



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 information on best practices and measures of implementing Article 9 of the International Treaty submitted by African Centre for Biodiversity (ACB) on 11 December 2020.

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

Venezuelan Seed Law No. 6.207 of 2015

- Date of submission

11th December 2020

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

Venezuela

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

- Type of institution/organization (categories)

Government institution

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

Description of the examples

Mandatory information:¹

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

A new seed law was passed, with provisions including bans on genetically modified seeds and the patenting of life forms, recognition of both formal and informal seed systems, and protections for the seeds of the country's peasant, Indigenous, and Afro-descendant communities.

- Brief history (including starting year), as appropriate

Venezuela - On December 23, 2015, the Venezuelan Congress passed a new Legislation on Seeds, (Venezuelan Seed Law No. 6.207) repealing the previous regulation from 2002, which also regulated the material for animal reproduction and biological supply. This Seed Law includes provisions that ban genetically modified seeds and the patenting of life forms, recognition of both formal and informal seed systems, and protection for the seeds of the country's peasant, indigenous, and Afro-descendant communities.

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



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

Prohibits genetically modified organisms and seed that endanger ecosystems, biodiversity, human health and food sovereignty with penal sanctions for any violation, and also prohibits any form of patents and plant breeders' rights.

Provides detailed provisions on peasants' and farmers' seed systems.

Creates a National Seed Commission – mandate is to monitor the implementation of the law and draft a National Seed Plan. This comprises four representatives of the competent Ministry, as well as three representatives of social movements, peasants, afro-descendant and indigenous peoples.

Creates a Popular Council for the Protection of the Local, Peasant, Afro-descendant and Indigenous Peoples' seeds. This comprises of representatives of social movements, peasants, farmers, communities and seed producers. The Council's role is to promote peasant seeds systems, including the conservation, use and exchange of seeds, local seed banks, community seed production enterprises, collaborative breeding and participative certification mechanisms; as well as to participate in policy making and provide inputs to the National Seed Commission. All local, peasant, afro-descendant and indigenous peoples' seeds, as well as seeds developed with state' resources, are declared as free seeds that can be improved, produced, exchanged and freely marketed all over the national territory. These seeds are to be accessed under "licenses for the free use". Also promotes formal seed system.

- 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)

There had advancements of both agroecology and food sovereignty through formal and social movements. This was partly facilitated by a favorable policy climate supported by the Constitution of 1999, which has provided a legal basis for food sovereignty construction, strengthened through a series of subsequent laws, including the Law of Integrated Agricultural Health (granting legal recognition of and support for agroecology) and the Organic Law of Food Security and Food Sovereignty. These advancements include, eradication of field trials of transgenic papaya in 2000 under Resolution 13 of the Legislative Council of Merida, Agrarian reform and recognition of *conuco* as a historical source of agrobiodiversity under the Law of Land and Agrarian Development in 2002, Public declarations against GMOs by President Chavez (2004, 2006), National Seed Plan of 2005, Day of Peasant Seeds (2005), International Day of Biodiversity, Official Gazette No. 38.942 of May 30, 2008, Launch of the Plan de la Patria (National Plan), which establishes food sovereignty as a national goal; proposes the production of seeds in lands rescued through the agrarian reform process; recognizes the *conuco* as a reserve of germplasm; promotes the peasant and Indigenous agriculture; and promotes agricultural production free of GMOs among others.

- 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



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 | |
| 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 | | |

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).

⁴ Including seed houses.



- 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 objectives of the law are to: *preserve, protect, guarantee the production, multiplication, conservation, free circulation and use of the seed, as well as the promotion, research, innovation, distribution and exchange of the same, from an agro-ecological Socialist vision, giving priority to the national production of seeds, with special emphasis on the valuation of indigenous, Afro-descendant, peasant and local seeds, contrary to patents and breeders' rights on seeds, prohibiting the release, use, multiplication, entry into the country and national production of transgenic seeds in order to achieve and guarantee agrifood security and sovereignty, the right to healthy and nutritious food, the conservation and protection of biological diversity, and the preservation of life on the planet, in accordance with the provisions of the Constitution of the Bolivarian Republic of Venezuela.*

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

Venezuela – National

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

The law paves way for the production of seed under an agroecological model that respects nature and ensures conservation of genetic resources for future generations. It also bans transgenic (GMO) seed while protecting local seed from privatisation. It also ensures inclusive, democratic and participatory decision making on seed matters in the country towards seed sovereignty.

- 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

Article 127 of the Constitution of the Bolivarian Republic of Venezuela

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



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- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
Cartagena Protocol on Biosafety

United Nations Declaration on the Rights of Peasants and People Working in the Rural areas

United Nations Declaration on Rights of Indigenous People

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

Further information

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

Felicien, A. , C.M.Schiavoni, E.Ochoa, S.Saturno, E.Omaña, A.Requena and W.Camarcaro . 2020. Exploring the ‘Grey Areas’ of State-Society Interaction in Food Sovereignty Construction: the Battle for Venezuela’s Seed law. *Journal of Peasant Studies* 47 (4): 1–26. Special Forum on Seed Activism

The New seed law of Venezuela <https://www.apbrebes.org/news/new-seed-law-venezuela>

General features of the Seed Law in Venezuela <http://antequera.legal/en/2018/01/25/general-features-new-seed-law-venezuela/>

<https://venezuelanalysis.com/analysis/11798>