



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Views, Experiences and Best Practices on the Implementation of Farmers' Rights Submitted by Contracting Parties and Relevant Organizations

Note by the Secretary

This document presents the views, experiences and best practices on the implementation of Farmers' Rights, as set up in Article 9 of the International Treaty submitted by Madagascar on 9 October 2012.

The submission is presented in the form and language in which it was received. Minor editorial changes include the full rendering of acronyms and the correction of spelling.

CONTACTING PARTIES

Madagascar

Introduction

After the participation in the Global Consultations on Farmers' Rights held in Addis Ababa in 2010 and the Fourth Session of the Governing Body of the ITPGRFA, in March 2011 in Bali, Madagascar, through the Department of Environment within the Ministry of Agriculture which is the National Focal Point of the ITPGRFA, has organized 2 debriefing meetings and 1 open ended working Group Meeting, which have debated topics on Farmers' Rights.

First meeting, debriefing of the Global Consultation on Farmers' Rights (January 2011)

At this debriefing of the Global Consultation on Farmers' Rights, Farmers' Rights and the implementation of Article 9 of the ITPGRFA have been extensively debated and discussed for the first time in Madagascar.

Farmers' Rights in general and Farmers' Rights as set out in Article 9 of the ITPGRFA were perceived in different ways; however, the participants unanimously recognized that measures in accordance with the needs and priorities of farmers should be taken to protect and promote these rights.

Follow-up of this first meeting

At the end of this debriefing, participants requested to obtain more explanations and clarifications concerning the main components of ITPGRFA, including Farmers' Rights, the implementation of Article 9 and the main measures for the implementation of Farmers' Rights for the next brainstorming session on these related topics:

- The protection of traditional knowledge relevant to PGRFA;
- The right to equitably participate in the sharing of benefits arising from the use of PGRFA;
- The right to participate in decision-making at the national level, on matters related to the conservation and sustainable use of PGRFA;
- The right that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national legislation.

Second meeting, debriefing of the GB4 (June 2011)

This second meeting held after GB4 was marked by the presence of the Madagascar Farmers' Coalition (Coalition Paysanne de Madagascar /CPM) which is member of the Organization of the Civil Society "Via Campesina" that has been represented by Mr David

Richard Rabetrano, the Vice-President at the Fourth Session of the Treaty's Governing Body (GB4).

After the debriefing and the presentation of all Resolutions adopted at GB4, in particular the implementation of Art 9 by the CPM, it was decided that one day of reflection will be jointly organized by the Department of the Environment and the representative of the CPM.

During the discussion, participants raised first what is meant by farmers (peasants? small farmers in small scale? farmers? breeders?)

For the moment, the participants decided to define as farmers those who cultivate PGRFA. Especially since the former Ministry of Agriculture, Livestock and Fisheries was divided into three departments.

Farmers' Rights: Follow up/outputs

The majority of participants had never heard of Farmers' Rights. According to the responsible of Farmers' Association Department who attended the meeting and according to the needs of farmers expressed during the various meetings, she experienced, Farmers' needs are the merits: Insurance and monthly pecuniary support while in retirement, easy access to agricultural loan (Retirement Insurance Merit and Agricultural Loan / Mérite Assurance Retraite et Crédit Agricole / MARCA in French)

After discussion and debate, series of questions and answers and suggestions from participants, particularly with regard to access to plant genetic resources for food and agriculture, the fair and equitable sharing benefits as well as the farmers' rights, the stakeholder group has decided:

- to hold regular meeting, to exchange and to share information through a network of PGRFA;
- to include farmers to all meetings;
- A committee comprising of:
 - a representative of the Madagascar Farmers' Confederation, the CPM, the National Farmers House/ Tranoben'ny Tantsaha Nasionaly/TTN,
 - the NFP/ITPGRFA, the National Gene Bank of PGRF staff, the National Research Center/ FOFIFA staff, the legal department and policy makers of the Ministry of Agriculture, the Farmers' support Department of the Ministry of Agriculture (SAIEA).should be created to elaborate the terms of references (ToRs) of the next meeting, in order to define first who are the farmers and what are farmers' rights and to identify the outline as well as the different steps to be followed for the implementation of the farmers' rights in Madagascar. The proposals will then be presented in plenary meeting of stakeholder group.
- The committee will hold one meeting per month, the last Thursday of each month.

Working Group Meeting on the implementation of Farmers' Rights in Madagascar (March 2012)

1. Presentation of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA): objectives and scope, main components and obligations.
2. Reflection on the implementation of Farmers' Rights and the achievement of the main second meeting recommendations.

Highlights

- The meeting followed the second reflection in June 16 2011 in the FAO Office;
- The implementation of Farmers' Rights is one of the main obligations of the Contracting Parties;
- Madagascar has ratified the Treaty in March 2006. It is necessary, after 6 years of membership, to implement the process to fulfil this obligation (more than 75% of the Malagasy population are agricultural);
- There is no text addressing in particular the Farmers' Rights in Madagascar apart from the draft law on PGRFA which really needs to be finalized;
- The explanation of the NFP referred to the ToRs which have been elaborated through the Farmers' Rights in the Article 9 of the ITPGRFA stating that farmers are the custodians of crop diversity, and it is necessary to recognize and reward them for their contribution. The 4 following points have been mentioned with regard to the Farmers' Rights:
 - Protection of traditional knowledge (article 9.2.a)
 - Access and Benefits-sharing (paragraph 9.2.a)
 - Participation in decision-making (paragraph 9.2.c)
 - Rights of farmers to save, use, exchange and sell farm seeds (Article 9.3).

Follow-up

After a long discussion about how to realize effectively the Farmers' Rights, taking into account the provisions of Art 9 of the ITPGRFA and taking into account the achievements and experiences of the Ministry of Agriculture concerning the farmers and farmers' association supervision, the participants to the third meeting have decided as following:

- Farmers to be considered are those in the agriculture sector dealing with PGRFA;
- The 4 components mentioned above will be taken into account for the next steps;
- As the different steps to follow are not as clearly defined, the presence of lawyers, legal officers at all the meetings and reflections on the farmers was strongly recommended and required by all participants;
- Other stakeholder and other relevant entities will be involved in all future meetings and steps;
- An informal consultation will be held on April 03, 2012 for the Farmers' confederation member and other 5 Farmers' Associations;

- As the committee mentioned above was not created, the responsible of farmers support Department of the Ministry of Agriculture asked that the creation of the Committee is required to carry out and implement the activities concerning the Farmers' Rights.

Conclusions

- Concerning the informal consultation: Farmers agreed with the necessity of the consultation and requested that this issue regarding Farmers' Rights should be taken and re-examined through workshops with an expert assistance if possible and explanations so that they can formulate their needs and priorities;
- The committee has not been yet created;
- These actions need really financial support and capacity building. The Department of Environment, the NFP of the ITPGRFA, can't afford to realize or organize the required workshops, including the participations of the stakeholder groups, although the implementation and realization of Farmers' Rights rest with the national governments;
- Madagascar is among the LDC, as such needs support for the implementation of the Farmers' Rights and the Article 9 and for the finalization of the bill on the PGRFA which include some provisions on Farmers' Rights and a regulation (decree) on Farmers' Rights.