

Mandates of the Special Rapporteur on the right to food; the Special Rapporteur on the right to development; the Working Group on the rights of peasants and other people working in rural areas and the Special Rapporteur on extreme poverty and human rights

Ref.: OL THA 6/2026

(Please use this reference in your reply)

21 September 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the right to food; Special Rapporteur on the right to development; Working Group on the rights of peasants and other people working in rural areas and Special Rapporteur on extreme poverty and human rights, pursuant to Human Rights Council resolutions 58/10, 60/7, 54/9 and 62/28.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Free Trade Agreement (FTA) negotiations between the European Union (EU) and Thailand and the implications that this may have on Thailand's full capacity to realize its obligation to respect, protect and fulfil human rights, especially the right to food, taking into account the proposal to comply with the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV 1991).

According to the information received:

Negotiations for a FTA between the EU and Thailand were relaunched on 23 March 2023, following an earlier suspended negotiating process. Nine rounds of negotiations have been held to date, the most recent being from 22 to 30 June 2026 in Brussels, at which the Parties concluded a number of additional chapters. According to publicly available information, approximately two-thirds of the agreement's chapters have now been concluded.

A tenth round of negotiations is scheduled to take place in Thailand in late September 2026 and is intended to address the remaining chapters, including intellectual property.

The proposal of the EU on the protection of plant variety rights, reflected in Article X.51 of the draft Intellectual Property Chapter, provides that "[e]ach Party shall protect plant variety rights in accordance with the International Convention for the Protection of New Varieties of Plants (UPOV Convention) as lastly revised in Geneva on 19 March 1991." While this provision does not technically compel Thailand to formally join UPOV, it will require substantive alignment with it.

Thailand already has a plant variety protection law, the Plant Variety Protection Act, B.E. 2542 (1999), which establishes a sui generis system distinct from the UPOV 1991 Act. This system contains protections for local, domestic and wild plant varieties, allows farmers to save, use and exchange farm-saved seed, and

includes a benefit-sharing mechanism intended to guard against biopiracy and to safeguard the country's genetic resources.

On 21 March 2024, the then Special Rapporteur on the right to food addressed similar concerns ([AL THA 4/2024](#)) regarding trade negotiations between Thailand and the European Free Trade Association (EFTA), underlining that EFTA's practice of requiring accession to, or alignment with, UPOV 1991 in its free trade agreements, including in negotiations with Thailand risked jeopardizing the right to food and farmers' seed systems.

The EFTA-Thailand Free Trade Agreement, signed on 23 January 2025, does not require Thailand to join or comply with UPOV 1991, but instead recognizes the protection of new plant varieties through an effective sui generis system. The EFTA-Thailand Free Trade Agreement, signed on 23 January 2025, does not require Thailand to join or comply with UPOV 1991, but instead recognizes the protection of new plant varieties through an effective sui generis system.

Farmers' organizations and civil society groups in Thailand, have raised concerns that a UPOV 1991 obligation in the EU-Thailand FTA would place at risk the ability of small-scale farmers to save, exchange and sell farm-saved seed, and have called on Thai negotiators to reject any provision requiring accession to, or alignment with, UPOV 1991.

While we do not wish to prejudge the accuracy of the information made available to us, it is our understanding nevertheless that an FTA requiring Thai law to be in accordance with UPOV 1991 would require substantial amendment of the Plant Variety Protection Act, B.E. 2542 (1999), a law which reflects a conscious policy choice to recognize and protect the customary seed systems and practices of peasants and other people working in rural areas, and which remains essential to agricultural biodiversity, food security and the realization of farmers' rights in Thailand.

We feel compelled to draw attention to the fact that the ongoing negotiations between the EU and Thailand, to the extent that the EU continues to propose compliance with UPOV 1991 as part of the FTA, may have potential negative implications for the enjoyment of human rights by the Thai population, in particular the right to food, by restricting farmers' rights including their ability to save, use, exchange and sell farm-saved seeds and propagating materials. If accepted, the proposed commitment would severely limit Thailand's ability to maintain and further develop a plant variety protection system that is responsive to its national circumstances, development needs and human rights obligations, diminish customary seed systems, decrease agricultural biodiversity and undermine the livelihoods of small-scale farmers who rely on the ability to save, exchange and sell seeds saved on the farm.

The right to food is enshrined in article 25 of the Universal Declaration of Human Rights and in article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the right of everyone to an adequate standard of living, including adequate food, and to the continuous improvement of living conditions. Read together with article 2(2) of the Covenant, this right must be guaranteed without discrimination of any kind. It finds specific expression, in respect of seeds, in article 19 of the United Nations Declaration on the Rights of Peasants and

Other People Working in Rural Areas (UNDROP), adopted by the General Assembly on 17 December 2018, which recognizes the right of peasants and other people working in rural areas to maintain, control, protect and develop their own seeds and traditional knowledge and to save, use, exchange and sell their farm-saved seed and propagating material, and which calls on States to ensure that seed policies, plant variety protection and other intellectual property laws respect and take into account the rights, needs and realities of those who work the land.

The proposed compliance obligation could place Thailand in a position of tension with its obligations under article 2(4) of UNDROP. This provision provides that States shall elaborate, interpret and apply relevant international agreements and standards to which they are party in a manner consistent with their human rights obligations as applicable to peasants and other people working in rural areas. Conditioning the FTA on adherence to UPOV 1991 may subordinate the fundamental rights of Thai farmers to rigid commercial intellectual property regimes, in a manner that would appear difficult to reconcile with this provision.

Restrictive intellectual property standards may also adversely affect the realization of food sovereignty, a right safeguarded under article 15(4) of UNDROP. To the extent that the proposed requirements restrict or penalize the traditional practices of saving, exchanging and selling seeds, they risk transferring control over vital agricultural resources from local communities to commercial entities. This dynamic could also jeopardize the right to an adequate standard of living for peasants, as articulated in article 16 of UNDROP, by increasing farming input costs and increasing smallholder farmers' recurring dependence on purchased, proprietary seed, with corresponding effects on farm household income and debt exposure.

We recall that article 10 of UNDROP affirms the right of peasants and other people working in rural areas to active and free participation in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods. This participation right is reinforced by article 2(3) of UNDROP, which is particularly explicit as regards international agreements: it provides that, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of those who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

The consequences of such a commitment would not only affect the right to food of those who produce food but also of the communities who depend on these farming systems. Seed systems are foundational to food systems as a whole: the diversity they sustain underpins the capacity of crops to adapt to a changing climate, the resilience of national food supplies to pests, disease and price shocks, the nutritional diversity of consumers' diets, and the stability and affordability of food supply. A contraction of farmer-managed seed systems and higher concentration of control over plant genetic resources by commercial breeders would therefore have implications extending well

beyond peasants and small-scale farmers, affecting the collective pool of plant genetic resources upon which the food security of present and future generations depends.

We note in this regard the conclusions of intergovernmental scientific bodies concerning the importance of crop genetic diversity for food security and for the quality of food. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) finds that global agrobiodiversity is declining, including genetic resources for food and agriculture, with consequences for food system resilience, food security and nutrition, and that unsustainable agricultural practices have reduced food diversity and quality¹. The Food and Agriculture Organization of the United Nations, in its Third Report on the State of the World's Plant Genetic Resources for Food and Agriculture, describes such resources, which encompass the genetic diversity of farmers' varieties and landraces, as “the essence of sustainable agrifood systems,” and documents that farmers continue to maintain and improve significant genetic diversity of locally adapted varieties and landraces on-farm, underscoring their continuing centrality to agricultural biodiversity, resilience and food security².

These findings are consistent with the analysis of the International Panel of Experts on Sustainable Food Systems (IPES-Food), which has documented how the progressive extension of proprietary control over plant varieties, through plant patenting, the UPOV framework and the TRIPS Agreement, has accompanied a pronounced concentration of ownership in the global seed and agricultural input sector, to the detriment of the diverse, community-managed seed systems that underpin local and regional food production worldwide³. IPES-Food has further cautioned that these dynamics are being intensified by the digitalization of agriculture and by the appropriation and patenting of genetic information derived from seeds long stewarded by peasant and Indigenous communities, narrowing agricultural biodiversity at the very moment when greater diversity is required to withstand climate and market shocks⁴.

We also wish to recall in this respect the report of the former Special Rapporteur on the right to food to the Human Rights Council, entitled “Seeds, right to life and farmers' rights” (A/HRC/46/43). That report observed that, because humankind depends upon plants for food, fiber and functioning ecosystems, nothing less than the right to life is at stake where farmers' seed systems are inadequately protected; that such seed systems are integral to the world's genetic and cultural diversity and foundational to all food systems; and that the more a seed system recognizes and supports farmers as stewards of seeds held in trust for humankind, the more fully it gives effect to human rights. The report accordingly recommended that States refrain from exerting pressure on other States to accede to the International Convention for the Protection of New Varieties of Plants, or from requiring adherence to that Convention as a condition of bilateral or regional trade agreements. It further recommended that States align their seed systems with the International Treaty on Plant Genetic Resources for Food and

¹ IPBES, Summary for Policymakers of the Thematic Assessment of the Interlinkages among Biodiversity, Water, Food and Health (Nexus Assessment) (2024), p. 23, section A3.

² FAO, The Third Report on the State of the World's Plant Genetic Resources for Food and Agriculture, FAO Commission on Genetic Resources for Food and Agriculture Assessments (Rome, 2025).

³ IPES-Food, Too Big to Feed: Exploring the impacts of mega-mergers, consolidation and concentration of power in the agri-food sector (2017).

⁴ IPES-Food, Head in the Cloud: Challenging the false promise of digital agriculture and cultivating innovation from the ground up (2026).

Agriculture and with international human rights law, including the ICESCR, the UNDROP, and the United Nations Declaration on the Rights of Indigenous Peoples.

We take this occasion to call upon the Government of Thailand to refrain from accepting, in the context of the ongoing negotiations, commitments that would require the amendment of existing safeguards protecting farmers' rights under the Plant Variety Protection Act, B.E. 2542 (1999), and thereby to preserve the policy space necessary to maintain a plant variety protection system suited to its national circumstances and consistent with its international human rights obligations. We further call upon Thailand to ensure that decisions carrying such far-reaching consequences for peasants, small-scale farmers and rural communities are taken with their effective and meaningful participation; a rights-based approach to food systems governance requires that those whose livelihoods and seed systems are directly affected be able to take part in the decisions that shape them.

We would like to remind of article 1 of the Declaration on the Right to Development adopted by the United Nations General Assembly by resolution 41/128 on 4 December 1986, by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development. Article 2.3 of the Declaration requires States to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom. We also wish to recall article 6, which raises the need for co-operation by states with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms, which are interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. The Declaration further calls on States to take all necessary measures for the realization of the right to development and to ensure equality of opportunity for all in their access to basic resources, education, health, food, housing and employment (art. 8).

We refer to the Guidelines and recommendations on the practical implementation of the right to development, which find that sustainable development is based on active, meaningful and informed participation, and that Governments and international cooperation partners should establish participatory and effective decision-making mechanisms, that involve groups affected by particular development policies, programmes and projects (para. 24). The Guidelines further recommend that States should establish mechanisms that provide easy access to information related to development policies and processes and enact legislation guaranteeing access to information, including information about project financing (para. 32). States should guarantee that all stakeholders are meaningfully included in the process of negotiating international agreements and information on upcoming initiatives should be made available at the national level at an early stage so that civil society and concerned communities can participate in multilateral negotiation processes (para. 41). Further, we recall the conclusions of the Special Rapporteur on the right to development in his report on participation in development (HRC/63/32) that bilateral trade and investment agreements, which often seek to achieve sustainable development, represent another

area where States should engage the ultimate intended beneficiaries of such agreements, namely, people and communities, and not merely investors (para. 68).

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned situation.
2. Please indicate whether your Excellency's Government has undertaken any human rights impact assessment or food security assessment concerning the possible effects of compliance with UPOV 1991, and if so, please share its outcomes as they relate to the rights described above.
3. Please provide information on the measures taken to ensure access to information, effective and meaningful participation of peasants, small-scale farmers and rural communities, and of their representative organizations, in the ongoing negotiations.
4. Please indicate the position of your Excellency's Government regarding the potential implications of UPOV 1991 for small-scale farmers and rural communities who depend on customary seed systems for their livelihoods and food security.
5. Please provide details regarding any actions that your Excellency's Government has implemented or is contemplating to safeguard and promote the rights of farmers, especially small-scale farmers, as described herein, in the context of the ongoing negotiations for an FTA between the EU and Thailand.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a similar letter has been sent to respective institutions of the European Union.

Please accept, Excellency, the assurances of our highest consideration.

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