

**Press Release from the African Centre for Biodiversity and PELUM Association in collaboration with the Alliance for Food Sovereignty in Africa**

**African Civil Society and farmer representatives blocked from ARIPO deliberations on regional seed (PVP) law**

29 November 2016

The authoritarian nature of the African Intellectual Property Organisation (ARIPO) Secretariat and its undemocratic processes are scandalous and unacceptable. Locking African farmer representatives and civil society out in order to allow unfettered draconian regional law making is deeply disturbing. What is at play here is entrenching an agricultural future for smallholder farmers in the 19 ARIPO countries that will ensure that profits accrue mainly to the corporate sector and a tiny group of elite players that can engage in the commercial agriculture value chain, while pushing the already marginalised majority of smallholder farmers further into hunger, poverty and dispossession.

ARIPO will host an Administrative Council meeting 5–8 December 2016 in Harare, Zimbabwe for its 19 ARIPO Member States, to adopt deeply troubling draft Regulations to implement a highly contested and controversial regional law on seeds - the Arusha Protocol on Protection of New Varieties of Plants (PVP). ARIPO has refused point blank to allow any African farmer representative or civil society to attend the December meeting on the spurious and frivolous grounds that ARIPO has no cooperation agreement with such civil society. Yet ARIPO has in the past, allowed a small handful of people representing smallholder farmers and from African civil society to attend Administrative Council meetings.

Civil society groups have consistently and constructively engaged with the drafting of the Arusha Protocol and several versions of the draft Regulations, and have submitted sets of substantive comments. In these comments we have raised serious concerns. We continue to have these concerns and also in relation to the most recent Draft Regulations that are up for decision making at the December meeting.

These include the impingement of national sovereignty; the failure to safeguard Farmers' Rights and farmer seed systems; the failure to prevent bio-piracy and undermining the implementation of international Treaties such as the Convention on Biological Diversity (CBD), the Nagoya Protocol on Access and Benefit Sharing, and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) as well as various international instruments on human rights.

The ARIPO Secretariat is hell bent on excluding those that represent the interests of smallholder farmers from key meetings where regional laws are being adopted, yet opening the doors to foreign interests. This has already happened in July 2015, when farmer representatives and African CSOs were deliberately shut out of the Diplomatic Conference held in Arusha, Tanzania when the Protocol itself was adopted.

We call upon all Member States of ARIPO to ensure open, transparent and democratic regional law making. Further we impress upon Member States to ensure that smallholder farmers have the rights to continue to access and use all seed freely without any impediments, including protected varieties, through saving, exchanging, and selling on the local markets in Africa. Such practices are the backbone of farming systems in the ARIPO region and support livelihoods, provide food, sustenance and nutrition for many millions of people on the continent.

Member States must ensure that mechanisms are put in place to operationalise their right to object to the plant breeders' rights from being applicable and enforceable in their territories, as allowed by Article 4(1) of the Protocol, and to ensure that appropriate safeguards to prevent bio-piracy are put in place to prevent the exploitation of farmers and disallow breeders from hiding acts of bio-piracy behind confidentiality rules.

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Editors notes:

- ARIPO members: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Liberia, Rwanda, Somalia, São Tome and Principe, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe (Total: 19 Member States).
- Open letter to UPOV on lack of consultation can be accessed here: <http://afsafrika.org/open-letter-to-members-of-the-international-union-for-the-protection-of-new-varieties-of-plants-upov-2/>
- For more background information on AFSA's concerns regarding the ARIPO PVP Protocol, see *ARIPO's Plant Variety Protection Law Based on UPOV 1991 Criminalises Farmers' Rights and Undermines Seed Systems in Africa*. Available at: <http://www.acbio.org.za/images/stories/dmdocuments/AFSA-ARIPO-Statement.pdf>.
- Submissions on the draft Protocol regulations:
  - Comments on regulations (draft 3) [http://acbio.org.za/wp-content/uploads/2016/11/ARIPO\\_regs\\_comments.pdf](http://acbio.org.za/wp-content/uploads/2016/11/ARIPO_regs_comments.pdf)
  - Comments on regulations (draft 2) [http://acbio.org.za/wp-content/uploads/2016/07/ACB-comments-revised-ARIPO-Regs\\_270716.pdf](http://acbio.org.za/wp-content/uploads/2016/07/ACB-comments-revised-ARIPO-Regs_270716.pdf)
- The Alliance for Food Sovereignty in Africa (AFSA) is a Pan African platform representing small holder farmers, pastoralists, hunter/gatherers, indigenous peoples, citizens and environmentalists from Africa who possess a strong voice that

shapes policy on the continent in the area of community rights, family farming, promotion of traditional knowledge and knowledge systems, the environment and natural resource management. AFSA members include:

- African Biodiversity Network (ABN)
- African Centre for Biodiversity (ACB)
- Association Ouest Africaine pour le Développement de la Pêche Artisanale (ADEPA)
- Coalition pour la Protection du Patrimoine Génétique Africaine (COPAGEN)
- Comité Ouest Africain de Semences Paysannes (COASP)
- Comparing and Supporting Endogenous Development (COMPAS Africa)
- Eastern and Southern Africa Small Scale Farmers Forum (ESAFF)
- Fahamu Africa
- Fédération Agroécologique du Bénin (FAEB)
- Fellowship of Christian Councils and Churches in West Africa (FECCIWA)
- Friends of the Earth Africa (FoEA)
- Global Justice Now!
- Farm-Saved Seeds Network (FASSNET)
- Groundswell West Africa (GWA)
- Health of Mother Earth Foundation (HOMEF)
- Institut Africain pour le Développement Economique et Social (INADES-Formation)
- Indigenous Peoples of Africa Coordinating Committee (IPACC)
- Institut Panafricain pour la Citoyenneté, les Consommateurs et le Développement (CICODEV Africa)
- International Development Exchange (IDEX)
- Jeunes Volontaires pour l'Environnement (JVE International)
- La Via Campesina Africa (LVC Africa)
- Network of Farmers' and Agricultural Producers' Organizations of West Africa (ROPPA)
- Participatory Ecological Land Use Management (PELUM) Association
- Plate-forme Régionale des Organisations Paysannes d'Afrique Centrale (PROPAC)
- Réseau Africain pour le Droit à l'Alimentation (RAPDA –Togo)
- Rural Women's Assembly (RWA)
- Tanzanian Alliance for Biodiversity (TABIO)
- Union Africaine des Consommateurs (AUC)
- World Neighbors
- John Wilson