



THE MALAGASY CITIZENS MUST BE FULLY AWARE OF THE CONTENTS OF THE EPA SIGNED ON 10 JUNE 2026 AND OPPOSE MADAGASCAR'S MEMBERSHIP OF UPOV

Following the signing of the Economic Partnership Agreement (EPA) between the Malagasy government and the European Union, farmers' organisations and civil society met with the Ministry of Agriculture on 1 July 2026. Officials had agreed at the time to provide a copy of the signed agreement. However, to date, this agreement has still not been received as agreed.

Given the crucial importance of farmers' freedom and autonomy in the use of seeds for national food sovereignty, farmers' organisations and civil society organisations believe that it is preferable and urgent to inform the public and advance the discussion by drawing on experts' research findings and the available data, even if this means revisiting certain specific points, where necessary, once the signed agreement has actually been received.

The signing of the EPA commits Madagascar to complying with UPOV provisions

UPOV is an intergovernmental organisation based in Geneva whose aim is to protect the interests of breeders (the seed industry, dominated by the agrochemical sector) by establishing intellectual property rights over plant varieties. This right constitutes a monopoly, enabling industrial firms to demand the payment of royalties for the use of their seeds. Consequently, farmers who use these varieties are no longer free to reproduce, exchange amongst themselves, or sell to their neighbours the seeds from their harvests. Any such action constitutes an offence and is therefore subject to severe penalties.

Anyone can consult, on the European Union's website, the EU's proposals relating to all stages – spread over 16 rounds – of the negotiations and preparatory discussions for the EPA. The European Union has proposed that the four islands in the Indian Ocean bring their legislation into line with UPOV 1991, as we noted in our previous communiqué (2). We therefore consider it highly likely that the following sentence has been retained in the final agreement: *'Each Party shall protect plant variety rights in accordance with the Convention for the International Protection of New Varieties of Plants (UPOV), as amended at Geneva on 19 March 1991'* (3)

This means that Madagascar must adopt national legislation that protects the rights of seed breeders in accordance with the provisions of UPOV 1991, without necessarily acceding to the UPOV itself. It should be noted that Madagascar is already an observer to UPOV.

Given the highly negative consequences of UPOV's principles on farmers' rights and the peoples' right to food, we strongly recommend that the observations made by those responsible for this work should lead Madagascar not to adopt a law compliant with UPOV.

Pending the release of the full text of the agreement signed on 10 June 2026, we wish to highlight the dangers of Article 15.2 of the UPOV Convention.

The “farmers’ privilege” referred to in UPOV is a perverse and narrow concept

As we have said, UPOV establishes a monopoly right over seeds. This monopoly lasts between 15 and 25 years. To be protected by this right, the plant variety in question must be new, uniform and stable. This means that only laboratory-produced seeds are covered, as farmers' varieties do not meet these criteria. The monopoly right extends, among other acts, the production and reproduction of the protected variety.

It is for this reason that farmers who purchase these seeds are not permitted to reproduce them. However, UPOV allows its member states to derogate from this right, to a limited extent, under the well-known Article 15.2.

What does the text say? 15.2 – “Farmers’ privilege”

« Notwithstanding the provisions of Article 14, each Contracting Party may, within reasonable limits and subject to the protection of the legitimate interests of the breeder, restrict the breeder's right in respect of any variety in order to permit farmers to use, for propagating purposes, on their own holdings, the produce of the harvest which they have obtained by planting, on their own holdings, the protected variety [...] »

What does this sentence mean? It means that if the Malagasy lawmakers draft a law in accordance with UPOV 1991, they may decide to introduce an exemption so that farmers can reproduce and reuse protected seeds under certain conditions. If we look at the countries where this is practised, as well as UPOV documents on the matter, this exemption must be ‘limited’ to certain species, certain quantitative thresholds for seeds, or certain types of farmers. In all cases, this will be subject to a fee, but not free of charge. These conditions therefore serve to ‘safeguard’ the ‘legitimate interests’ of seed companies.

The exchange and sale of these seeds amongst farmers, on the other hand, will be strictly prohibited.

This ‘privilege’ is therefore very limited and highly perverse. For the reproduction and exchange of seeds by farmers themselves is the basis of agricultural production, as well as the very foundation of agricultural biodiversity, ensuring resilience and food security, and it is a right – not a privilege.

Conclusion :

- We call on the leaders of the Malagasy State and the Council of Ministers, through the Ministry of Trade and Agriculture, to distribute to all Malagasy citizens, the full text of the EPA signed on 10 June 2026, so that everyone has time to study it, as well as the opportunity to familiarise themselves with and understand its content and implications;

- The available data and the insights we have gained since June lead us to call on decision-makers at all levels – in particular Members of Parliament and members of the High Constitutional Court – to carry out a detailed analysis of the various clauses of the EPA, so as to ensure their decision-making regarding its ratification is well-informed.

Some countries have never ratified the partnership agreement with the European Union, following a meticulous analysis of its content.

We, farmers' and civil society organisations, demand, with immediate effect, the removal of any reference to UPOV and any restriction on the rights of smallholder farmers from the partnership agreements currently under discussion or in the process of ratification, in order to safeguard and ensure the food sovereignty of the Malagasy nation.

"No law or agreement restricting farmers' right to save, multiply, share and sell the traditional seeds they have produced should exist in Madagascar"

29 July 2026

Signatories :

- Association FAFAMA MORAMANGA
- Centre de Recherches et d'Appui pour les Alternatives de Développement – CRAAD-OI
- CNAF – Comité National pour l'Agriculture Familiale
- Collectif pour la défense des terres malgaches – TANY
- FARM – Femme en Action Rurale de Madagascar
- FEKRITAMA – Confédération des Agriculteurs Malgaches
- FVTM – Fivondronan'ny Vehivavy Tantsaha eto Madagasikara
- Observatoire de la Jeunesse
- Organisation Paysanne AKOTRY
- PLATEFORME REGIONALE SOCIETE CIVILE ALAOTRA MANGORO
- RJDD – Réseau des Jeunes pour le Développement Durable
- Tantsaha Mivoatsy

References :

- (1) <https://terresmalgaches.info/collectif-tany-food-sovereignty-madagascar-epa-upov-meeting/>
- (2) <https://terresmalgaches.info/collectif-tany-food-sovereignty-madagascar-economic-partnership-agreement/>
- (3) <https://circabc.europa.eu/ui/group/09242a36-a438-40fd-a7af-fe32e36cbd0e/library/21e92e69-ca78-4221-a07e-95cff9b76ce5/details>