

## **Open letter to the relevant ministries from Norway, Liechtenstein and Switzerland**

Oslo, 9 July 2020

Dear Ministers,

In countries of the Global South most of the seed supply is provided by the diverse farmer-managed seed systems. A central pillar of these systems is the farmer's right to freely save, use, exchange and sell farm-saved seeds. However, the 1991 Act of the UPOV Convention (UPOV 91) deprives farmers of the right to exchange and sell protected seeds or propagating material. Even saving seeds and replanting on their own fields is prohibited for most plant species and restricted for others. In this way, UPOV 91 not only jeopardizes the right to food and food sovereignty, but is also a threat to agrobiodiversity. The diversity of varieties stored in gene banks and cultivated in fields and gardens across the world, which is an indispensable resource for breeding new crops, relies on functioning farmers seed systems. If we destroy these systems, we harm humanity as a whole. The dangers of inappropriate plant variety protection laws have been highlighted by many different reports and studies<sup>1</sup> in recent years.

For many years, EFTA States (Switzerland, Norway, Liechtenstein and Iceland) have been forcing developing countries to adopt plant variety protection laws in line with UPOV 91 through free trade agreements (FTA). The list of countries that have been forced to join, or to be in line with UPOV 91 includes Morocco (FTA 1999), Jordan (2002), Lebanon (2007), Egypt (2008), Central American States (2014), and Indonesia (2018). Several other FTAs are currently under negotiation.

Ironically, Switzerland, Norway and Liechtenstein have chosen not to comply with the requirements of UPOV91 in their own national laws. In 2005 the Norwegian government turned down a proposal for a UPOV 91 membership and decided to keep the customary rights of farmers to save and use farm-saved seeds and propagating material. The Swiss plant variety protection act allows for the use of farm-saved propagation material for various crops such as wheat or potatoes, without any limit or royalty payment. This was a main request of farmers when the law was negotiated in parliament. Thus, although Switzerland ratified UPOV 91, it is not in line with its requirements. Such a law would prevent any candidate country from joining UPOV. Liechtenstein has no plant variety protection law at all and is not a member of UPOV. It has thus not respected the free trade agreements it has signed over the past 20 years.

Demanding laws from developing countries that are considered even inappropriate by yourselves is hypocritical and unfair. All the more so as farmers' rights are even more important for food security in the countries of the Global South than in Switzerland, Norway

or Liechtenstein. Seeking to impose laws on countries of the Global South, which were drafted without their involvement, is a neo-colonial dictate running counter to their interest. These countries have the right and a duty to develop laws and policies related to seeds that are best suited to their agricultural system and the needs of their population, always taking into account the Farmers' Right to participate in decision-making processes. It is unsettling to see that rich EFTA countries risk jeopardizing the ability of countries to develop tailored laws, and make use of the flexibilities provided by the World Trade Organization' Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

For all these reasons, we urge you to remove demands for UPOV 91 compatible plant variety protection laws from your negotiating mandates for future FTAs. This would be an important step towards more justice and a significant contribution towards achieving the United Nations Sustainable Development Goals.

On behalf of the undersigned organisations

Handelskampanjen

Anniken Storbakk, generalsekretær

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#### **First signatories**

##### **International**

Grain  
APBEBES

##### **Indonesia**

Indonesia for Global Justice – IGJ ()

##### **Liechtenstein**

Liechtensteinische Gesellschaft für Umweltschutz  
Tellerrand – Verein für solidarisches Handeln

##### **Malaysia**

Consumers' Association of Penang  
Third World Network  
Sahabat Alam Malaysia (Friends of the Earth)

##### **Norway**

Development Fund

##### **Switzerland**

Alliance Sud  
Brot für alle  
Fastenopfer  
HEKS/EPER  
Public Eye  
Swissaid

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#### **List of supporters**

##### **International**

Africa Faith & Justice Network

Bischöfliches Hilfswerk MISEREOR  
Community Alliance for Global Justice/AGRA Watch  
FIAN International  
Friends of the Earth International  
Global Forest Coalition  
Institute for Agriculture & Trade Policy  
Society for International Development (SID)

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## Europe

### Belgium

ACT Alliance Advocacy to the EU  
Jai jagat. Friends of earth. MDD

### Bosnia and Herzegovina

Centar za zivotnu sredinu / Friends of the Earth Bosnia and Herzegovina

### Denmark

NOAH - Friends of the Earth Denmark

### France

Agir Pour l'Environnement  
Aitec  
Amis de la Terre France  
Attac France  
CADTM France  
Plantes, sens & essences

### Germany

FDCL - Center for Research and Documentation Chile-Latin America  
Slow Food Deutschland

### Hungary

National Society of Conservationists - Friends of the Earth Hungary  
Towards Sustainability Association

### Italy

centro internazionale crocevia

### Liechtenstein

Ackerschaft  
BIOLAND Liechtenstein  
Pamoja for Transformation  
Verein Symbiose  
Wir Teilen: Fastenopfer Liechtenstein

### Luxembourg

Kraizschouschteschgaart  
Mouvement Ecologique asbl., FoE Luxembourg

### Malta

Friends of the Earth Malta

### Norway

Handelskampanjen  
Norwegian Seed Savers  
Organic Norway

### Portugal

ZERO - Association for the Sustainability of the Earth System

### Spain

Amigos de la Tierra  
Café Feminista Chamberi  
Ongd AFRICANDO

### Sweden

Jordens Vänner - Friends of the Earth Sweden

### Switzerland

Alliance suisse pour une agriculture sans génie génétique  
Arbeitsgruppe Schweiz Kolumbien ask!  
biorespect - Wir hinterfragen Biotechnik

Bioverita  
Biovision  
CETIM  
EcoSolidar  
FIAN Switzerland for the Human Right to Food  
Honduras Forum Schweiz  
Hornlabel  
Kleinbauern-Vereinigung VKMB / Association des petits paysans  
Landwirtschaft mit Zukunft  
MultiWatch  
Plateforme souveraineté alimentaire  
Pro Natura / Friends of the Earth Switzerland  
Sativa Rheinau AG  
Schweizer allianz Gentechfrei  
Solifonds  
Stiftung für Konsumentenschutz  
T. Theater Schweiz  
Tourism for Help  
Uniterre  
Urban Agriculture Basel  
WWF Schweiz  
www.sozialeökonomie.org  
Zürcher Tierschutz

**The Netherlands**

Water Justice and Gender

**United Kingdom**

Friends of the Earth Scotland

TERRA-PE

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**Africa**

**Burkina Faso**

APN-Sahel  
COASP Burkina  
Terre A Vie

**Cameroun**

APDDH-ASSISTANCE (Défense des Droits de L'Homme)  
Association Foi et Justice  
Réseau des Acteurs du développement durable  
Synaparcam

**Côte d'Ivoire**

COPAGEN  
YETIHO

**Ethiopia**

Alliance for Food Sovereignty in Africa

**Gabon**

Muyissi Environnement

**Ghana**

Food Sovereignty Ghana  
Peasant Farmers Assoc of Ghana

**Guinea-Bissau**

APROMODAC, Associação para a promoção de desenvolvimento das acções comunitarias  
ONG-GUIARROZ

**Kenya**

Ecological organic agriculture Initiative  
Growth Partners Africa  
Haki Nawiri Afrika  
Kenya conference of catholic Bishops

**Mali**

COASP-Mali  
Convergence Globale des Lutttes pour la Terre et l'Eau - Ouest Africaine  
Convergence malienne contre les accaparements des terres (CMAT)  
ONG Sahel 21  
Réseau Régionale des Horticulteurs de Kayes RHK

**Mozambique**

Justica Ambiental - Amigos da Terra Mozambique

**Niger**

COPAGEN NIGER  
Fédération des Unions de Groupement Paysans du Niger (FUGPN) Mooriben  
Ferme d'Approvisionnement en Semences Adaptées et Matériels (FASAM Terre Verte)  
Réseau Nigerien des Defenseurs des Droits Humains (RNDDH-NIGER)  
SYNAFEN

**Nigeria**

Environmental Rights Action / Friends of the Earth Nigeria (ERA/ FoEN)

**République démocratique du Congo**

CEPAL ONGD

**Senegal**

ADK  
ALSE  
Association ACCES  
Cabinet d'Etude et de Formation en Innovation  
CONVERGENCE DES ECOLOGISTES  
CRCR de Kaolack  
FONGS Action paysanne  
Réseau koussek

**South Africa**

African Centre for Biodiversity  
Biowatch South Africa  
groundWork (Friends of the Earth South Africa)  
NAMKO  
Restless Development South Africa  
Trust for Community Outreach and Education (TCOE)  
Umthathi Training Project Trust

**Southern Africa**

Rural Women's Assembly

**Tanzania**

ECHO East Afria  
Flora and Faura Restoration System Tanzania aka Floresta Tanzania  
OIKOS EAST AFRICA  
Research, Community and Oragnisational Development Associates (RECODA)  
Sustainable Agriculture Tanzania (SAT)  
TABIO

**Tanzania & Belgium**

Iles de Paix

**Tchad**

CECADEC  
Département des Oeuvres Sociales et Développement des Assemblées Evangéliques au Tchad (DOSD\_AET)

**Togo**

Les Amis de la Terre-Togo

**Uganda**

Advocacy coalition for sustainable agriculture  
SEATINI-Uganda

**Zambia**

Mizu Eco-Care a member of ZAAB  
Zambia Alliance for Agroecology and Biodiversity

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**Asia**

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**Bangladesh**

Food Security Network - Khani  
Participatory Research Action Network - PRAN

**Burma**

ALTSEAN-Burma

**Indonesia**

BINA DESA / InDHRRA  
INDONESIAN PEASANT ALLIANCE  
Kediri Bersama Rakyat (KIBAR)  
NATURAL NTB  
SAHDAR Indonesia  
Tananua Flores Foundation

**Malaysia**

Badan Bertindak Selamatkan Industri Padi dan Beras (PADI RESCUE)  
Centre for Human Rights Research & Advocacy (CENTHRA)  
Frangipani Resort & Spa  
IDRIS Association  
Malaysia Food Security and Sovereignty Forum  
Malaysian Agroecology Society for Sustainable Resource Intensification (SRI-Mas)  
Malaysian Paddy Farmers Solidarity Association (PeSAWAH)  
Organic Alliance Malaysia  
Parti Sosialis Malaysia (PSM)  
PUNCAK - PERSATUAN USAHAWAN TANI CINTA ALAM KELANTAN DARUL NAIM  
UNGGAS Malaysia

**Nepal**

Centre for Agro-ecology and Development (CAED)  
Dolpo Dalit Empowerment Center, Dolpa  
Environmental Graduates in Himalaya  
Halesi Development Forum  
Local Initiatives for Biodiversity, Research and Development (LI-BIRD)  
Madeshi organisation for poor people Nepal  
Poor and Dalit Upliftment Service Committee, Dolpa  
Rural Youth Empowerment and Development Center  
Village Development Society VDS  
Western Upland Development Association Nepal (WUDAN), Dolpa  
Women Empowerment Center - WEC Dolpa

**Philippines**

Agro-Eco Philippines  
Filipino Farmer's Seed Network (FFSN) Inc.  
Rural Poor Institute for Land and Human Rights Services, Inc.  
Sa Isla PH  
SEARICE  
Tunog at Liwanag sa Teatro Co., Inc.  
UP Alumni Association

**Sri Lanka**

Climate Resilient Integrated Water Management Project  
National Fisheries Solidarity Movement (NAFSO)

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**Latin America****Argentina**

Amigos de la Tierra Argentina  
Germinar  
SOCLA (Sociedad Cientifica Latinoamericana de Agroecologia)

**Bolivia**

McKnight - Missouri  
PROSUCO  
UMSA - IIIDPROQ CIDES

**Brazil**

Aliança RECOs - Redes de Cooperação Comunitária Sem Fronteiras  
Associação Brasileira de Agroecologia / ABA  
CEDAC - centro de desenvolvimento agroecológico do Cerrado  
Centro Ecológico  
movimento ciencia cidadã  
Movimento Mulheres pela P@Z!  
Terra de Direitos

#### **Colombia**

CEIP-ILE  
CENSAT Amigos de la Tierra Colombia  
Codacop - Corporación de Apoyo a Comunidades Populares  
CORDEP  
Corporación Semillas de Agua  
Educar Consumidores  
FIAN Colombia  
Grupo Semillas  
Secretariado Diocesano de Pastoral Social  
SemillaNativa Colombia  
Semillas de Identidad  
Vicaria Sur - Arquidiócesis de Florencia

#### **Costa Rica**

Asociación Red de Coordinación en Biodiversidad  
COECOCEIBA Amigos de la Tierra

#### **Ecuador**

AGROARTE  
Central Ecuatoriano de Servicios Agrícolas CESA  
Centro de Documentación en Derechos Humanos "Segundo Montes Mozo SJ" (CSMM)  
Escuela de Formación Política y Soberanía Alimentaria, la Troja Manaba  
Escuela Superior Politécnica de Chimborazo  
Fundación EkoRural

#### **El Salvador**

CESTA, Amigos de La Tierra El Salvador

#### **Guatemala**

Asociación B'elejeb' Tz'i'  
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#### **Honduras**

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Asociación de Desarrollo Pespirense ADEPES  
Asociación Nacional para el Fomento de la Agricultura Ecológica  
CEHPRODEC  
Coalición Nacional de Redes y Organizaciones Ambientales (CONROA)  
FIAN Internacional Sección Honduras  
Justicia Alimentaria / VSF  
Vecinos Honduras

#### **Latin America - Regional**

Alianza Biodiversidad  
Plataforma América Latina mejor sin TLC

#### **México**

Otros Mundos Chiapas (Amigos de la Tierra México)  
PUIC-UNAM Oficina Oaxaca  
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Universidad Veracruzana

#### **Nicaragua**

ADDAC Nicaragua  
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COMJOPROC

FEDICAMP

Fundación denis gonzalez

Fundación Entre Mujeres

ODESAR

Programa Campesino a Campesino-UNAG

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**República Dominicana**

Instituto de Desarrollo de la Economía Asociativa (IDEAC)

**Uruguay**

Grupo Accion Local Ambiente Saludable

REDES-Amigos de la Tierra Uruguay

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