



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**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 African Centre for Biodiversity (ACB) on 29 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

Recognition of farmers' varieties/landraces and voluntary registration

- Date of submission

5 February 2019, revised 31 July 2019

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

Brazil

- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

Brazil Ministry of Agrarian Development / Ministry of Agriculture; Secretaria de Agricultura Familiar e Cooperativismo - SAF/MAPA

- Type of institution/organization (categories)

Government departments, universities, research institutes, farmer associations, non-government organisations (NGOs)

- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Brazil Ministry of Agrarian Development / Ministry of Agriculture; Secretaria de Agricultura Familiar e Cooperativismo - SAF/MAPA

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.

The Brazilian Ministry of Agrarian Development (distinct from the Ministry of Agriculture), in cooperation with farmer associations, NGOs and others, developed Seed Law #10711 of 2003, recognizing farmer varieties/landraces and offering opportunities for voluntary registration. The objectives are to recognize smallholder family farmers' varieties/landraces and to facilitate public support to their conservation, maintenance, enhancement, production, use and dissemination through government programs. Article 48 of the Law forbids restrictions on the inclusion of local, traditional and Creole varieties in publicly funded programs for family farmers. Ministerial Directive 51/2007 provides criteria for the voluntary registration of these varieties. Legal recognition has made possible government (financial) support for various projects and initiatives undertaken by NGOs and farmers and contributed to integrating farmer varieties/landraces into national food and nutrition security programmes. Key conditions for success are farmers' and civil society organizations' engagement, mobilization and practical work on farmer varieties and seed and exemptions for farmers' seed from laws and regulations addressing commercial varieties; furthermore, linking conservation and use of farmer varieties to public procurement programs can provide incentives to sustain such initiatives.

(178 words)

- Brief history (including starting year), as appropriate

In 2003, Brazil passed Seed Law #10711 that creates legal space for recognition and voluntary registration of 'local, traditional and Creole varieties'. In 2006, guidelines for family farming policy provided a definition of which farmers qualified. Family farmers do not need to register their own seed. Directive 51/2007 established criteria for voluntary variety registration. Legal recognition has made possible government (financial) support for various projects and initiatives undertaken by NGOs and farmers.

- Core components of the measure/practice (max 200 words)

Article 48 of the Brazilian Seed Law forbids restrictions on the inclusion of local, traditional and Creole varieties in publicly funded programmes for family farmers. Legal recognition has made possible government (financial) support for various projects and initiatives undertaken by NGOs and farmers. In 2006 the Ministry of Agrarian Development put into effect a national registry of organisations working on these seeds, as well as a register of varieties for these categories of seed. The same variety can be registered by more than one organisation because registration does not give exclusive ownership rights. This means several farmer organisations can register, use and share the same varieties/landraces.

Ministerial Directive 51/2007 provides criteria for voluntary registration of these varieties: i) they must be developed, adapted or produced by family farmers, agrarian reform settlers or traditional and indigenous populations; ii) they must have phenotypical characteristics that are well established and recognised in these communities/populations; iii) they must have been in use by farmers in these areas for more than 3 years; they cannot be GM or hybrids not controlled by local family farmer communities. Directive 51 also prevents these seeds from being privatised, thus recognising the collective and non-exclusive rights of local communities over these seeds.

Many farmers choose not to register their seed, and this is not an obligation. Where farmers may want to commercialise their seed, they may carry out important tests like germination, moisture content and GMO-free.

- 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)

Brazil had a historical background of community seed banks, but these were often filled with conventional seed. CSO and social movement mobilisation, first to get smallholder family farmer varieties/landraces into the seed banks, and then to call for their recognition and public support to develop them. Progressive governments at state and national level contributed to acceptance. Ongoing work by CSOs/farmer associations on farmer varieties/landraces provided a material basis for advocacy.

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

Art. 9.1 X

Art. 9.2a X

Art. 9.2b X

Art. 9.2c X

Art. 9.3 X

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):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		X
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		X
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		X
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		X

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).

6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		X
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		X
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		X
9	Training, capacity development and public awareness creation		X
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	X	
11	Other measures / practices		

- 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)

Recognition of smallholder family farmer varieties/landraces and provision of public support to their conservation, maintenance, enhancement, production, use and dissemination.

- Target group(s) and numbers of involved and affected farmers⁵

Smallholder family farmers agrarian reform settlers, and traditional and indigenous populations and communities nationally. No information readily available about the actual numbers affected.

- Location(s) and geographical outreach

National

- Resources used for implementation of the measure/practice

State and national resources, NGO and farmer contributions.

- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

Conservation and sustainable use of PGR are long term processes. In Brazil the whole process is relatively recent (really from 2009), and there are few studies looking at the impacts on conservation and sustainable use of PGR.

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice

The measure is linked to the National Policy for Agroecology and Organic Production (PNAPO I) in 2012, and the National Food Acquisition Programme.

- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

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

The implementation of farmers' rights in Brazil did not emanate from the government but rather, was as a result of the organisation, mobilisation and pressure exerted by social movements in that country. The importance of civil society mobilisation to pressure for advocacy; independent activities by farmer associations and social movements to build networks of practice in agroecology and farmer seed were the key drivers. However, the government at the time was responsive. It established a dedicated Ministry of Agrarian Development to implement policies designed to strengthen family farming. This Ministry was distinguished from the Ministry of Agriculture whose task it is to look after the interests of agribusiness. Hence, a situation of overt conflict of interests emanating from only one Ministry of Agriculture was avoided and contributed substantially to the implementation of farmers' rights in Brazil.

It must be borne in mind that the recognition of farmers' varieties may in many cases be less about tangible financial benefits from ownership, and more about public sector support for ongoing activities. According to Bioversity International, there was initial resistance by peasants in Brazil to the notion that their varieties could be registered on a discreet register. They were inter alia, concerned about freezing varieties in time and space and undermining seed evolution and adaptation, as well as granting private ownership rights over shared and community resources. These are real concerns and makes the case for non- mandatory registration of farmers' varieties on small holder farmers. Rather, appropriate voluntary mechanisms could be developed in consultation with farmers and indigenous peoples.

- What challenges encountered along the way (if applicable) (max 200 words)

Who is responsible for deciding which varieties are considered local, traditional or Creole? What is the genetic distance necessary to separate these varieties/landraces from commercial varieties?

- 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)

Smallholder farmer and CSO mobilisation and practical work on farmer seed; exemptions from commercial laws for farmer varieties/landraces; link to government procurement systems can assist as a market to sustain the measures; role of local/household seed banks as a mechanism for circulating farmer varieties/landraces.

Further information

- [Link\(s\) to further information about the measure/practice](#)

Law # 10.711 Regulating the National Seed and Seedling System, (Seed Law), 5 August 2003

<https://www.ecolex.org/details/legislation/law-no-10711-ruling-on-national-system-for-seeds-and-moults-lex-faoc049379/>

Seed Law (English) <https://agrobiobrasil.org.br/wp-content/uploads/2014/06/Law-n%C2%BA-10.711-of-August-5-2003-The-purpose-of-the-National-Seeds-and-Seedlings-System.pdf>

Decree # 5.153 Implementing Regulations for Seed Law

<https://www.ecolex.org/details/legislation/decreo-no-5153-implementing-law-no-10711-on-national-system-for-seeds-and-moults-lex-faoc061592/>

Decree No. 7.794 establishing the National Policy on Organic Farming

<https://www.ecolex.org/details/legislation/decreo-no-7794-establishing-the-national-policy-on-organic-farming-lex-faoc114818/>

Ministry of Agrarian Development, Ministerial Decision 51/2007 establishing register of farmers' varieties [not readily available]

FAO 2004. "Seed multiplication by resource-limited farmers". FAO Plant Production and Protection Paper 180. FAO, Rome.

FAO-IFAD 2017. "Overcoming hunger and rural poverty: Brazilian experiences". FAO/IFAD, Brasilia/Rome.

Fernandes, G. 2017. "Sementes crioulas, varietais e orgânicas para a agricultura familiar: Da exceção legal à política pública". In R. Sambuichi, I. de Moura, L. de Mattos, M. de Avila, P. Spinola and A. da Silva (eds) A política nacional de agroecologia e produção orgânica no Brasil: uma trajetória de luta pelo desenvolvimento rural sustentável. Instituto de Pesquisa Econômica Aplicada (IPEA), Brasília, pp.327-357.

Petersen, P., Fernandes, G., Silveira, L. and Dias da Silva, E. 2016. "Seed banks and national seed policy in Brazil". Farming Matters, April <https://www.ileia.org/2016/04/16/seed-banks-national-policy-brazil/>

Santilli, J. 2016. "Commentary on the Brazilian seed law". In M. Halewood, M. Farmers' crop varieties and farmers' rights: Challenges in taxonomy and law. Routledge, Oxon/New York.