

Letter to the Chairman of International Convention for the Protection of New Varieties of Plants UPOV 1991

125/356 Narathip Village Muang Nontaburi 11000 tel +66(0)29853837-8

18 November 2013

Re UPOV 1991

Dear Mr. Martin Ekvad, Chairperson of the Administrative and Legal Committee;

In your capacity as Chairperson of the UPOV Administrative and Legal Committee, you have visited Thailand to urge the country to sign the International Convention for the Protection of New Varieties of Plants (UPOV 1991) at a time in which Thailand is in negotiations for a Trade Agreement with the European Union.

BIOETHAI Foundation, and the Alternative Agriculture Network, Civil Society Organisations in Thailand and the FTA Watch oppose UPOV 1991 since becoming a party to this specific Convention will have an impact on the small scale farmers and have an impact on the country in the following ways:

1. It will withdraw the rights of the farmers to keep, conserve and exchange genetic materials of plants, which are natural rights of small-scale farmers, recognized in article 66 of the Thai Constitution 2007.

2. It will destroy the mechanisms for access and benefit sharing under the Plant Varieties Protection Act, 1999 which is a law conducted on the basis of the Convention on Biological Diversity. The amendment of Thai laws to make them consistent with UPOV 1991 would be seriously detrimental to the effective protection of our local plant varieties and would indirectly support biopiracy.

3. There are many studies which have reported that joining UPOV will have an impact on the utilisation of genetic materials by small scale plant breeders, community enterprise and would facilitate the increasing monopolization of the giant seed companies

4. From the studies in Thailand, it has been found that the small-scale farmers would face increased costs in buying seeds of 2-6 times higher than the present.

The intellectual property laws in each country should be consistent with the context of development and bring about benefit to the majority, as well as sustainable development in that particular country. We have therefore found that even in Europe itself, there are many countries for example Italy, Portugal, Norway which have not signed UPOV 1991 convention.

The organizations of the small-scale farmers and the Thai civil society view the main terms of the 1991 UPOV Convention will have an impact on the small-scale farmers and will abuse the rights of farmers, in contravention of sovereign rights of the country over the genetic resources. It would facilitate the monopolization of the large seed corporations, and impose impacts for the biological diversity and food security of Thailand over the longer term.

We hereby declare that the networks of small-scale farmers in Thailand, the civil society organizations and FTA Watch will mobilize to oppose UPOV 1991 to the utmost, and in particular to the pressure on Thailand to join this Convention as part of the negotiations towards an FTA between the European Union and Thailand

Yours sincerely,

- BIOTHA I Foundation
- Alternative Agriculture Network
- Seed Freedom, Thailand
- The Foundation for Knowledge Management and Farmer School Network of Nakhon Sawarn province
 - ≅ Food Security Network, Satingphra.
 - ≅ Network of fish folks, Phang-nga Bay.
 - The Network for Change in the East
 - FTA Watch