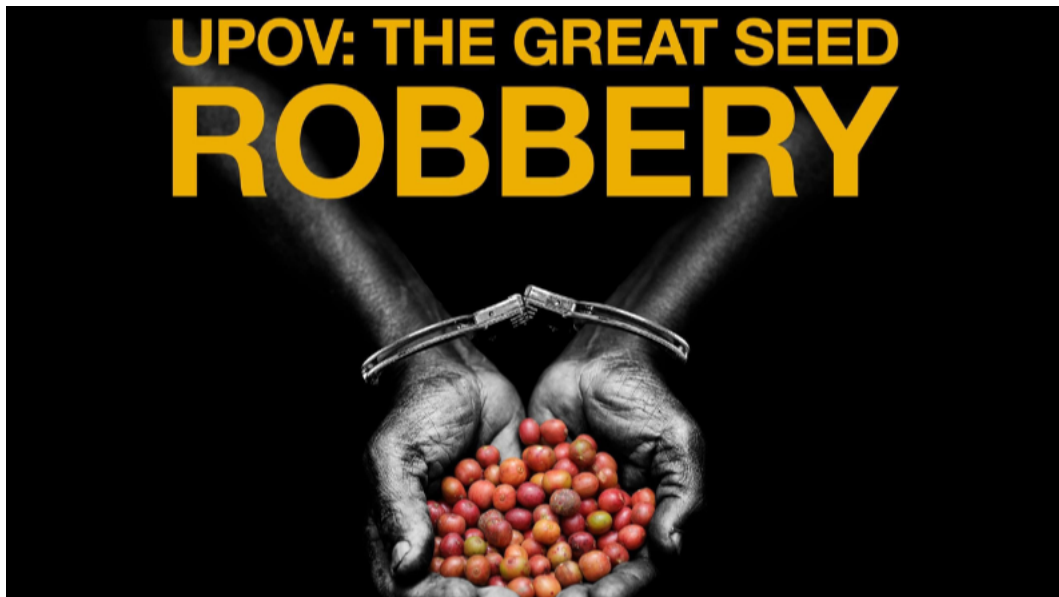




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NEW DRAFT BILL SERVES CORPORATE INTERESTS - CURTAILS FARMERS' RIGHTS



STOP UPOV. SAVE OUR SEED

A proposed new Plant Breeders Rights (PBR) Bill, availed to Zambian stakeholders on the 15th of April 2024 for consultations starting 18th April, aims at explicitly providing increased control and market benefit of multinational seed companies, and goes against all principles of good governance, national interest and Farmers' Rights.

ZAAB REJECTS THE NEW PROPOSED PBR BILL IN ITS ENTIRETY.

- **IT IS INAPPROPRIATE FOR ZAMBIA AND NOT BEEN NECESSITATED BY NATIONAL INTEREST, BUT BY FOREIGN CORPORATE AND PRIVATE INTERVENTIONS.**
- **IT FUNDAMENTALLY INFLECTS ON FARMERS RIGHTS, WILL VASTLY INCREASE SEED PRICES AND POLICISING OF FARMERS SEED ACTIVITIES.**
- **IT COMPLETELY NEGLECTS THE DIVERSE NEEDS OF ZAMBIA'S SEED AND AGRICULTURE SECTOR.**
- **IT VIOLATES ZAMBIA'S NATIONAL FOOD SOVEREIGNTY**

The new PBR Bill has not been initiated by national interest but by multinational seed companies', with the backing of their foreign governments whose sole motive is the money to be made in controlling and owning Zambia's (and Africa's) diverse seeds.

The new PBR Bill aims to facilitate Zambia's membership to UPOV¹, a union that discriminates against small scale farmers, targeting them unnecessarily with substantial fees and policing mechanisms, and criminalising Farmers' Rights to save, share and re-use seeds. In 2016, the United Nations Special Rapporteur on the Right to Food wrote to the Zambian Government, expressing concern regarding the considerable negative impacts of UPOV in relation to fulfilling the right to food in Africa².

¹ The International Union for the Protection of New Varieties of Plants (UPOV)

² <https://afsafrica.org/open-letter-to-the-director-general-of-the-african-regional-intellectual-property-organization-aripo/>



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ZAAB and other SKI³ Zambia partners participated in the so-called stakeholder consultations in Lusaka, to understand the Seed Certification and Control Institutes' (SCCI) justification and again express concerns. The discussion was affirmed the concerning justification noted in the preamble of the new Bill, which is being repealed and replaced based on joining a foreign union – **or more realistically a club. Not** because of national demand and/or interest, **not** because there is necessity as Zambia is fully legally compliant already, and **not** factoring in the resulting restrictions on Farmers' Rights and local livelihoods. **WE THEREFORE DO NOT ENDORSE THIS BILL AND ITS PROCESSES.**

There is in fact no compelling reason for repealing the current PBR Act which was only enacted in 2007 and has not yet been fully implemented. Commitments to ensure the equal protection of Farmers' Rights, as opposed to private Breeders' Rights, as per International Obligations under the ITPGRFA⁴ are long outstanding.

FURTHER NOTING:

- Zambia's current PBR Act (2007) is already in line with the WTO TRIPS⁵ Agreement and adequately protects Breeders' Rights, therefore no further revisions in line with UPOV91 standards or any other regional harmonisation, need be made.
- Acceding to UPOV1991 will instead contravene Zambia's obligations under international and regional treaties and frameworks that it has adopted or ratified. These require protection of agrobiodiversity and Farmers' Rights, such as the ITPGRFA, the Convention on Biological Diversity (CBD), and the UN Declaration on the Rights of Peasants and Other People Living in Rural Areas (UNDROP).
- The new Bill, aligned to UPOV will instead further the **increasing corporate control** and concentration in Zambia's seed and food systems. **It will facilitate the policing of farmers (large and small scale) activities**, funnelling resources out of Zambia to MNCs that already control the majority of the seed sector. It will disadvantage the potential of Zambia's local seed industry and local adaptation needs. It will limit the policy and practical options of government in building a sustainable green economy.
- There is already an issue of **high costs** of commercially bred seeds, resulting in the challenge of access by many smallholder farmers. Farmer managed seed systems are a critical source of affordable seeds. Further restricting such systems pose a significant threat to food and nutrition security.

OUTCOMES OF THE STAKEHOLDER MEETING AND ZAAB RECOMMENDATIONS:

The short notice, so-called consultation meeting completely lacked the participation of commercial and smallholder farmer representations; market, consumer, nutrition and wider public sector interests' groups; research institutions, lawyers, related line ministries etc. Of the approximately 23 people present, only 4 were women, all from ZAAB partnership.

ZAAB explicitly notes it's disappointment in SCCI which has continued to push the agenda of UPOV. The constant justification of proposed changes based on UPOV's suggestions throughout the text and

³ Seed and Knowledge Initiative

⁴ Zambia is a signatory to the International Treaty on Plant Genetic Resources for Food and Agriculture

⁵ https://www.geneva-academy.ch/joomlatools-files/docman-files/Briefing%2022_web.pdf



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discussions is unjustifiable. It exposes the pitiful lack of support for farmers actual needs to ensure a diverse, healthy Zambian food systems and robust Zambia agriculture sector.

Therefore:

ZAAB affirms that the new proposed PBR Bill in its entirety is inappropriate for Zambia and must be rejected. The proposal for a new Act has not been necessitated by national interest, but by foreign corporate and private interests. It fundamentally negates farmers Rights, and neglects diverse needs of Zambia's seed sector.

In response to this corporate orientated harmonization agenda, we reiterate our earlier recommendations to the SCCI as follows:

- Halt efforts to repeal and replace the PBR Act of 2007, and adoption of the Proposed new PBR Bill, and abandon attempts to officially join UPOV. The current PBR Act is already in line with the TRIPS Agreement and adequately protects plant breeders' rights and so no further revisions in line with UPOV should be made. The thriving seed industry in Zambia is a testimony to this.
- Facilitate an open and transparent national discussion on Farmers' Rights. Such open engagement with stakeholders from the farmer and formal seed and agricultural sectors, civil society, and relevant ministries must also be undertaken before any amendment to seed legislation takes place and order to shape comprehensive new guiding principles for Zambia's seed systems.
- Develop and adopt a comprehensive and cohesive legal framework to fully implement Zambia's obligations of the ITPGRFA and specifically Farmers Rights. This should include developing a flourishing national seed sector based on farmer and diverse seed appropriate for varied local agroecological conditions.

ZAAB will continue to engage on this matter and submit further comprehensive response to the Ministry of Agriculture and other Ministries, and to call on the state to intervene in the interest of National Food Sovereignty.

END.

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