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### **“Current intellectual property rights regime suboptimal for global food security”, according to UN expert on food**

NEW YORK (21 October 2009) – Returning from a country mission in Brazil, the UN Special Rapporteur on the right to food, Prof. Olivier De Schutter, presented in New York his report on the relationships between intellectual property (IP) rights and the right to food. Summarizing his analysis and recommendations, he called Members of the U.N. General Assembly to develop seed policies that encourage innovation, promote food security and enhance agrobiodiversity at the same time.

“The current intellectual property rights regime is suboptimal to ensure global food security today. It is unfit to promote the kind of innovation we need to cope with climate change”, said De Schutter, adding that his mandate was to make recommendations to ensure that seed policies ‘respect, protect and fulfill’ the right to food of the most vulnerable groups.

This is the first time a UN independent expert analyses the intellectual property regime under the right to food framework, part of international human rights law.

“Climate change means more extreme and more frequent climatic events. This will severely impact agricultural systems”. In this context, said De Schutter, “seed policies should not just aim to improve yields. They should also raise the incomes of the poorest farmers working in the most difficult environments. They should help build resilience to climate change. And they should stem the loss of crop genetic diversity”.

According to the UN food expert, there are currently two ways for farmers to access seeds: informal seed systems where seeds are stored from one year to the other and exchanged locally; and commercial systems marketing improved seeds which are certified by public authorities. Increasingly, the former disappear due to their neglect in agricultural policies, while globalization and the current IP rights regime strengthen the second at an accelerated pace. “This trend must be reversed: we need both systems for a successful approach to food security and climate change”. Indeed, “each of these systems has specific functions to fulfill, and each corresponds to different needs”. De Schutter noted that improved certified varieties can produce high yields and may present certain desirable traits. But he insisted at the same time that farmers’ seed systems should be encouraged: “The vast majority of farmers still depend on these systems. Local varieties bred and selected by farmers are often well suited to the local agro-ecological environments. No restrictions are imposed to the re-use of seeds, in the absence of intellectual property rights restrictions. The genetic diversity within these seeds may be a source of resilience against certain attacks from nature”.

According to the Special Rapporteur, the strengthening of intellectual property rights at global level could result in improved certified varieties being unaffordable for the poorest farmers. But it creates other problems as well. “Experts I meet everyday – in Brazil research institutions for example – warn me about the fact that excessive IP rights are becoming an obstacle rather than an incentive for innovation. They say it is becoming harder and harder for public scientists to access and exchange genetic material”. And research is primarily oriented towards the needs of rich countries, rather than to those of small farmers in poor countries. “Local indigenous communities of the Amazon have a hard time to convince research institutions to have significant research partnership on their seeds”.

“To have more innovation in the fields of small farmers, we need to ground our vision and our public policies on two fundamental principles. First, we need participation. When you combine the experience of small farmers – who know their fields and their needs – with the best of what science can offer, tremendous progress can be made. That is what happens with ‘participatory plant breeding’. Second, we must look beyond the seed and adopt a systemic approach to agricultural innovation. Improving plants is one thing, designing productive and resilient farming systems is another one. It requires a more holistic

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approach. Agroecological practices and innovations such as agroforestry, biopesticides or intercropping represent a huge untapped potential”.

Betting on farmers as innovators also makes economic sense. “Real improvements for the most vulnerable groups – those who are hungry – can sometimes be cheaper than multi-million research programmes and high-tech biotechnologies. Investing research efforts in orphan crops – crops that have been neglected in research for decades – proves to have exceptional returns on investment.” With 10,000\$ only, a Peruvian researcher has been able to improve oca, an Andean tuber which is the basic foodcrop for 9 million people, but which scientists had neglected. Within two years, he was able to produce virus-free plants, leading to a doubling of productivity. “That’s what’s pro-poor breeding is. That’s where we should put our money.”

The Special Rapporteur provided journalists in New York with other examples of existing successful systems, such as farmers’ seed banks (local seed exchange systems promoting agrobiodiversity), seed fairs, participatory plant breeding, and farmer field schools. “We must scale up these systems if we want to cope with climate change and reduce hunger at the same time”.

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**Read the report** “*Seed policies and the right to food: Enhancing agrobiodiversity, encouraging innovation*”, or for more on the work of the Special Rapporteur, on <http://www2.ohchr.org/english/issues/food/annual.htm>.

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*Olivier De Schutter was appointed the Special Rapporteur on the right to food in May 2008 by the United Nations Human Rights Council. He is independent from any government or organization. He teaches International Human Rights Law at the Catholic University of Louvain (Belgium).*