Views, Experiences and Best Practices as an example of possible options for the national implementation of Article 9 of the International Treaty

Note by the Secretary

At its second meeting of the Ad hoc Technical Expert Group on Farmers’ Rights (AHTEG), the Expert Group agreed on a revised version of the template for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers’ Rights.

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by Community Technology Development Trust (CTDT-Zambia) on 31 July 2019.

The submission is presented in the form and language in which it was received.
Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers’ Rights
as set out in Article 9 of the International Treaty

Basic information

Title of measure/practice
Community seed multiplication of farmer varieties for distribution in the community and for exchanges within the community, between communities in different districts and between Zambia and Zimbabwe. This includes supporting community seed banks including establishing seed bank committees and training them in the principles of seed handling and storage.

Date of submission
31 July 2019

Name(s) of country/countries in which the measure/practice is taking place
Zambia

Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)
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Email: cnnkhoma@yahoo.com
Tel: +260 966 754520
Contact: Charles Nkhoma

Type of institution/organization (categories)
CTDT is a Zambian registered non-profit making organization with offices in Lusaka and programmes in the four districts of Chikankata, Chirundu, Rufunsa and Shibuyunji.

Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))
Community Technology Development Trust (CTDT) in Zambia has been implementing projects on farmer managed seed systems as part of the Seed and Knowledge Initiative (SKI) programme with support of Bread for the World (www.brot-fuer-die-welt.de) and the Benefit Sharing Fund of the ITPGRFA supported joint project by the Centre for Environmental Policy Analysis (CEPA) in Malawi and CTDT in Zimbabwe.

Description of the examples
Mandatory information:¹

Short summary to be put in the inventory (max. 200 words) including:

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.
Implementing entity and partners
CTDT Zambia in partnership with government extension, Zambia Agriculture Research Institute and the farmers of Chikankata, Rufunsa and Shibuyunji.

Start year
Programmes commenced in 2011.

Objective(s)
The intention has been to contribute to the improvement of food and nutrition security of rural households through improving the management of the diversity of local crops like sorghum, millet and cowpea.

Summary of core components
CTDT has promoted local indigenous crops which have been reintroduced in targeted districts where they had been displaced by introduced crops like maize and beans. As a strategy for building climate resilient communities CTDT, seeks to identify the PGR which are best suited for the area through participatory variety selections.

Key outcomes
Farmers improve their own varieties through participatory variety selections based on existing and introduced seed diversity including those from germplasm received from other communities, national genebank and the CGIAR.

Lessons learned (if applicable)
Due to the implementation of the various measures, farmers have begun to realise the importance of their plant genetic resources that they have been losing over the past years. They have since begun to realign their production system to become more diverse to conserve the plant genetic resources through adopting the targeted PGRFA.

Brief history (including starting year), as appropriate
CTDT commenced working on some measures that support Farmers’ Rights in 2011 with support from Hivos. In 2016 the full complement of measures that support Farmers' Rights commenced under the Benefit Sharing Fund supported joint project entitled “Policies and practices to facilitate the implementation of developed Strategic Action Plans for Plant Genetic Resources conservation and use for the improvement of food and nutrition security under changing climatic conditions” together with CTDT-Zimbabwe and CEPA of Malawi. The same year CTDT began to participate in the Seed and Knowledge Initiative (SKI) on farmer managed seed systems.

Core components of the measure/practice (max 200 words)
Strengthening the on-farm conservation of genetic diversity of local crops is a major core component in support of Farmers’ Rights. CTDT enables farmers to own, manage, control and benefit from agrobiodiversity through restoration and enhancement of plant genetic resources. CTDT helps farmers to increase their ability to manage agrobiodiversity and to benefit from it through establishment of community seed banks and documenting, utilizing and conserving it. Programmes include all activities that feed into the community seed bank such as seed multiplication and distribution and seed diversity fairs.

Activities are intended to increase household food security through improved access to all seeds that they desire to produce food crops. Households are trained to increase capacity to adapt to climate change using local resources, biodiversity and soil management. CTDT engages in research, policy and advocacy and
lobbying to bring the voice and experience of farmers to the attention of policy makers. Mechanisms for farmer benefit sharing are explored with all stakeholders and general citizenry to raise awareness on Farmers’ Rights. Continued engagements are intended to result in the revision of the Plant Breeders Rights Act to remove articles that limit the farmers’ right to save, sale and exchange all forms of seed amongst themselves.

Description of the context and the history of the measure/ practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)
While the country recognizes both the informal and formal seed sectors in policy pronouncements, the seed laws and regulations governing the seed industry have tended to address only the formal sector to the disadvantage of the small scale farmers. An elaborate seed control and certification system is in place that makes it difficult for these farmers’ participation because of the need for various fees and conditions. The Plant Breeders Act has been enacted to the exclusion of consideration for the small scale farmers. The Act prohibits these farmers to practice their traditional systems of seed saving, exchanges and sales for protected varieties. Farmers who cannot purchase hybrid seeds often source second generation hybrid seed from those that are able to purchase it. But second generation hybrid seeds give unpredictable yield.

The government policy provides for Farmers’ Rights and for conservation and sustainable use of local varieties. Therefore, it is still feasible to revise the Plant Breeders’ Rights or enact legislation that addresses the needs of small scale farmers. The seed stakeholder definition has been narrow, and only constituted of government and seed industry. CTDT and partners have now broadened this to include all sectors that impact on small scale crop production.

To which provision(s) of Article 9 of the International Treaty does this measure relate

- Art. 9.1
- Art. 9.2a
- Art. 9.2b
- Art. 9.2c
- Art. 9.3

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

<table>
<thead>
<tr>
<th>No.</th>
<th>Category</th>
<th>Most relevant²</th>
<th>Also relevant³</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Recognition of local and indigenous communities’, farmers’ contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

² Please select only one category that is most relevant, under which the measure will be listed.
³ Please select one or several categories that may also be relevant (if applicable).
<table>
<thead>
<tr>
<th></th>
<th>Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Approaches to encourage income-generating activities to support farmers’ conservation and sustainable use of PGRFA</td>
</tr>
<tr>
<td>4</td>
<td>Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge</td>
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<tr>
<td>5</td>
<td>In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites</td>
</tr>
<tr>
<td>6</td>
<td>Facilitation of farmers’ access to a diversity of PGRFA through community seed banks, seed networks and other measures improving farmers’ choices of a wider diversity of PGRFA.</td>
</tr>
<tr>
<td>7</td>
<td>Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection</td>
</tr>
<tr>
<td>8</td>
<td>Farmers’ participation in decision-making at local, national and sub-regional, regional and international levels</td>
</tr>
<tr>
<td>9</td>
<td>Training, capacity development and public awareness creation</td>
</tr>
<tr>
<td>10</td>
<td>Legal measures for the implementation of Farmers’ Rights, such as legislative measures related to PGRFA.</td>
</tr>
<tr>
<td>11</td>
<td>Other measures / practices</td>
</tr>
</tbody>
</table>

- In case you selected ‘other measures’, would you like to suggest a description of this measure, e.g. as a possible new category? ____________________________________________________________

**Objective(s)**
The main objective of work on farmer seeds is to contribute to help ensure sustainable food security by assisting farmers to adapt to climate change through a targeted set of high impact activities on the conservation and sustainable use of plant genetic resources for food and agriculture. Specifically, the focus has been:

- To strengthen the conservation of genetic diversity of local crops
- To improve household food and nutrition security using local crop diversity
- To improve the capacity of local communities to adapt to climate change using local resources and biodiversity
- To advocate for changes to policies on seed and to push for the realization of Farmers’ Rights

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4 Including seed houses.
Target group(s) and numbers of involved and affected farmers\textsuperscript{5}
The projects addressing aspects of Farmers’ Rights have targeted about 8,000 farmers in rural communities of three districts of which about 60% are women.

Location(s) and geographical outreach
The geographical area covered includes the drier areas of three districts in three provinces as shown below.

<table>
<thead>
<tr>
<th>Province</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>Shibuyunji</td>
</tr>
<tr>
<td>Lusaka</td>
<td>Rufunsa</td>
</tr>
<tr>
<td>Southern</td>
<td>Chikankata</td>
</tr>
</tbody>
</table>

Resources used for implementation of the measure/ Practice
Various partners have contributed resources towards implementing the various activities starting with Hivos from 2011 to 2015, FAO/ITPGRFA Benefit Sharing Fund from 2016 to 2019, Seed and Knowledge Initiative since 2016, Bread for the World since 2018 and Oxfam Novib from 2019.

How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
The vision of CTDT is conserving biodiversity for food and agriculture and promoting its use in support of national and household food security and sustainable development. The programme has thus created stronger linkages between community seed banks, the national gene bank and other civil society organisations and the farmers themselves to share expertise with regards to the importance of these PGR and how they relate to climate change, food and nutrition security of rural households.

Through this work on seed, CTDT has been identified as a key expert on the National Committee for Plant Genetic Resources. This effort has strengthened collaboration, dialogues and linkages between the key players in the seed sector.

The seed programme has provided for increased availability of seed of local crops in the target areas where seed of sorghum, pearl millet, finger millet and cowpea are being multiplied by the community and distributed through the community seed bank committees that farmers have established. Through training on climate resilient production, farmers’ knowledge on climate and linkages with use of their traditional crops and varieties has increased tremendously. Farmers are much more appreciative of the importance of biodiversity in helping them to adapt to the changing climate.

Many farmers had over the years forgotten how to cultivate millets and the project is helping to rebuild this knowledge as many farmers are participating in establishment and management of demonstration plots and in community seed multiplication. Farmers are contributing to increased conservation of PGRFA by adopting a wider diversity of traditional varieties. They are adopting more varieties and crops to counter the negative effects of climate change and to fulfil their food and nutrition requirements but in so doing are helping to conserve this diversity.

Farmers and other stakeholders are benefiting from increased knowledge and understanding of how the farmer seed systems can sometimes be negatively impacted by the national seed law and the plant variety

\textsuperscript{5} Any classification, e.g. of the types of farmer addressed, may be country-specific.
protection system. Farmers are now voicing their own views and fears as well as suggestions on how seed laws can be turned to their benefit.

Please describe the achievements of the measure/practice so far (including quantification) (max 200 words)
Community seed multiplication has become an annual routine in the target communities in the three districts. More than 200 farmers have participated in multiplying seed on behalf of their communities for distributing seed of crops including Bambara nut, cowpea, sorghum and millets and local maize varieties. More than 2000 farmers have accessed this seed. About 3000 farmers have participated in various trainings including seed handling and storage, climate resilient production and value addition. Over 800 farmers have participated in exchange learning visits to other sites and to national genebank. About 4500 farmers have participated in knowledge sharing field days held at demonstration plots showing importance diversity. A similar number of farmers have attended seed diversity fairs and had opportunity to exchange seed and knowledge. Over 1000 farmers have participated in displaying at these seed fairs. About 20 government extension staff have benefited from knowledge gained by participating in farmer seed programmes and in training sessions. Some 150 stakeholders including policy makers, national seed authority have participated in capacity workshop to raise awareness on various aspects of farmers’ rights.

Other national level instruments that are linked to the measure/practice
Other than directly related instruments such as Seeds Act and Plant Breeders’ Rights Act, there are other national policy documents such as the national policy on agriculture, national policy on seed, national policy on environment, policy on climate change and others. The role of smallholder farmers and the value of diversity are always recognised but the various government implementation programmes have tended to leave out promotion and development of plant genetic resources and even to address issues of farmers’ rights.

Are you aware of any other international agreements or programs that are relevant for this measure/practice?
Apart from being a party to the ITPGRFA, Zambia has been a member of the World Intellectual Property Organization (WIPO) since 1977 and has participated in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore with the objective of reaching agreement on an international legal instrument for the protection of traditional knowledge, traditional cultural expressions and genetic resources. Zambia has since enacted a law: The Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act of 2016.

This is an Act to provide for a transparent legal framework for the protection of, access to, and use of, traditional knowledge, genetic resources and expressions of folklore, which also guarantees equitable sharing of benefits and effective participation of holders. The Act sets out:

i. to recognise the spiritual, cultural, social, political and economic value of traditional knowledge, genetic resources and expressions of folklore of holders;
ii. to promote the preservation, wider application and development of traditional knowledge, genetic resources and expressions of folklore;
iii. to recognise, protect and support the inalienable rights of traditional communities, individuals and groups over their traditional knowledge, genetic resources and expressions of folklore;
iv. to confer rights on traditional communities, individuals and groups and promote the conservation and sustainable utilisation of the country’s biodiversity resources;
to promote fair and equitable distribution of the benefits derived from the exploitation of traditional knowledge, genetic resources and expressions of folklore;

vi. to promote the use of traditional knowledge, genetic resources and expressions of folklore for the benefit of traditional communities, the country and mankind in general;

vii. to ensure that exploitation of traditional knowledge, genetic resources and expressions of folklore takes place with the prior informed consent of a traditional community, individual or group;

viii. to prevent the granting of patents based on traditional knowledge, genetic resources and expressions of folklore without the prior informed consent of a traditional community.

Zambia is also a party to the World Trade Organisation (WTO) Trade-Related Intellectual Property Rights Agreement (TRIPS) which allows for development of a *sui generis* system of plant variety protection that could address Farmers’ Rights.

Other issues you wish to address, that have not yet been covered, to describe the measure/practice

It is desirable for the country to push for a holistic seed policy and legal framework that enables the inclusion of all types of seed, including farmers’ varieties that may currently not be acceptable for inclusion on the official variety list. There is need to support a multi-actor dialogue process that involves all stakeholders in a broader seed value chain that links crop diversity to seed in a more appropriate and direct manner than has so far happened. This will allow farmers, civil society and other relevant farmer organizations to participate in the decision-making process regarding the organization of a national seed system. Farmers are the major custodians of PGR and there is therefore a need to increase farmer knowledge and appreciation about Farmers’ Rights amongst the farmers. Farmers should be empowered to take more responsibility about their destiny about crop diversity and seed system.

**Lessons learned**

Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

Due to the implementation of the various measures, farmers have begun to realise the importance of their plant genetic resources that they have been losing over the years. They have begun to realign their production system to conservation of plant genetic resources. Farmers’ interest has also been driven by the need to become more resilient especially due to climate change. The trainings in climate resilient production generated a lot of interest with farmers eager to spread risk by planting diverse crops and varieties.

There is a response of commodity buyers when they see increasing production of any crop. Initially there were no known buyers for the target crops but recently, there have been increasing queries from potential buyers about quantities of cowpea, sorghum, finger millet and pigeon pea that can be produced by farmers in the project areas. This is also related to increasing awareness about non-communicable diseases that is causing an increase in the interest in the target crops especially finger millet which is becoming popular as a safe cereal for diabetes control.

Women have played significant roles in accessing, sharing and planting seed of the target crops. While men have tended to target what they consider commercial crops like maize with a ready market, women have grown these crops because their immediate need is household food and they grow crops even if there is no pre-determined market. Women have also been more likely to plant many different varieties of a crop thereby contributing more to conservation and sustainable use of PGRFA.
What challenges encountered along the way (if applicable) (max 200 words)
There is always an ever presence threat to PGRFA that is caused by the changing lifestyles being influenced by urban lifestyles. This necessitates the need to create more awareness both in rural and urban areas. There are also the ever-increasing pressures from negative effects of developmental messages targeting specific crops such as the government subsidy programs that malign local crops. It is important to revise the system that defines varieties in terms of official variety list. The official national variety list implies that anything that is not on the list is not considered a variety. The country needs to change this system and have open ended lists which would then create acceptance for many PGR that are good varieties.

The seed regulations must make a clear distinction between quality and choice in describing seed. Only true quality criteria such as viability (including germination percentage), physical condition with no breakages, pests and diseases, and absence of non-seed materials in the seed lot. These qualities are relevant for both commercial and farmer seeds. Other criteria used such as uniformity have nothing to do with quality as it is a matter of choice if the user of seed wants it to be uniform or varied such as mixed coloured seed.

What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)
Participation and collaboration of a wide stakeholder has made it possible to implement Farmers’ Rights activities by utilizing a wide range of expertise and experiences. Policy support for field work is guaranteed when other actors take up field experiences and use to inform advocacy. Networking has also increased knowledge and understanding about Farmers’ Rights and how they contribute to conservation and sustainable use. Networking has contributed to spreading information about target PGRFA beyond CTDT where partner organizations are now promoting the target PGRFA among the farmers they work with in other areas of the country not targeted by this project.

Further information
- Link(s) to further information about the measure/practice