our last newsletter for this year, we would like to wish all our readers a bright holiday season and a great start to the New Year!

2. A Landmark Victory for Kenyan Peasants! Kenya's PVP Act has been Declared Unconstitutional

In 2022, a group of smallholder farmers from across Kenya petitioned the High Court, asking it to rule that the sections of the Seeds and Plant Varieties Act that restrict their right to use, save, exchange, or sell seeds are unconstitutional. On 27 November 2025, the [High Court of Kenya ruled](#) in favor of the smallholder farmers, declaring sections of the *Seed and Plant Varieties Act* unconstitutional. Elizabeth Atieno, Food Campaigner at [Greenpeace](#) Africa, a co-plaintiff in the court case, said: "Today, the shackles have been removed from Kenya's farmers." Kenya's Seeds and Plant Varieties Act covers both seed legislation and plant breeders' rights. In their successful lawsuit, the plaintiffs challenged articles from both parts of the Act. APBREBES compiled a [summary of the judgment](#), focusing on the part directed against the plant breeders' rights legislation. Kenya is a member of UPOV 91, and its legislation is therefore considered in line with UPOV 91, but it is no longer considered to be constitutional. The judge's central argument was that this kind of plant variety protection conflicts with the right to food. An argument that was already put forward over 10 years ago in a [Human Rights Impact Assessment](#).

3. Bishops Take a Clear Stance: UPOV Violates Farmers' Rights

The resistance in Kenya is just the tip of the iceberg. A [statement](#) by the Symposium of Episcopal Conferences of Africa and Madagascar (SECAM), published jointly with the Commission of the Bishops' Conferences of the European Union (COMECE) on the occasion of the EU-Africa Summit earlier this year, indicates that resistance to UPOV has also reached church leaders. "We urge the ministers gathered in Brussels to place the dignity of African peoples at the heart of the AU-EU partnership. [...] It means protecting and promoting farmer-managed seed systems, which are the repositories of Africa's

agricultural biodiversity and the key to food sovereignty. These systems are not backward or inefficient – they are resilient, rooted in tradition, and adapted to local ecologies. Criminalising farmers for saving seeds or imposing rigid intellectual property regimes aligned with UPOV or corporate agendas violates both their rights and the planet’s needs.”

4. Free Trade Agreements Pushing UPOV

GRAIN has updated its [dataset](#) on free trade agreements (FTAs) that force countries to adopt rules on plant variety protection in line with UPOV. Until recently, European countries, the US, Australia, and Japan mainly pushed UPOV standards through their FTAs. But as the new dataset shows, the United Arab Emirates is now doing the same – and getting away with it where they can. “The fact that they are now pushing UPOV standards on trading partners clearly makes Abu Dhabi a new threat to food sovereignty worldwide”, writes Grain. This autumn, the USA has once again begun forging trade agreements that force partner countries, in this case Cambodia and Malaysia, to join UPOV. This once again highlights the discrepancy between the repeated emphasis that joining UPOV is beneficial for countries and the fact that they join only when coerced.

5. Upcoming Reforms to India’s Plant Variety Act: Key Issues & Farmer Concerns

India’s Union Agriculture Minister Shivraj Singh Chouhan announced that the Centre [plans to amend](#) the Protection of Plant Variety and Farmers’ Rights Act (PPV&FRA). A committee is holding nationwide consultations with farmers, industry, civil society, and researchers to propose amendments. The debates include redefining “variety,” expanding “seed” definitions, clarifying “breeder,” improving DUS tests, and defining punishable abusive acts involving misleading seed denominations. In a [joint letter](#), farmers, activists, and researchers heavily criticise the process, among other things, because farmers are not represented on the committee. Regarding the content, they write: “The justification being provided for some of the amendments being proposed, rationalising the proposals as harmonisation with UPOV, is highly objectionable.” “This ‘harmonisation with UPOV’ is a sinister agenda of industry lobbies,” they said. In another [article](#) about the process, Shalini Bhutani, Legal Researcher & Policy Analyst, concludes: “To stay uniquely pro-farmer in times when IP maximalist forces dominate will be the true test of this amendment process.”

6. Recovering *res communis* from *res propia*: How does Open Source Seed Contribute to Farmers’ Seed Rights and Breeding for Diversity?

According to [an article](#) by various experts active in the field of open source seed (OSS), “The current complex seed governance framework and the increasingly oligopolistic seed industry that supports it have created a series of enclosures around seeds.” These enclosures “exclude farmers and many breeders from freely accessing, sharing, and improving seeds, thereby constraining their freedom to operate and cooperate,” they said. In response to the ongoing loss of both cultivated diversity and farmers’ seed rights, experimental initiatives have emerged that apply open-source models and copyleft principles to the domain of seed. The article introduces six of these initiatives, which operate in diverse cultural, policy, and agronomic contexts across five continents. It also analyses the mechanisms by which open-source seed models attempt to overcome legal, knowledge, and financial enclosures.

7. Seeds of Conflict

The latest edition of the *Third World Resurgence* magazine, published by the Third World Network, focuses strongly on seeds and farmers’ rights. In his [article](#) ‘Seeds of Conflict’, Lean Ka-Min, the magazine’s editor, explains how UPOV threatens farmers’ rights and long-term food security. In the latest edition of the *Watershed Sentinel*, a Canadian grassroots environmental publication, Cathy Holtslander, Director of Research and Policy at the National Farmers Union, [writes](#) about the proposed changes to Canada’s Plant Breeders’ Rights regulations and how these changes would further erode the

ancient practice of saving seeds. She also mentions a [parliamentary e-petition](#) signed by over 6,000 Canadians by early October, asking the Government of Canada to abandon this regulatory proposal.

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