

DEVELOPMENT, INNOVATION AND INTELLECTUAL PROPERTY PROGRAMME (DIIP)

Monthly Update

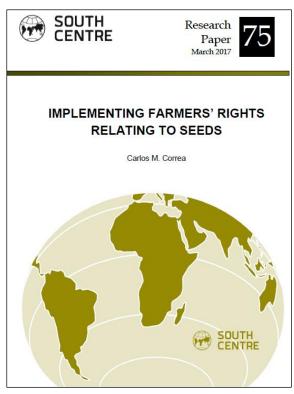
April 2017

HIGHLIGHTS

New Research Paper by Prof. Carlos M. Correa **Implementing Farmers' Rights Relating to Seeds**, *Research Paper* 75, South Centre, March 2017.

The concept of Farmers' Rights recognized the role of farmers as custodians of biodiversity and helped to draw attention to the need to preserve practices that are essential for a sustainable agriculture. This paper examines one particular aspect of such rights, perhaps the most controversial. It deals with the component of farmers' rights referred to the use, exchange and sale of farm-saved seeds. Although, that concept was initially introduced in 1989 with the aim of balancing the rights of farmers as breeders and of commercial plant breeders, a specific reference to the rights relating to seeds was only introduced upon the conclusion of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) in 2001.

The adoption of the concept of Farmers' Rights in the context of the International Undertaking on Plant Genetic



Resources (IUPGR) fostered international action on the ways to recognize and reward farmers' ancestral contributions, not only to the current benefit of such farmers, but in order to ensure the continuity of activities that are crucial for a sustainable agriculture and food security.

The ITPGRFA recognizes the right relating to seeds as a component of Farmers' Rights in a preambular paragraph and in the text of the Treaty with a non-binding formulation (despite the legally binding nature of the treaty as such). Such a formulation is unable to derogate international obligations that the contracting parties may have under other binding international treaties, such as UPOV 1991. While this is the current legal situation, the ITPGRFA indicates the direction in which the national and international law should evolve in order to ensure the effective recognition of farmers' contributions to a sustainable agriculture and food security.

To this end, a revision of national laws should be conducted, where needed, to ensure their compatibility with the realization of Farmers' Rights. Likewise, a revision of UPOV 1991 seems necessary to align it with the objectives of the ITPGRFA. The possibility of allowing current or new UPOV members to shift to or join UPOV 1978, respectively, should also be considered, as it would promote regimes of plant variety protection more compatible with the implementation of Farmers' Rights.

This paper is available from: https://www.southcentre.int/research-paper-75-march-2017/.

PUBLICATIONS

IP Negotiations Monitor

• IP Negotiations Monitor – Issue No. 21, April 2017. The IP Negotiations Monitor summarizes the latest developments in multilateral and regional fora where intellectual property negotiations take place, and informs on upcoming meetings and events.

This issue includes coverage of developments in WTO, WIPO, WHO, FAO, UPOV, CBD, UNFCCC, Internet Governance, particularly the Working Group on Enhanced Cooperation (WGEC) of the Commission on Science and Technology for Development (CSTD). It also gives updates on the United Nations Human Rights Council and on Free Trade Agreements. The monitor is available from: https://www.southcentre.int/ipnegotiations-monitor-21-april-2017/.

EVENTS/MEETINGS

- 3 April, Working Lunch Meeting at the South Centre on *Innovation for Antimicrobial Resistance*, with participation of Médecins Sans Frontières (MSF), Access to Medicines Campaign, the Drugs for Neglected Diseases Initiative (DNDi) Global Antibiotic Research and Development Partnership (GARDP) initiative and ReAct.
- 12 April, Working Lunch Meeting at the South Centre for Like Minded Countries on Enhanced Cooperation in the field of Public Policies on Internet CSTD/Internet Governance.
- 27 April, Working Lunch Meeting at the South Centre in preparation for the *Fourth* session of the open-ended intergovernmental working group (OEIWG) on a United Nations declaration on the rights of peasants and other people working in rural areas that will be held from 15 to 19 May 2017 at the Palais de Nations in Geneva.

PARTICIPATION IN EXTERNAL EVENTS

• 6-7 April, *South-South & Triangular Cooperation in Implementing the Agenda 2030*, held in Tunis, Tunisia. Mr Nirmalya Syam participated and gave a presentation titled South Centre Support for Developing Countries in South-South Cooperation in the Context of the Agenda 2030.

- 10-12 April, the "Atelier régional: Le transfert de technologie et la santé publique", (Regional Workshop on Transfer of Technology and Public Health) held in Dakar, Senegal; organized by UNAIDS/UNCTAD/YOLSE. Prof. Carlos Correa participated and made presentations mainly on patentability requirements in the context of OAPI.
- 17-21 April, *International Congress on Philosophy and Health* held in Pontevedra, Spain. Dr. Germán Velásquez participated as a keynote speaker on the second day gave a presentation titled: "Pharmaceutical industry: a healthy business?" During the conference he also gave three interviews to Spanish newspapers and gave a lecture to 150 high school students on the subject of access to medicines.
- 19 April, interview of Dr. Germán Velásquez by the newspaper *Faro de Vigo* on his presentation "Pharmaceutical industry: a healthy business?" at the *International Congress on Philosophy and Health* held in Pontevedra, Spain.



www.southcentre.int