



PERMANENT MISSION OF THE
REPUBLIC OF INDONESIA TO THE UNITED NATIONS
WORLD TRADE ORGANIZATION (WTO)
AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

No.: 18 /POL-II/III/2024

Geneva, 6 February 2024

With reference to your letter No. AL IDN 7/2023 dated 4 December 2023, I have the honor to convey to you further information, explanations, and clarifications pertaining to Indonesia's compliance with the 1991 Act of the International Union for the Protection of New Varieties of Plants (UPOV 1991) as well as the view of the Government of the Republic of Indonesia on the issue of maintaining appropriate balance between farmers and breeders' rights in plant variety protection regime, as follows:

1. The Government of the Republic of Indonesia affirms that Indonesia is not a party to the UPOV 1991. As one of the largest agricultural states and the second biggest megabiodiverse country in the world, Indonesia considers the issue of plant variety protection as well as maintaining the appropriate balance between the rights and obligations of farmers and breeders with utmost care and attention.
2. The Government notes the strong propositions from developed states during our free trade negotiations, including with the European Union (EU), for Indonesia to accede to the UPOV 1991. In this regard, Indonesia maintains its position not to accede to the UPOV 1991 in order to ensure policy space to protect smallholders' farmers seed systems and plant genetic resources.
3. The Government's commitment to maintaining the appropriate balance between the farmers and breeders' rights is firm. No less than 40% of our population subsists from agriculture and most of them are smallholder farmers who find it difficult, unless provided enough protection, to compete with major corporate breeders. In this regard, the Government acknowledges the potential challenges arising from compliance with the UPOV 1991, especially on how it might reduce our policy space in addressing the diverse farmer-managed seed systems.
4. Indonesia's commitment to safeguarding the rights of farmers is also reflected from its initiative as part of the core group of the "Working Group on the Rights of Peasants and Other People Working in Rural Areas" resolution, which was firstly introduced and adopted with a large number of favourable votes during the 54th Session of Human Rights Council. This achievement signifies a progressive step in the implementation of

the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) towards full recognition of the human rights of farmers by all.

5. At the national level, Indonesia has implemented Law No. 29/2000 on Plant Variety Protection (PVP Law) which accommodates various UPOV provisions related to breeders' rights in the form of plant variety protection rights (PVP rights) as manifestation of the sui generis regime.

We wish to thank the Special Rapporteur for conveying the same Communication to the EU. The Government of Indonesia fully acknowledges the different and disparate realities between farmers from genetic resources-rich developing countries and farmers from developed and industrialised countries. Therefore, we have been consistently conducting constructive dialogue with the EU in order to bridge those disparate realities into a mutually-acceptable language.

We firmly believe that a free-and-fair trade agreement between Indonesia and the EU can be achieved through mutual respect of each other's policy sensitivities and legal regimes as well as common understanding that the decision to sign or accede to an international agreement is a sovereign action of a state without any undue and unnecessary pressure from another state.

To conclude, I would like to reiterate the strong commitment of the Government of Indonesia to work constructively with all relevant stakeholders in the protection and promotion of human rights and to ensure that the benefit of development can be enjoyed by all people. We also further wish that you continue to uphold the principle of objectivity and impartiality in your works as a mandate holder and maintain constructive dialogue with all Member States.

Please accept, Sir, the assurances of my highest consideration.

Yours sincerely,



Febrian A. Ruddyard

Ambassador/Permanent Representative

Michael Fakhri, Special Rapporteur on the right to food