Note by the Secretary

By Resolutions 5/2015 and 7/2017, the Governing Body invited Contracting Parties and relevant organizations to take initiatives to convene further regional workshops and other consultations with a broad range of stakeholders, including with farmers’ organizations, particularly those in the centres of origin of crop diversity, for the exchange of knowledge, views and experiences on the realization of Farmers’ Rights, as set out in the Article 9 of the international Treaty, as appropriate.

In response to the invitation of the Governing Body, the Secretariat of the International Planning Committee for Food Sovereignty (IPC) and the Community Technology Development Trust (CTDT) organized regional consultations in Africa, Asia and Latin America and the Caribbean on the implementation of Farmers’ Rights.

This document contains the outcomes of the following Consultations:

(i) CSO African Consultation on the implementation of Farmers’ Rights, held in Mali from 17-20 July 2018;
(ii) Regional Consultation of Asia and the Pacific on the implementation of Indigenous Peoples & Peasants’ Rights to Plant Genetic Resources for Food and Agriculture, held in Indonesia on 13 July 2018;
(iii) Regional Consultation of Latin America and the Caribbean, held in Brazil from 17-20 April 2018; and

The objectives of the Consultations were to share views, experiences, and best practices on the realization of Farmers’ Rights, and to gather ideas on how to strengthen their implementation, by bringing a broad range of stakeholders.

These documents are made available for the information of the AHTEG and to further assist its discussions, as appropriate.
**CSO African Consultation on the implementation of Farmers’ Rights**

**CIFAN Nyéléni Village - Selingue, Mali**

**From 17 to 20 July 2018**

**Introduction**

Forty participants, from 17 African countries, representing peasants, pastoralists, small-scale farmers, women organizations, NGOs and organizations active in food sovereignty, met from 17 to 20 July 2018 in Nyéléni, Selingue, Mali, to defend their rights on seeds for food sovereignty. The meeting has been organized by International Planning Committee (IPC) for Food Sovereignty and hosted by Coordination Nationale des Organisations Paysanne (CNOP), and it has been supported by Brazilian, Malian and Norwegian Government, and financed by the Cooperation South-South of FAO.

**Fundamental principles**

1. The preamble of the Treaty recognizes the contribution of farmers in conserving, improving and making available Plant Genetic Resources for Food and Agriculture (PGRFA). The participants of the African Consultation consider peasants, as defined in the draft of *Declaration of Peasants' Rights and other Persons Working in the Field and in Rural Areas* of the Human Rights Council: “a peasant is any person who engages or who seeks to engage alone, or in association with others or as a community, in small-scale agricultural production for subsistence and/or for the market, and who relies significantly, though not necessarily exclusively, on family or household labour and other non-monetized ways of organizing labour, and who has a special dependency on and attachment to the lands.”

2. Peasants’ seed systems supply the majority of seeds and plant varieties cultivated and not cultivated in Africa. These systems are at the origin of agricultural biodiversity and food systems. Peasants’ seeds are adapted to cultural identities of communities and territories. Peasants’ seed systems are based on peasants’ knowledge, practices and collective rights, defined by peasants’ communities according to their customs and traditions. They develop different peasants' varieties managing agricultural and non-agricultural biodiversity in a dynamic way. Peasants’ seeds are characterized by diversity, resilience and dynamism. They are the only ones able to adapt to different territories and climate change.
Peasants select and multiply seeds with their knowledge, know-how and activities under the conditions of their utilization: the field of agricultural and food production. Peasants’ seeds guarantee autonomy and permanent security of seed stock at local level. They allow sustainable and agroecological production. They are fundamental to ensure a diverse, rich and nutritious food, as well as food security and sovereignty.

Proposals

Countries, which ratified the Treaty, must provide the necessary measures to protect and promote farmers’ rights. The Governing Body of the Treaty must facilitate, in a participatory process, the drafting of guidelines on the implementation of farmers’ rights, taking into account the following recommendations:

1. **Protection of traditional knowledge related to conservation of genetic resources for food and agriculture**

This right must be applied to all peasants without exceptions. Their knowledge regarding peasants’ seeds is the cultural basis for their livelihoods, land, plants and souls. Countries must include in their legislation, with the effective participation of peasants, the obligation to respect, protect and preserve knowledge, innovation and practices of peasants’ communities.

During the collection of seeds that feed the multilateral system, Countries must submit to peasants a contract of material transfer or other kind of contract in compliance with the principle of Free Prior Informed Consent (FPIC). This contract or agreement must oblige the beneficiary to avoid any intellectual property or any other right that limits farmers’ rights to conserve, save, use or sell seeds that have been exchanged. It must be written in local languages and must indicate the place where the seeds are conserved and the number of accessions.

Countries must prohibit the development of modern biotechnologies, which cause contamination or distraction of peasants’ seed and social systems related to them.

When seeds are marketed, countries must share:

- Information regarding all kinds of intellectual property rights or any other rights regarding the access of PGRFA and farmers’ rights to freely use these resources.
- Information on all breeding and reproduction processes utilized.

The Treaty must set up a traceability mechanism of all genetic resources that allow the identification of the origin of PGRFA utilized for the development of new seeds or propagating material.

The Treaty must co-operate with other international organizations, especially Union for the Protection of Plant Variety Protection (UPOV) and World Intellectual Property Organization (WIPO) in order to adjust their agreement to respect farmers’ rights.

2. **The right to equitably participate in sharing benefits arising from the use of PGRFA**

Countries must monitor the use of PGRFA accessed from their national patrimony of genetic resources.

Countries should support the Treaty in the collection of payments for the Benefit Sharing Fund, in order to benefit peasants and developing Countries. Therefore, governments can set up a taxation system off the benefits of industries that arise from the commercialization of non-freely-replicable seeds and their protection rights, in order to share the benefits according to the modalities defined by the participation of peasants.

The commercialization of freely replicable seeds is a contribution to the equitable sharing of benefits.

The Treaty must ensure the participation of peasants in the management of the Benefit Sharing Fund. Peasants’ seed systems that ensure the conservation of PGRFA must be prioritized in the utilization of Benefit-Sharing Funds.

The mechanism for presentation of projects to the Benefit Sharing Funds must be simplified in order to be accessible to peasants’ communities and organizations that ensure the conservation of PGRFA within the peasants’ seeds system.

The Treaty must guarantee peasants’ rights to save, use, exchange and sell seeds included in the MultiLateral System (MLS), financed by the Benefit Sharing Fund.

3. **The right to participate in making decisions, at the national level**

Any national decisions or other international engagements regarding genetic resources cannot be taken without the effective participation of peasants, as well as those regarding intellectual property rights, the registration of seeds, biosecurity and the management of national genetic resources.
Countries must ensure the functionality of Focal Points of Convention of Biological Diversity (CBD) and its protocols, in transparency and with effective consultation with peasants.

In order to guarantee the effective participation, countries must:

- Make available necessary information, in local languages, to peasants within at least 90 days before the start of the meeting, which allows them a collective appropriation of the issues.
- Facilitate and support the capacity building of representatives of peasants’ communities, with a special attention for the participation of women and the youth, who are fundamental actors in rural communities.

The Treaty must ensure the effective participation of peasants in all decision-making and working spaces.

4. **Right to save, use, exchange and sell seeds and the propagating material conserved on farm**

Countries must recognize peasants’ seed systems, which are conceived and used by peasants’ communities in accordance with their customs and traditions. Measures regulating the industrial and commercial seeds’ system shall not apply to peasants’ seed systems, in particular on the issues of marketing, phytosanitary quality and intellectual property.

Countries must recognize specific rules to the collective rights of peasants’ seed systems that guarantee the phytosanitary and nutrition quality of peasants’ seeds. These rules must ensure the protection of peasants’ knowledge through voluntary initiatives, such as a code of conduct or a participatory system of guarantee.

5. **Rights to redress**

National legislation and international agreements must provide a mechanism that allows peasants and the organizations that support them, to claim for redress in case of violation of their rights, as defined in the article 9 of the Treaty.
Introduction

The 40 participants representing peasants and other small-scale farmers, indigenous peoples, and women’s organizations of the Regional Consultation of Asia and the Pacific on the Implementation of Indigenous Peoples’ Rights To Plant Genetic Resources for Food & Agriculture coming from 10 countries of Asia and the Pacific, meeting in Kediri, East Java, Indonesia, between 10-13 July 2018, met to defend the seeds for food sovereignty in the International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA or the Seed Treaty).

In this document, ‘farmers’ includes those who produce and/or use seeds in both industrial and cultural seed systems in line with Article 9 on Farmers’ Rights in the Seed Treaty. The custodians of cultural seed systems are referred to as ‘indigenous peoples and peasants’, and more broadly also include smallholders, artisanal fisherfolk, pastoralists, forest dwellers, women and all the communities that produce food in agroecological ways and contribute to maintaining biodiversity.

The insecurity in rights of tenure and ownership of indigenous peoples and peasants, whether as owners or possessors or users, frustrates the full realization of their right to seed. In many areas in Asia and the Pacific, indigenous peoples and peasants are embroiled in land conflict issues such as displacement and land grabbing. As a result, indigenous peoples and peasants are impeded in their capacity to realise farmers’ rights to Plant Genetic Resources for Food & Agriculture (PGRFA).

The non-recognition of women peasants’ contributions in agriculture is a violation of their right not to be discriminated against. Women peasants’ work is not being given social and economic value due to historical and structural unequal power relations between women and men, further reinforced by industrial agriculture. Hence, women are first to be displaced, negatively affected, and neglected in many levels of development. This situation has marginalized women peasants’ rights and participation in designing, planning, developing, monitoring and evaluating technologies related to food and agriculture, especially relating to seeds. The oft-mentioned
traditional roles of women peasants, including but not limited to seed keeping and selection, has not been translated into tangible forms of recognition.

Inclusion and the right to active participation of youth, especially women youth, in legislation, systems and processes related to PGRFA is critical. Youth, especially women youth, should therefore be recognized in all legislation, systems and processes related to PGRFA.

**Fundamental Principles**
The principles of food sovereignty underscore all the proposals in this document. That is that everyone and their communities have the right to culturally-appropriate and nutritious food produced in ecologically-sound ways, and the right to collectively determine our own food and agriculture systems.

Any legislation, systems, and/or processes which inhibit democratic participation of any peoples infringes on the rights inherent in food sovereignty.

Any legislation, systems, and/or processes which privilege private gains over the public good also infringes these rights.

Should indigenous peoples and peasants’ resources be exploited by others, they are entitled to recognition and fair and equitable compensation, be it monetary and/or non-monetary.

Indigenous peoples and peasants’ right to land should be integral to the promotion of indigenous peoples and peasants’ rights to PGRFA.

Certain groups in society have repeatedly had their rights denied through history, and so it is imperative that their rights are given special attention in all legislation, systems and processes. These groups include but are not exclusively indigenous peoples, peasants, landless, pastoralists, forest dwellers, artisanal fisherfolk, women, youth, differently abled, migratory populations and all peoples discriminated against on the basis of birth or circumstance. We must ensure gender equality in the processes and outcomes in the indigenous peoples and peasants’ rights to PGRFA.
Proposals

Categories of Plant Genetic Resources for Food and Agriculture (PGRFA)

- Cultural seed systems have been maintained for thousands of years by indigenous peoples and peasants as commons for the public good. Crop wild relatives and wild plants are varieties in some cultural seed systems that are genetically related to cultivated crops that have been used since the beginnings of agriculture by indigenous peoples and later by peasants.

- Industrial seed systems are designed to bring profit via exclusivity, and/or are produced using ecologically-unsound and/or –sound practices for private gain. They usually must be deemed new, distinct, uniform, and stable to qualify for certification. Transgenics, Genetically Modified Organisms and New Breeding Techniques (NBTs) are a form of industrial seed systems. Research, education and extension institutions also participate in the industrial seed system, often in the name of public good.

Right holders

Industrial seed systems

- There should be no Intellectual Property Rights (IPRs) or exclusive rights on industrial varieties, nor on digital information of such varieties.
- Recognize that indigenous peoples and peasants are the stewards of the parental lines from which industrial varieties are derived and exploited.

Cultural seed systems

- The use of cultural seed systems must be in the control of indigenous peoples and peasants who are the traditional stewards of such seeds and traditional knowledge.
- Collective rights should be extended to digital sequencing information and global information system.
- The use of wild crop relatives and wild plants must be in the control of indigenous peoples and peasants who are the traditional stewards of such seeds and traditional knowledge.

Indigenous and Women Peasants

- Women peasants and other women working in rural areas should be supported in their participation in community/local seed management systems. Government should create
measures for women peasants to have equal access to, use of, and control over natural resources, which can strengthen their role in cultural seed systems.

- Governments should identify and address gender-differentiated impacts of industrial seed systems.
- “Strengthen sustainable production and consumption patterns, including family farming, respecting and protecting traditional and ancestral knowledge and practices of rural women, in particular the preservation, production, use and exchange of endemic and native seeds” (Commission on the Status of Women, 62nd Session, 12-23 March 2018), and support alternatives to the use of chemical fertilizers and pesticides harmful to the health of rural women and girls and their communities.

Registration

**Industrial seed systems**

- There must be compulsory disclosure of the indigenous peoples and peasants who are the stewards of parental lines of newly-industrialised seeds. This disclosure should carry through to the labelling of such seeds.
- There must be compulsory written Free Prior Informed Consent (FPIC) from indigenous peoples and peasants who are the stewards of parental lines of newly-industrialised seeds.
- Where seeds are registered, there must be compulsory disclosure including in local languages of the processes (e.g. GMOs, NBTs, GURT…).

**Cultural seed systems**

- There must be no compulsory registration of seeds from cultural seed systems.
- There must be no obligation to provide samples nor community records of seeds from cultural seed systems.
- Government measures on certification and registration should not limit nor impede the implementation of farmers’ rights.
- Governments should recognize participatory local systems of indigenous and peasant communities as a legitimate method for identification of seeds from cultural seed systems.

Right to save, use, exchange, and sell seeds

**Industrial seed systems**

- Farmers have the right to use, re-use, sow, re-sow, save, improve, select, exchange, share, sell and propagate farm-saved seeds.
• indigenous peoples and peasants should not be subject to prosecution in case of cultivating industrial varieties of seed (including but not only GMO/transgenic seed).

Cultural seed systems
• Farmers have the right to use, re-use, sow, re-sow, save, improve, select, exchange, share, sell and propagate seeds and traditional knowledge.
• Women must be recognized for the central role they play in the preservation of cultural seed systems.

Information
• Farmers have the right to timely and accurate information about plant genetic resources for food & agriculture (PGRFA) – in local languages, and through farmers’ channels. Governments are responsible for the provision of such timely and accurate information.

Right to Participation
• In all decision-making processes about PGRFA at local, sub-national, national and regional levels, vocal participation of organisations of indigenous peoples and peasants should be ensured, and there should be at least 50% women participating.
• Governments should establish a dedicated mechanism inclusive of indigenous peoples’ and peasants’ organisations on PGRFA within cross-sectoral governing bodies, especially agriculture, education, research, extension and trade, to ensure sustained dialogue between farmers’ organizations and government (including research, extension and educational institutions).
• Governments should provide resources to indigenous peoples’ and peasants’ organizations for capacity building, and to enable attendance to ensure effective participation in decision-making processes.
• Governments should ensure documents are disseminated to farmers’ organisations with sufficient time for due consideration in order to ensure effective participation in decision-making processes.
• Indigenous peoples’ and peasants’ organisations have a right to participate in decision-making processes in local languages, and governments have a responsibility to provide the resources to them to ensure this right.
**Right to sustainable use of PGRFA**

- Farmers have the right to be protected from contamination from transgenic and NBTs and genetic use restriction techniques (GURT), and they further have the right to compensation from damages accrued from GMOs, transgenic, NBTs and GURT.
- Indigenous peoples and peasants must be protected from the threat of prosecution for infringement of Intellectual Property Rights (IPRs).

**Cultural seed system**

- Governments should support activities to ensure sustainable use of PGRFA such as but not limited to dissemination, *in situ* and on-farm storage, and documentation of PGRFA and traditional knowledge by indigenous peoples and peasant groups.

**Phytosanitary**

- Phytosanitary requirements on commercial seeds should not adversely impact on indigenous peoples’ and peasants’ seeds systems.
- Recognize participatory local systems of quality assurance by communities.

**Right to justice**

- Government must give assistance to indigenous peoples and peasants seeking redress against those who infringe on their rights.

**Industrial seed systems**

- Government must ensure fair compensation to farmers in the case of crop failure due to non-performance.
- Government must give assistance to farmers and communities seeking redress in case of adverse impacts of industrial seeds on biodiversity.

**Benefit sharing**

- The management of benefit sharing funds should directly involve farmers’ organizations including indigenous peoples’ & peasants’ organisations at national, regional and global level.
- The Benefit Sharing Fund should ensure direct benefits to farmers’ organizations, including indigenous peoples’ & peasants’ organisations and communities, including the right to direct access to those benefits.
- The Benefit Sharing must not increase the burden on indigenous peoples and peasants.
Introduction

The 40 participants representing farmers, indigenous, women and pastoralist organizations of the Regional Consultation of Latin America and the Caribbean on the Implementation of Farmers' Rights coming from 13 countries of Latin America and the Caribbean, meeting in Seberí, Rio Grande do Sul, Brazil, between 17 and 20 of April, 2018 celebrated the opportunity to meet each other to continue weaving alliances, links and exchanges, strengthening our commitment to defend the seeds for Food Sovereignty.

During four days we bear out, once again, the fundamental role that peoples of Latin America and the Caribbean had as a center of origin of biodiversity and culture, from which large part of the seeds that feed humanity today have risen. Corn, sacred to the peoples of Mesoamerica, tomatoes and potatoes are just some of the crops that our ancestors raised, domesticated and bequeathed to the Peoples of the world for their nourishment.

It is clear to us that agricultural biodiversity could not have been generated without the immense cultural diversity that, from Alaska to Tierra del Fuego, developed for thousands of years and today is still alive in the strength of the native peoples that despite 500 years of genocide, dispossession and persecution enlighten the flame of hope for the future of all the peoples of the world.

However, at present time, the imposition of agro-industrial systems, extractive projects, megaprojects of infrastructures and criminalization of indigenous peoples, are threatening the possibility for most of the Latin American and Caribbean populations of subsisting in their territories and are also devastating biodiversity in all regions. Therefore, not only our peoples are threatened, but also the climate, the possibility of feeding all humanity and all the balances that they achieve, as all the diagnoses reveal, life on the planet as known so far is threatened.

In recent years, our struggles have been enlightened by the activism of women in all areas of social construction, questioning the violence and the patriarchal system present in all spheres of our lives. Men and women question on these issues and, through the construction of different links, we propose the transformations of our family, community, regional and international links, in equity, respect and cooperation relations. In this sense, highlighting the need for these changes to also be reflected in the language, we propose and use throughout the document the expression "farmers and farmers" (female/male) instead of "farmer".

It is important to stress that when we talk about "peoples" in this document, we refer to natives, indigenous people, peasants, Afro-descendant communities, artisanal fishermen and fisherwomen, gatherers, shepherds, women and all the local communities that with their work produce food and contribute in maintaining agricultural diversity.

We also want to emphasize that during the last two decades Latin America has contributed to a new vision regarding nature by building a new paradigm around it that implies its recognition as a subject of laws. Principles, legislation (even at the constitutional level as in the case of Ecuador) and struggles contribute today in developing new visions about this new concept all around the world. Considering

1 Translation note: this part is coherent only in the Spanish and French version that differentiate farmer male from farmer female.
seeds as part of nature and knowing that human beings are also parts of nature, we recognize seeds as subjects of law and we commit ourselves to defend them as such.

We reiterate our refusal to use in any circumstances of the Genetic Use Restriction Technologies (so called "Terminator" seeds) that are considered in the moratorium of the Convention on Biological Diversity and we expect its definitive prohibition.

We require that the Farmers Rights recognize, protect and promote the agroecological practices according to family and peoples production systems. This means that States should strive not to impose a single model of production and marketing, but rather to allow farmers to sell their own seeds under local market conditions.

Finally, we reiterate that our commitment in defense of seeds is part of the achievement of Food Sovereignty through agroecology, convinced that peoples can feed all humanity (as they are already doing it) ending with the shameful scourge of hunger and continuing, as we have done for thousands of years, with a production in harmony with nature.

Fundamental principles

The Regional Consultation of Latin America and the Caribbean on the Implementation of Farmers' Rights (hereinafter referred to as "Consultation") recognizes seeds as the heritage of peoples at the service of humanity and as Collective Rights. Therefore, it expresses that they cannot be subject to any type of intellectual property (whether they are breeder's rights or patents).

Asserting that women have been and still are crucial in the creation of agricultural biodiversity, the Consultation proposes that their role must be recognized in all participatory and decision-making boards and, therefore, the Consultation invites governments to include the gender issue at the time of the implementation of Article 9 of the ITPGRFA in its national processes.

Another principle is the recognition of the Peoples vision on the seeds as a subject of law and within the rights of nature, having to respect their territoriality and the control of their territories and their biodiversity.

Another basic principle for the Consultation is the need to assess the Free, Prior and Informed Consent (FPIC)\(^2\), before any initiative that may affect agricultural biodiversity, knowledge, autonomy and territories of local communities and indigenous peoples. It is clear that FPIC is a right that must be exercised in a legitimate, transparent, effective way that respects local practices and that includes the possibility that the result of FPIC is the denial of external initiatives.

No governmental measure should limit the proper forms of organization and the farmers’ rights to rescue, protect, multiply, improve, select, conserve, use, exchange and sell (between Peoples and their organizations) their own seeds.

The traditional and ancestral systems of native and creole seed management should not be considered as "informal systems", but they are customary rights and represent the main systems for the creation of agricultural biodiversity.

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\(^2\) Already recognized by other international treaties such as Article 8j. of the Convention on Biological Diversity, ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, United Nations Declaration on the Rights of Indigenous Peoples and Voluntary Guidelines on the Responsible Governance of Land Tenure, Fisheries and forests in the context of national food security.
Since FAO affirms that 75% of the agricultural biodiversity has been lost in the last 60 years due to industrial agriculture, the Consultation proposes the rejection of the industrial agriculture that includes the transgenic seeds and the massive use of agro-toxics. We also reject the new breeding manipulated techniques proposed by the corporations, which include the new transgenic, synthetic biology, gene editing (CRISP-R), “terminators” seeds and the genetic dematerialization of seeds, because they represent a threat to the application of the Farmers’ Rights and do not comply with the sustainable use of Article 6 of the ITPGRFA.

The Consultation considers to be very important the support of the Treaty in the approval of the Declaration of Peasants’ Rights and other Persons Working in the Field and in Rural Areas for the implementation of the Rights of Farmers, which will be dealt with in the United Nations soon.

Proposals

1. Seeds’ varieties. It is demanded the recognition that all the seeds that are used have origin from the native and peasants’ seeds with which the Peoples co-evolved in the last 10 thousand years approximately. The commercial, industrial and uniform varieties that exist also come from native and peasants’ seeds.

2. Intellectual property rights. In order to implement Farmers’ Rights to rescue, protect, multiply, improve, select, conserve, use, exchange and sell (among Peoples and their organizations) their own seeds, governments should review and update seed laws, patents and other intellectual property systems.
   a. Rethink the way in which intellectual property rights have been granted over commercial varieties in accordance with the provisions of point 1.

3. Rights of Farmers. It is required to recognize the role of the farmers as a subject of law in national states and their contributions to development and maintenance of agricultural biodiversity and food sovereignty of the people.
   a. The peasant and indigenous organizations must participate in the construction of laws implementing Farmers’ Rights at national level.
   b. There should be no territorial and temporary limits in the exercise of Farmers Rights.
   c. Farmers cannot be criminalized for exercising Farmers Rights.
   d. The Treaty should establish a monitoring mechanism on the implementation of the Farmers’ Rights, including farmers’ organizations.
   e. The genetic contamination of native and peasants seeds by transgenic and new technologies is a threat that must be recognized by the Treaty and sanctioned by the States.
      i. If these threats materialize, reparation is guaranteed to the communities through the CPLI.
   f. The States must recognize and respect the ancestral knowledge of the Peoples and not apply any policy to the detriment of the same.
4. **Inventories.** Native and peasants seeds should not be included in the registries of the Governments or others, but will only be included in the inventories of the communities according to their needs and controlled by them, in order to ensure:

   a. the protection against biopiracy and improper appropriation;

   b. conservation and rescue to guarantee traditional and ancestral systems of seed management;

   c. the information of the investigations that are made or that have been made, are returned to the communities and can only be used by them.

The inventory of the community must be recognized by the State as part of the right to self-determination.

5. **Benefit Sharing Fund.** The fund must be fed by the contributions of companies that commercialize commercial, industrial and uniform seeds.

   a. The payment of the companies must be compulsory.

   b. To ensure the implementation of Farmers Rights, it is necessary the participation of peasant and indigenous organizations in the management of the fund.

   c. The destination of the fund should be directed only to farmers' organizations to strengthen their own programs of conservation and multiplication of agricultural biodiversity (for example: community seed banks, participatory plant breeding, characterization, seed fairs, emergencies, agro-ecological practices, diversification of farm, etc.).

6. **Phytosanitary regulations.** The phytosanitary norms must not affect the exercise of Farmers Rights.

   a. Recognize participatory local systems of quality assurance of communities.

7. **Participation.** The Consultation requires the governments to be transparent in the information and to create participatory spaces for FPIC with the organizations of farmers in the discussion and decision making of policies on seeds.
Consulta Regional de America Latina y Caribe sobre la Implementacion de los Derechos del Agricultor

Introduccion

Los 40 participantes representantes de organizaciones campesinas, indígenas, de mujeres y de pastores de la Consulta Regional de America Latina y Caribe sobre la Implementacion de los Derechos del Agricultor provenientes de 13 países de América Latina y el Caribe, reunidos en Seberí, Río Grande do Sul, Brasil entre los días 17 y 20 de abril de 2018 celebramos la oportunidad de encontrarnos para seguir tejiendo alianzas, vínculos e intercambios fortaleciendo nuestro compromiso con la defensa de las semillas para la Soberanía Alimentaria.

En estos 4 días compartidos corroboramos una vez más el papel fundamental de los pueblos de America Latina y el Caribe siendo centro de origen en biodiversidad y cultura, que desde aquí han surgido buena parte de las semillas que hoy alimentan a la humanidad. El maíz, sagrado para los pueblos de Mesoamérica, el tomate y la papa son solo algunos de los cultivos que nuestros pueblos originarios crearon, domesticaron y legaron a los pueblos del mundo para su alimentación.

Nos resulta claro que esta biodiversidad agrícola de ninguna manera se hubiera generado sin la inmensa diversidad cultural que desde Alaska a Tierra del Fuego se generó por miles de años y hoy sigue viva en la resistencia de los pueblos originarios que a pesar de llevar más de 500 años de genocidio, despojo y persecución alumbran llamas de esperanza para el futuro de todos los pueblos del mundo.

Sin embargo, en la actualidad la imposición de sistemas industriales de producción agrícola, los proyectos extractivistas, la imposición de megaproyectos de infraestructura y la criminalización de los pueblos originarios está amenazando la continuidad de la posibilidad de subsistir en sus territorios a la mayor parte de los pueblos del continente y está devastando la biodiversidad en todas las regiones. De esta manera no solo se ven amenazados nuestros pueblos si no también el clima, la posibilidad de alimentación de toda la humanidad y todos los equilibrios que hacen, como todos los diagnósticos lo indican, que se encuentre amenazada la vida en el planeta tal como la hemos conocido hasta ahora.

Nuestras luchas se han visto alumbradas en los últimos años por la irrupción de la presencia de las mujeres en todos los espacios de construcción social cuestionando la violencia y el sistema patriarcal presente en todas las esferas de nuestra vida. Todas y todos hacemos nuestros estos cuestionamientos y de la mano de la construcción de otro tipo de vínculos proponemos que transformemos nuestros vínculos familiares, comunitarios y regionales e internacionales hacia relaciones de equidad, respeto y cooperación. En ese sentido y viendo la necesidad de que estos cambios también se reflejen en el lenguaje es que proponemos y utilizamos en todo el documento la expresión “agricultoras y agricultores” en lugar de “agricultor”.

Es importante destacar que cuando hablamos de “pueblos” en este documento nos referimos a los pueblos originarios, indígenas, campesinas y campesinos, comunidades afrodescendientes, pescadoras y pescadores artesanales, recolectoras y recolectores, pastoras y pastores, mujeres y a todas las comunidades locales que desde su trabajo producen alimentos y aportan al sostenimiento de la diversidad agrícola.
También queremos remarcar que durante las últimas dos décadas América Latina aportó a una nueva visión en relación a la naturaleza construyendo un nuevo paradigma en torno a la misma que implica reconocerla como sujeto de derecho. En torno a este nuevo concepto se han desarrollado principios, legislación (incluso a nivel constitucional como en el caso de Ecuador) y luchas que hoy aportan a nuevas visiones en todo el mundo. Siendo las semillas parte de la naturaleza y sabiendo que los seres humanos también son partes de ella, entendemos estas mismas como sujetos de derecho y nos comprometemos a defenderlas como tales.

Igualmente reiteramos nuestro rechazo a la utilización en toda circunstancia de las Tecnologías de Restricción en el uso Genético (semillas “Terminator”) que se encuentran en moratoria por el Convenio sobre la Diversidad Biológica y llamamos a su prohibición definitiva.

Exigir que los Derechos de los Agricultores y de las Agricultoras reconozcan, protejan y fomentan la práctica agroecológica de alimentos bajo sistemas de producción familiar y de los Pueblos y que esto signifique que los Estados deben propender para que no se imponga un único modelo de producción y comercialización sino que se abra la posibilidad a que los agricultores puedan comercializar sus semillas bajo condiciones de mercados locales.

Por último, reiteramos que nuestro compromiso en defensa de las semillas se enmarca en la búsqueda de la Soberanía Alimentaria a través de la agroecología, convencidos que los pueblos podemos alimentar a toda la humanidad (como ya lo hacemos con la mayor parte de ella) terminando con el vergonzoso flagelo del hambre y continuando, como lo hemos hecho por miles de años, con una producción en armonía con la naturaleza.

**Principios fundamentales**

La Consulta Regional de América Latina y el Caribe sobre la Implementación de los Derechos de los Agricultores y de las Agricultoras (en adelante denominada “Consulta”) reconoce las semillas como patrimonio de los pueblos al servicio de la humanidad y como Derechos Collectivos. Por lo tanto, expresa que las mismas no pueden ser objeto de ningún tipo de propiedad intelectual (sean derechos de obtentor o patentes).

Considerando que las mujeres han sido y son centrales en la creación de la biodiversidad agrícola, la Consulta propone que su papel sea reconocido en todas las instancias participativas y de toma de decisiones y, por lo tanto, la Consulta invita a los Gobiernos a incluir la cuestión de género en el momento de la implementación del Artículo 9 del TIRFAA en sus procesos nacionales.

Otro principio es el reconocimiento de la cosmovisión de los Pueblos sobre las semillas como sujeto de derecho y en el marco de los derechos de la naturaleza, debiéndose respetar su territorialidad y el control de sus territorios y sus biodiversidad.

Otro principio básico para la Consulta es la necesidad del Consentimiento Libre, Previo e Informado\(^1\) (CLPI), ante cualquier iniciativa que pueda afectar la biodiversidad agrícola, los conocimientos, la

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\(^1\) Ya reconocido por otros Tratados internacionales como el artículo 8j. del Convenio sobre Diversidad Biológica, Convenio Núm. 169 de la OIT sobre pueblos indígenas y tribales en países independientes, Declaración de las Naciones Unidas sobre los derechos de los pueblos indígenas y Directrices voluntarias
autonomía y los territorios de las comunidades locales y los pueblos indígenas. Se aclara que el CLPI es un derecho que debe ser ejercido de manera legítima, transparente, efectiva, que respete las prácticas locales y que incluya la posibilidad de que el resultado sea la negación a iniciativas externas.

Ninguna medida gubernamental debe limitar las formas propias de organización y el derecho de los agricultores y de las agricultoras a rescatar, proteger, multiplicar, mejorar, seleccionar, conservar, utilizar, intercambiar y vender (entre Pueblos y sus organizaciones) sus propias semillas.

Los sistemas tradicionales y ancestrales de manejo de semillas nativas y criollas no deben considerarse como “sistemas informales”, sino que son un derecho consuetudinario y siendo los principales sistemas de creación de biodiversidad agrícola.

Dado que la FAO afirma que el 75% de la biodiversidad agrícola se ha perdido en los últimos 60 años a causa de la agricultura industrial, la Consulta plantea el rechazo a la agricultura industrial que incluye las semillas transgénicas y el uso masivo de agrotóxicos. También rechazamos las nuevas técnicas de manipulación genética propuestas por las corporaciones, que incluyen los nuevos transgénicos, la biología sintética, la edición genética (CRISP-R), semillas “terminators” y la desmaterialización genética de las semillas, porque representan una amenaza para la aplicación de los Derechos de los Agricultores y de las Agricultoras y no cumplen con el uso sostenible del Artículo 6 del TIRFAA.

La Consulta considera muy importante para la implementación de los Derechos de los Agricultores y de las Agricultoras, el apoyo del Tratado a la aprobación de la Declaracion de los Derechos Campesinos y otras Personas que Trabajan en el Campo y en Zonas Rurales que se tratará en las Naciones Unidas próximamente.

Propuestas

1- **Variedades de semillas.** Se demanda el reconocimiento que todas las semillas que se utilizan tienen origen en las semillas nativas y criollas con las que los Pueblos coevolucionaron en los últimos 10 mil años aproximadamente. Las variedades comerciales, industriales y uniformes que existen también provienen de las semillas nativas y criollas.

2- **Derechos de propiedad intelectual.** Para implementar los Derechos de los Agricultores y de las Agricultoras a rescatar, proteger, multiplicar, mejorar, seleccionar, conservar, utilizar, intercambiar y vender (entre Pueblos y sus organizaciones) sus propias semillas, los Gobiernos deben revisar y actualizar las leyes de semillas, patentes y otros sistemas de propiedad intelectual.
   a. Replantear la manera como se han otorgados los derechos de propiedad intelectual sobre las variedades comerciales de acuerdo con lo planteado en el punto 1.

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sobre la Gobernanza responsable de la tenencia de la tierra, la pesca y los bosques en el contexto de la seguridad alimentaria nacional.
3- **Derechos de los Agricultores y de las Agricultoras.** Se exige reconocer el papel del agricultor como sujeto de derecho en los estados nacionales y sus aportes al desarrollo, al mantenimiento de la biodiversidad agrícola y la soberanía alimentaria de los pueblos.

   a. Las organizaciones campesinas e indígenas deben participar en la construcción de leyes sobre los Derechos de los Agricultores y de las Agricultoras.
   b. No debe haber límites territoriales y temporales en el ejercicio de los Derechos de los Agricultores y de las Agricultoras.
   c. No se puede criminalizar a los agricultores por el ejercicio de los Derechos de los Agricultores y de las Agricultoras.
   d. El Tratado debe establecer un mecanismo de monitoreo sobre la implementación de los Derechos de los Agricultores y de las Agricultoras compuesto por las organizaciones de agricultores.
   e. La contaminación genética de las semillas nativas y criollas por transgénicos y nuevas tecnologías, es una amenaza que debe ser reconocida por el Tratado y sancionada por los Estados.
      i. En caso de concretarse estas amenazas, se garantiza la reparación a las comunidades a través del CPLI.
   f. Los Estados deben reconocer y respetar los conocimientos ancestrales de los Pueblos y no aplicar ninguna política en detrimento de los mismos.

4- **Inventarios.** Las semillas nativas y criollas no deben ser incluidas en los registros de los Gobiernos u otros, sino solamente serán incluidas en los inventarios de las comunidades de acuerdo a las necesidades de las mismas y controladas por ellas, para:

   a. la protección frente a la biopiratería y apropiación indebida;
   b. la conservación y el rescate para garantizar los sistemas tradicionales y ancestrales del manejo de semillas;
   c. las informaciones de las investigaciones que se hagan o que se han hecho, sean devueltas a las comunidades y solo pueden ser utilizadas por las mismas.

El inventario de la comunidad debe ser reconocido por el Estado como parte del derecho a la autodeterminación.

5- **Fondo de distribución de beneficios.** El fondo debe ser alimentado por los aportes de las empresas que comercializan las semillas comerciales, industriales y uniformes.

   a. El pago de las empresas debe ser obligatorio.
   b. Para garantizar la implementación de los Derechos de los Agricultores y de las Agricultoras, es necesaria la participación de las organizaciones campesinas e indígenas en el manejo del fondo.
   c. El destino del fondo debe ser dirigido únicamente a las organizaciones de agricultores para fortalecer sus propios programas de conservación y multiplicación de la biodiversidad agrícola (por ejemplo: casas de semillas, fitomejoramiento participativo, caracterización, ferias de semillas, emergencias, prácticas agroecológicas, diversificación de finca, etc.).

6- **Normas fitosanitarias.** Las normas fitosanitarias no deben afectar el ejercicio de los Derechos de los Agricultores y de las Agricultoras.
a. Reconocer los sistemas locales participativos de garantía de calidad y otras formas de las comunidades.

7- Participación. La Consulta exige a los Gobiernos a ser transparentes en las informaciones y a crear espacios participativos para el CLPI con las organizaciones de agricultores y agricultoras en la discusión y tomas de decisiones de políticas sobre semillas.
Consultation régionale d’Amérique Latine et des Caraïbes sur l’application des droits des agriculteurs

Introduction

Nous avons été 40 à participer à la Consultation régionale d’Amérique Latine et des Caraïbes sur l’application des droits des agriculteurs qui a eu lieu à Seberi, Rio Grande do Sul, Brésil, du 17 au 20 avril 2018, en tant que représentants des organisations paysannes, indigènes, des femmes et des bergers de la consultation régional d’Amérique Latine et des Caraïbes sur l’application des droits des agriculteurs en 13 pays d’Amériques Latine et des Caraïbes. Nous avons profité de cette Consultation pour nous rencontrer et pour continuer à nouer des alliances, des relations et des échanges qui confirment notre engagement à défendre les semences pour la souveraineté alimentaire.

Durant ces 4 jours nous avons confirmé de nouveau, tous ensemble, le rôle central qu’ont les peuples d’Amérique Latine et des Caraïbes car ils sont le centre d’origine de la biodiversité et de la culture, et de ces zones géographiques proviennent beaucoup de semences qui aujourd’hui alimentent l’humanité. Le maïs (qui est sacré pour les peuples de la Méso-Amérique), les tomates et les pommes de terre ne sont que des cultures parmi tant d’autres que nos peuples indigènes ont créé, ont appris à contrôler et ont transmis aux peuples du monde pour leur alimentation.

Evidemment il n’aurait pas été possible que la biodiversité se développe sans l’immense diversité culturelle qui caractérise le continent de l’Alaska à la Terre de Feu et qui a été générée il y a des milliers d’années et qui aujourd’hui encore vit encore grâce à la résistance des peuples indigènes. Ces derniers, malgré 500 années de génocide, d’expropriation et de persécution, illuminent l’espoir pour le futur de tous les peuples du monde.

Cependant, l’imposition de systèmes industriels de production agricole, les projets d’extraction, l’imposition des projets de mega-infrastructures et la criminalisation qui caractérise les peuples indigènes, tous ces facteurs menacent la continuité de la possibilité de rester dans leurs territoires (pour la majorité des peuples indigènes) et détruisent la biodiversité régionale. La menace pour la population mondiale, pour le climat et pour la possibilité de nourrir l’humanité entière est soulignée par toutes les études effectuées jusqu’à aujourd’hui.

Nos luttes ont été éclairées suite à l’arrivée des femmes dans les domaines de la construction sociale. Ces dernières ont montré la violence et le système patriarcal qui caractérisent tous les domaines de notre vie. Nous tous demandons et suggérons, par la construction d’autres types de liens, de transformer nos liens familiaux, communautaires, régionales et internationales en relations d’équité, de respect et de coopération. À cet égard nous allons utiliser le terme “agricultrice et agriculteur” plutôt que “fermier” parce que nous savons que ces changements influencent et se reflètent aussi d’un point de vue linguistique aussi.

Quand nous parlons de “peuples” dans ce document, nous faisons référence aux peuples indigènes, aux fermiers, aux communautés d’origine africaine, aux pêcheuses et aux pêcheurs, aux personnes
qui s’occupent de la cueillette et aux classeurs, aux bergers, aux femmes et aux communautés locales qui produisent de la nourriture nécessaire à la préservation de la biodiversité agricole.

Nous voulons aussi souligner le rôle de l’Amérique Latine qui a contribué au cours de ces 20 dernières années à une nouvelle vision de la nature et de son paradigme qui l’a amenée à être reconnue comme un sujet de droit. Autour de ce nouveau concept ont été formulés des principes, des activités législatives (aussi au niveau constitutionnel comme dans le cas de l’Équateur) et des luttes qui contribuent aux nouvelles visions du monde. Puisque aussi bien les semences que les hommes font partie de la nature, nous les reconnaissons comme sujets de droit et c’est pour cette raison que nous allons les protéger.

Nous réitérons également notre rejet de l'utilisation en toutes circonstances des technologies restrictives dans l'utilisation génétique (semences "Terminator") qui sont en moratoire par la Convention sur la Diversité Biologique et appelons à son interdiction définitive.

Nous exigeons que les droits des agriculteurs et des agricultrices soient reconnus, protégés et favorisent les pratiques agro-écologiques de production familiale et indigène. c’est la raison pour laquelle nécessaire que les états luttent pour éviter que ne s’affirme un seul et unique modèle de production, et cela tant que les agriculteurs n’auront pas la possibilité de commercer les semences dans une condition réglementée de commerce local.

A la fin, nous voulons répéter notre engagement pour la défense des semences qui vise à chercher la Souveraineté Alimentaire grâce à l’agro-écologie, en convaincant les peuples que l’on peut nourrir l’humanité entière (comment on le fait déjà pour la plupart de la population mondiale), en mettant fin au fléau honteux de la famine et en continuant dans une versione “pro-nature” de la production comme on le fait depuis milliers d’années.

**Principes fondamentaux**

La consultation régionale d’Amérique Latine et des Caraïbes sur la mise en œuvre des Droits des Agriculteurs et des Agricultrices (que nous appellerons “consultation”) reconnaît les semences comme patrimoine des peuples au service de l’humanité et des droits collectifs. Par conséquent, la consultation déclare que les semences ne peuvent pas être objet d’aucun type de propriété intellectuelle (qu’il s’agisse de droits d’élevage ou de brevets).

En considérant le rôle central que les femmes ont eu dans la création de la biodiversité agricole, la Consultation propose que leur rôle soit reconnu dans tous les organes décisionnels et donc la Consultation invite les gouvernements à inclure la problématique de la différence de genre dans la mise en œuvre de l’article 9 du TIRPAA dans leurs processus nationaux.

Un autre principe est la reconnaissance de la vision du monde des peuples sur les semences comme sujets de droit et dans le domaine des droits de la nature, en respectant leur territorialité, le contrôle de ses terres et de sa biodiversité.
Un autre principe de base selon la Consultation Régionale est la nécessité du Consentement Libre, Informé et Préalable\(^1\) (CLIP) avant toutes initiatives qui peuvent avoir une influence sur la biodiversité agricole, sur la connaissance, sur l’autonomie et sur les territoires des communautés locales et des peuples indigènes. Il a été clarifié que le CLIP est un droit qui doit être exercé de manière légitime, transparente, efficace, qui respectent les pratiques locales et qui incluent la possibilité que le résultat soit la négociation des initiatives externes.

Aucune mesure du gouvernement devrait limiter les formes appropriées de l’organisation et limiter les droits des agriculteurs pour sauver, protéger, multiplier, améliorer, sélectionner, conserver, utiliser, échanger et vendre (parmi les peuples et leurs organisations) leurs graines.

Les systèmes traditionnels et ancestraux de gestion des semences indigènes et créoles ne devraient pas être considérés comme des “systèmes informels” mais ils représentent plutôt un droit coutumier et les principaux systèmes pour la création de la biodiversité agricole.

Puisque la FAO affirme que 75% de la biodiversité agricole a disparue au cours 60 dernières années à cause de l’agriculture industrielle, la Consultation affirme son refus de l’agriculture industrielle (par exemple, les semences génétiquement modifiées et l’utilisation massive de pesticides).

Nous refusons aussi les nouvelles techniques du génie génétique qui ont été proposées par des entreprises (qui incluent les nouveaux organisme génétiquement modifié, la biologie synthétique, le gene editing (CRISP-R), les semences “terminators” et la dématérialisation génétique des semences) car elles représentent une menace pour l’implémentation des droits des agriculteurs et des agricultrices et ne sont pas conformes à l’utilisation soutenable indiquée dans l’article 6 su TIRPAA.

La Consultation considère le Traité pour l’approbation, qui va être discutée par les Nations Unies Nad l’avenir, de la “Declaracion de los Derechos Campesinos y otras Personas que Trabajan en el Campo y en Zonas Rurales” très important pour l’implémentation des droits des agriculteurs et des agricultrices.

**Propositions:**

1. **Variété des semences.** Nous demandons que toutes les semences utilisées proviennent des semences indigènes et créoles grâce auxquelles les peuples se sont évolués depuis 10 milles ans. Nous demandons aussi que les variétés commerciales, industrielles et uniformes émanent des semences indigènes et créoles.

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\(^1\) Déjà reconnu par d'autres traités internationaux tels que l'article 8j. de la Convention sur la Biodiversité Biologique, la Convention (n° 169) de l'OIT relative aux peuples indigènes et tribaux en paises indipendetes, la Déclaration des Nations Unies sur les droits des peuples autochtones et les Lignes Directrices volontaires sur la gouvernance responsable de la tenure des terres, de la pêches et des forêts dans le contexte de la sécurité alimentaire nationale.
2- **Droits de propriété intellectuelle.** Mettre en œuvre les droits des agriculteurs et des agricultrices pour sauver, pour protéger, pour multiplier, pour sélectionner, pour conserver, pour utiliser, pour échanger et pour vendre (parmi aux peuples et à leurs communautés) leurs semences, les gouvernements devraient évaluer et mettre à jour les lois des semences, des brevets et d’autres systèmes de propriété intellectuelle.
   a. Repenser à la façon dont les droits de propriété intellectuelle sont accordées par rapport aux variétés commerciales conformément aux dispositions du point 1.

3- **Droits des agriculteurs et des agricultrices.** Il est nécessaire reconnaître le rôle de l’agriculteur comme sujet de droit dans les états nationaux et sa contribution au développement et à la préservation de la biodiversité agricole, ainsi qu’à la souveraineté alimentaire des peuples.
   a. Les organisations paysannes et indigènes doivent participer à la formulation des lois sur les droits des agricultrices et des agriculteurs.
   b. Il ne devrait pas y avoir des limites territoriales et temporelles dans l’exercice des droits des agricultrices et des agriculteurs.
   c. Les agriculteurs ne peuvent pas être criminalisés pour avoir exercé leurs droits.
   d. Le traité devrait établir un mécanisme de surveillance sur la mise en œuvre des droits des agriculteurs et des agricultrices qui serait composé pas les organisations paysannes.
   e. La contamination génétique des semences autochtones et indigènes par des organismes génétiquement modifiés et par des nouvelles technologies, est une menace qui doit être reconnue par le traité même et confirmé par les états.
      i. Si les menaces ci-dessus mentionnées se matérialisent, la réparation doit être garantie aux communautés par le CLIP.
   f. Les Etats doivent reconnaître et respecter la connaissance ancestrale des Peuples et n’appliquer aucune politique au détriment de la même.

4- **Listes.** Les semences natives et créoles ne doivent pas être indiquées dans les registres gouvernementaux ou autres, mais seront inclus dans des listes des communautés sur la base des nécessités des communautés mêmes. Les listes seront contrôlés par les communautés pour:
   a. La protection contre la biopiraterie et contre l’appropriation indue
   b. La conservation et le sauvetage pour garantir aux systèmes traditionnels la gestion des semences.
   c. Les informations dérivantes par des contrôles sont rendues aux communautés et peuvent être utilisées seulement par les communautés mêmes.

Le liste de la communauté doit être reconnu par l’État comme faisant partie du droit à l’autodétermination.
5- **Fonds de distribution des avantages.** Le fonds doit être alimenté par des contributions des entreprises qui commercialisent des semences commerciales, industrielles et uniformes.
   a. Le paiement par les sociétés est obligatoire.
   b. Pour garantir l’application des droits des agricultrices et des agriculteurs, il faut la participation des organisations paysannes et indigènes dans la gestion du fonds.
   c. L’avenir du fonds s’adresse aux organisations des agriculteurs pour renforcer les programmes de conservation et de multiplication de la biodiversité agricole (par exemple les entreprises de semences, la caractérisation, les urgencies, les foires des semences, les pratiques agricoles écolologiques, la diversification de la ferme, etc.).

6- **Les réglementations phytosanitaires.** Les normes phytosanitaires ne doivent pas influencer l’exercice des droits des agricultrices et des agriculteurs.
   a. Reconnaître les systèmes locaux d'assurance qualité participative et d'autres formes de communautés.

7- **La participation.** La Consultation demande que les gouvernements gèrent de façon transparente les informations et qu’ils créent des espaces pour la participation des organisations paysannes pour le Fonds de distribution des avantages et pour la discussion de ces dernières relatives aux politiques sur les semences.
Stakeholders’ Consultation on Farmers’ Rights

African Position Paper

27-29 June, 2016
HICC Hotel, Harare, Zimbabwe
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ACKNOWLEDGEMENT

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PREAMBLE

The Governing Body,

Recalling the recognition in the International Treaty of the enormous contribution that the local communities and farmers of all regions of the world have made, and will continue to make, for the conservation, development and use of plant genetic resources as the basis of food and agriculture production throughout the world;


Requests the Secretariat to engage Contracting Parties and relevant organisations to take initiatives to gather information at national, regional and global levels for exchanging knowledge, views, experiences and best practices on the implementation of Farmers’ Rights;

Invites Contracting Parties and relevant organisations to take initiatives to convene regional workshops and other consultations including with farmers’ organisations, for the exchange of knowledge, views and experiences to promote the realisation of Farmers’ Rights as set out in Article 9 of the Treaty, and present results at the next session of the Governing Body;

NOW THEREFORE, as part of the fulfilment of resolution 5/2015¹ stated above,

The Africa Group held an Stakeholders Consultative workshop on Farmers’ Rights under the FAO International Treaty on Plant Genetic Resources for Food and Agriculture in Harare, Zimbabwe, from 27 to 29 June 2016. The Consultative workshop aimed at gathering views, perceptions, options and possible approaches and strategies to advocate for the implementation and promotion of Farmers’ Rights.

¹ Full text of Resolution 5/2015 is available at IT/GB-6/15/Report Appendix A, page 22 (http://www.fao.org/3/a-mo938e.pdf)
Rationale for Holding the Consultation

In Africa, traditional agriculture accounts for more than 375 million farmers, of which, 80 to 90% of this farming population are small holder farmers who depend and rely on and use their own farm-saved seeds. The farmers depend on diversity of cultivated plants to maintain their yields and quality crop production, adapting their farming activities to difficult conditions such as drought. The majority of African farmers get their seeds from informal channels through seed exchange among farmers or local grain seed market. These informal systems contribute 80-100% of seed supply to the African farmers.

However, the informal seed systems face many challenges today which include the policies and regulatory frameworks that are less supportive to farmers’ customary seed management systems; the intellectual Property Rights (IPRs), and the seed laws and regulations. The implementation of the Treaty, particularly Article 9 becomes critical so as to enable farmers to continue to manage, develop and conserve crop genetic resources as they have done since time immemorial. Within this context, holding the Stakeholders’ Consultation on Farmers’ Rights in Africa is particularly important and timely for the region to discuss the various challenges and fundamental issues impeding the realization of Farmers’ Rights, as they relate to plant genetic resources for food and agriculture. The Consultative workshop proved to be an excellent means to share and exchange knowledge, views and experiences that would promote the realization of Farmers’ Rights within the context of Africa. Likewise, participants of the Consultative workshop had come up with a vision that can be shared at the Global Consultation on Farmers’ Rights which will be held in Bali, Indonesia in September 2016.

Workshop Objectives

The overall objective of the Stakeholders’ Consultation was to identify ways and means to facilitate practical and easy processes towards the realisation of Farmers’ Rights, as set out in Article 9 of the Treaty and as they relate to PGRFA by the national governments, while acknowledging Farmers’ Rights as vital for food and nutrition security, and the future of plant genetic resources conservation and sustainable use.

The specific objectives included taking stock of significant country experiences; best practices and lessons learned in the realization of farmers’ rights; identify challenges for the realization of farmers’ rights, as they relate to PGRFA and identifying practical options and strategies for national implementation of Farmers’ Rights.
Submission and Presentation of Outcome

This report is a consolidated position paper of the stakeholders in Africa region which will be submitted to the IT Secretariat and to be presented to the Global Consultation on Farmers’ Rights in Bali, Indonesia in September 2016.

Methodology

The three-day Stakeholders’ Consultation meeting was structured in four different thematic sessions plus a final session devoted to synthesis and recommendations. Prior to thematic sessions, participants were requested to introduce themselves and their expectations on Farmers’ Rights Consultation. This was followed by welcome address from the organizer, Mr Andrew Mushita; the Executive Director of Community Technology Development Organisation; a welcome remarks from the Chair of the Africa Group and Vice Chair to the Treaty Bureau, Dr. Francis Leku Azenaku; a brief talk on Farmers’ Rights Consultation by the Treaty Secretariat, Dr Mary Jane dela Cruz; and finally, the Keynote address of the Zimbabwe Minister of Agriculture, Mechanisation and Irrigation Development that marked the opening of the meeting. The Minister’s keynote address was read on his behalf by the Principal Director of the Agricultural Extension Services, Mr Joseph Gondo. The keynote address of the Minister is provided in Annex 1.

To set the tune of the meeting, a presentation on understanding Farmers’ Rights, their substantial elements as they relate to PGRFA by national governments and the future of plant genetic conservation and sustainable use was discussed by Mrs. Elizabeth Matos (Angola). This was followed by thematic session’s presentation, as follows:

Session 1: Lessons Learnt, Key issues and concerns of smallholder farmers and indigenous communities, and their challenges in the implementation of FRs as they relate to plant genetic resources for food and agriculture

Session 2: Assessment of Farmers’ Rights, Fundamental issues, challenges and opportunities in the region and at national level

Session 3: Resources for Implementing (and protecting) Farmers Rights at the national level: challenges, opportunities and options to gain national support- overview

Session 4: Domestication of Article 9 – Farmers’ Rights / Enforcing Farmers’ Rights

Each session was followed by group discussions and group presentations highlighting the key issues which needed consideration for effective implementation of Article 9 of the Treaty, and then, the final session, synthesis and recommendation. The programme of the consultation is provided in Annex 2. The summary and analysis of presentations and discussions are provided in this report.
The Stakeholders’ Consultation was well attended. Overall, there were 59 active participants representing 10 Contracting Parties (Angola, Cameroon, Kenya, Madagascar, Malawi, Namibia, Tanzania, Uganda, Zambia and Zimbabwe), CSOs (CTDO, BCI, APA), representative from the Treaty Secretariat, Vice Chair of the Bureau for the Treaty who is also the Chair of the African Group, research organisations (KALRO ARC,) Universities, Regional organisations (ARIPO, SPGRC), CGIAR, farmer organisations and Farmers. The list of participants is annexed to this report (Annex 3).

Introduction

Farmers’ Rights originates from past, present and future contribution of farmers to conservation, development and availability of plant genetic resources particularly those from the centres of origin/diversity. As custodians and developers of crop genetic resources in the field, their rights are crucial for enabling them to maintain their role to conserve diversity for local and global food and nutrition security and poverty reduction. Realising Farmers’ Rights means enabling farmers to manage, develop and conserve crop genetic resources as they have done since the dawn of agriculture, and recognizing them for their contribution to the global pool of genetic resources for food and agriculture.

Currently, the African farmers are facing many challenges in realizing his/her rights as articulated under Article 9 of the Treaty. Article 9 “Farmers’ Rights” are not being implemented due to many factors which include: the weak and sometimes contradicting policies and legislations; the expansion of IPRs to farmer seed systems; the lack of financial resources for the development of support structures; the lack of common strategy or collaboration between and among various sectors and stakeholders; unwillingness of decision-makers to Farmers’ Rights’ implementation; and the lack of awareness and real understanding of what constitute Farmers’ Rights.

This report summarises the outcome of the Stakeholders’ Consultation and will be presented to the Global Consultation on Farmers’ Right to be held in Bali Indonesia in September 2016.
Summary of Proceedings

Understanding and Defining Farmers’ Rights - in the African Context

*What is Farmer’s Rights in Africa?*

Defining Farmers’ Rights in the African context was seen as first and foremost important in order to understand what the basic needs of African farmers are. In this context, the participants analyzed a number of international instruments relevant and related to Farmers’ Rights in order to establish and understand on what constitute Farmers’ Rights. They noted that international instruments such as UPOV 1961 refer to farmer’s exemption, where farmers are allowed to save, use, exchange farm–saved seeds but not to sell on a commercial basis. An analysis of the Convention on Biological Diversity showed that the Benefit Sharing concept could apply to a definition of Farmers’ Rights since benefit sharing relates to rights and rewards that farmers deserve for contributing to agriculture innovation. The Treaty describes Farmers’ Rights as originating from past, present and future contributions of farmers to conservation, development and availability of plant genetic resources, particularly those from centres of origin of diversity. The rights are vested in the International Community as trustees for present and future generation of farmers.

The participants, after careful analysis and consideration of the various international instruments came up with a definition of farmers’ rights which should be viewed as a form of benefit sharing between users of plant genetic resources for food and agriculture and the farmers. Thus, Farmers’ Rights in the African context shall consists of the customary rights that farmers have had as stewards of agro-biodiversity to save, use, exchange, grow, share, develop and maintain plant varieties, of their legitimate right to be rewarded and supported for their contribution to the development of commercial varieties of plants, to participate in decision making on issues that may affect these rights. Farmers’ Rights must be viewed as collective rights and not as an individual rights.

From the above definitions of Farmers’ Rights, it is clear that although Farmers’ Rights have been incorporated into many international instruments, there is no consensus on its definition; extend of its content and the efficient or adequate way to implement these rights. The African proposal is therefore to link the definition of Farmers’ Rights with other international instruments such as the CBD and the Nagoya Protocol so as to include issues such as prior informed consent, fair and equitable sharing of benefits derived from the utilization of genetic resources, traditional knowledge, innovation and practices of local communities.
Main component of Article 9 - Farmers’ Rights as articulated in the Treaty

Farmer’s rights to save, use, exchange and sell farm saved seeds and other propagating material

Participants to the meeting viewed Farmers’ Rights to save, use, exchange and sell farm saved seed and propagating material as being a central issue to Farmer’s Rights since it is the basis for food security, nutrition and livelihoods. The participants however, raised concerns relating to saving, using and exchanging of farm-saved seeds. These concerns relate to the current seed laws which do not regulate farmer seed varieties and do not permit saving and selling of farmer saved seed as commercial varieties. The participants have recommended the need for support from the Governing Body for the development of national policies and legislation for the realisation of Farmers’ Rights particularly regarding seed laws and IPRs laws which tend to undermine such rights through the adoption of the 1991 UPOV instrument, and thereby restricting the implementation of Farmers’ Rights. The issue is on the need to balance the IPRs and farmers’ rights to save, use and exchange and sell farm-saved seeds of protected varieties. Participants have urged for the establishment of a system that will encourage the commercialisation of farmer’s varieties and thus, to enter into the formal market system.

Protection of traditional knowledge relevant to plant genetic resources for food and agriculture

The participants have highlighted the increasing loss of Traditional Knowledge (TK) relevant to plant genetic resources for food and agriculture due to the current dilemma of wanting to secure the knowledge without predisposing to biopiracy. Emphasis was made on the need to protect TK through benefit sharing with farmers (for the knowledge and the genetic resources). Participants raised the need to provide incentives to farmers, to receive payment for royalties for their knowledge related to their plant varieties in the same way commercial breeders receive royalties for their protected varieties. Participants however, highlighted the challenges related to implementing such a sui generis system since granting IPRs means exclusion and monopolies over seed thereby denying the collective and cumulative character of innovations produced by farmers. Participants recommended for the use of ABS which require Prior Informed Consent, equitable sharing of benefits arising from the use of genetic resources in accordance with CBD and the Nagoya Protocol. Bilateral
contracts were also recommended to be concluded between providers and users of seeds and TK but this should take cognisance of the importance of public research.

**The right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture**

Participants have recommended the need for ensuring the equitable sharing of benefits arising from access to genetic resources. Farmers should be recognized as innovators and they should benefit equitably with the providers of technology.

**The right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture**

Participants have highlighted that the right to participate in decision making process has a great impact on conservation and sustainable use of plant genetic resources for food and agriculture. The Africa group recommended that a national ABS legislation should include the participation of farmers’ representatives in decision-makings regarding implementation of Farmers’ Rights. Small holder farmers should allow to participate in participatory plant breeding programs, and also, to participate in the elaboration and application of seed laws and regulations, and finally, to participate in decision making process related to variety release and registration.

**Key Issues and Concerns of the African Farmer as they relate to PGRFA**

The key issues and concerns of the African farmers which relate to plant genetic resources for food and agriculture which were identified during the meeting include: (i) the lack of supportive policy and legislative frameworks which protect smallholder farmer seed systems; (ii) lack of guidelines on on-farm seed production; and (iii) absence of supportive mechanisms for saving, selling, exchanging and marketing of farmers seeds. The Consultative workshop, aside from these key issues and concerns, under the prevailing situation, described and noted that smallholder farmers are at a very disadvantage situation. They do not have legal status; their intellectual rights are not recognize; there is no protection on their own farmer’s technologies, knowledge and innovations. Likewise, smallholder farmers does not have institutional support other than customary rights, limited frameworks for capacity building, and there are no mechanisms in place to support farmer’s organizations.
The meeting recognized the essential role of smallholder farmers, especially in food production (80% in Africa), their fundamental role in the stewardship of agricultural biodiversity, and called for much higher investments in conservation and sustainable use of PGRFA, integrated farmer seed system, indigenous knowledge management, co-generation of knowledge, technology transfer, and the establishment of community seed banks.

It was noted that smallholder agriculture is multifunctional, as it accounts for the majority of rural employment in Africa, responsible for most of the food production, contributing to biodiversity conservation and sustainable use and promoting bio-cultural diversity in the rural setting. The other concern was that smallholder farmers in Africa are the key drivers of and are the backbone of agriculture and food security yet they lack the necessary support they require to sustain their food production activities. Smallholder agriculture not only feeds families, but also generates jobs and catalyzes the growth of rural economy and businesses, particularly in the sector of micro-and small enterprises.

**Farmer Crop Varieties and Seed Systems**

Seeds and seed diversity have played a great role in the development of human civilization from ancient times and they are still the basis for feeding the global population today. The smallholder farmer seed system is traditional and operates at local village level. The farmers manage their own seed production, exchange or barter seeds with neighbours, kin or other communities. As a result, some 80-100 percent of farmers in some countries in Africa depend on the harvest season to select seed for the subsequent cropping year.

The indigenous crops in Africa have been selected for centuries for their vigour, drought resistance, diseases resistance and low requirements for, fertilizer and pesticides. Although indigenous crops generally give lower yields than the improved hybrid varieties, they provide fundamental food and seed security among smallholder farmers in times of drought. Besides, these indigenous crops are strongly linked to a number of cultures in most African communities.

The farmers’ crop varieties and seed systems are among the central issues of Article 9 but the challenges are that the farmer’s varieties are not regulated. It was recognized that farmer’s seed systems are characterized by seed production that is integrated in normal crop production managed solely by farmers who practice seed selection, re-production and variety maintenance. The current seed laws do not take farmer varieties into consideration, hence, there are no mechanisms in place to protect and to promote increased production of farmers’ seeds. The other challenge confronting smallholder farmers is that most farmer’s seed cannot conform to Distinctness, Uniformity and Stability (DUS) requirements.
Farmer’s limited appreciation to seed selection issues for commercial varieties is driven by the cost of the technology, accessibility and reliability of the commercial seed system.

It was agreed that, traditional seed systems need to operate independent of the legislation of commercial crop varieties. The meeting recommended that smallholder farmers should be allowed to re-use and share seeds of their traditional varieties among themselves. It was noted that it is important for Africa to devise policies and legislation that would encourage commercializing farmer seed varieties to enter in the formal market. For such varieties whose ownership is multiple, then it should be taken as a public good.

The meeting noted with concern that limited benefits are being derived from sharing farmer’s varieties and called for increased technology transfer to enhance farmer seed systems. The Africa continent called for information/technology transfer and capacity building related to quality seed production by smallholder farmers. The continent viewed these aspects as important and crucial, since facilitated access to PGR is only as valuable as the capacity to use these materials.

Article 6.2 of the Treaty calls for the strengthening of research which enhances conservation of biological diversity by maximizing intra and inter-specific variation for the benefit of farmers, especially those who generate and use their own varieties and apply ecological principles in maintaining soil fertility and combating diseases, weeds and pests. The continent calls for the promotion of Participatory Plant Breeding and Plant Variety Selection (PPB/PVS) efforts with the participation of farmers that strengthens the smallholder farmers capacity to develop crop varieties adapted to social, economic and climate change conditions, including marginal areas. This will result in the broadening of the genetic base of crops in Africa and increase the range of genetic diversity available to farmers. The other elements considered critical were the promotion of local and locally adapted crops and under-utilized/neglected crop species.

The Consultative workshop recognized the need to use a wider diversity of crop varieties given the ecological variation of the African continent that incorporates on-farm management of PGR, conservation and sustainable use of crops whilst creating strong links with PPB/PVS and agricultural development in order to reduce crop vulnerability and genetic erosion and promote increased food production that are compatible with sustainable development.

It was recommended that there is a need to support initiatives such as: (i) integrated farmer seed systems through the value chain which include aspects of quality seed production, (ii) farmer-led agricultural research, (iii) on-farm seed multiplication, (iv) seed processing, (v) seed marketing in local niche markets, and (vi) seed storage in community seed banks. In this context, smallholder farmers need to be capacitated in decision-making related to the specific crop varieties that they would like to multiply, as well as to establish farmer seed enterprises, to train seed producers and agro-dealers responsible for selling such seeds.
Seed Laws

Seed laws have played an important role in agriculture development in the formal seed systems especially since the Green Revolution of the 1960s, which was based on high yielding rice and wheat varieties. However, the high yield expectations set by the Green Revolution were unsuccessful because of the complexity of organizing seed supply in a way that meets farmer’s needs at prices they can afford. In Africa, there was a renewed effort to improve seed accessibility with focus on supporting the private sector and also the establishment of business-friendly seed regulations such as harmonization of seed regulations across the sub-regional organizations e.g. East and Central Africa, Southern Africa and West Africa region. There are several initiatives in Africa focused on seed harmonization which include SADC Seed Harmonization Protocol and COMESA Seed Harmonization Regulations. Despite these efforts, the private sector tend to focus more on profitable crops/varieties rather than on crops which constitute the backbone of the poor resource smallholder farmer’s food security.

The formal seed sector is characterized by off-farm (ex-situ) germplasm conservation in gene banks with well controlled temperatures, supported by academic research, public and private plant breeding, seed production and marketing. The formal sector seed system concentrates on hybrid crops and varieties and specialized horticulture crops. The system has uniform standards based on distinctness, uniformity and stability (DUS).

National governments support these seed systems through designing policy and regulatory frameworks that strengthen efficiency and effectiveness of variety release, seed control, phytosanitary measures and Plant Breeders Rights in order to stimulate innovation and recoup their investments. However, the formal sector seed system produces only 10-20% of the seed requirements in most of the countries in Africa.

The meeting noted with concern that, the separation of production, multiplication and use of seed in the formal sector leads to loss of traditional knowledge and skills of smallholder farmers. Most of the activities in the formal seed sector are concentrated on a few numbers of crop species and varieties, leading to genetic diversity reduction. The formal seed sector is aligned to farming systems which are characterized by homogenous cropping resulting in reduced ecosystem services and the resilience of agro-ecological systems is at risk as well. In Africa, the formal seed sector is present only in a number of countries which include: Morocco, Nigeria, Egypt, Ethiopia, Kenya, Tanzania, Uganda, Malawi, Zambia, Zimbabwe and South Africa.

The seed laws are reinforced by Plant Breeders Rights which are regulated by a number of international, regional and national policy instruments. These policy frameworks include: WTO/TRIPS Agreements under Article 27.3(b), UPOV 1991, and SADC draft PVP and Seed
Harmonization Protocols, ARIPO PVP Protocol and the COMESA Seed Harmonization Guidelines. Most of the regional free trade blocks in Africa have developed common seed certification standards which do not support smallholder farmer’s seed systems.

The meeting recommended that there is need to develop seed regulations which support smallholder farmer’s seed systems as a balance between formal seed sector and farmer seed systems that supports food production for 80% of the food produced in Africa. The aspect of focusing on Quality Declared Seed (QDS) was highly supported as the preferred African position. Seed laws need to facilitate smallholder farmer’s ability to acquire seeds of their choice through trade, barter or exchange. In Africa, seed laws should support and promote farmers ability to save, reuse and exchange farm saved seed. In addition, seed policies have to be formulated to enhance ability and capacity of farmers to be engaged in PPB/PVS initiatives that would then create capacity for farmers in breeding and/or selection of new farmer varieties.

Finally, the seed laws ought to create space for facilitating farmers to access breeding materials from the National Agricultural Research Institutes (NARIs) programs, Regional Agricultural Research Centres (RARC) and the Consultative Group for International Agriculture Research Centres (CGIARs).

**Intellectual Property Rights and Plant Breeders Rights**

The Africa region deliberated on the implications of IPRs and PBR and noted the need to establish the legal space necessary for farmers to continue maintaining their traditional varieties and practices, in addition to the introduction of Plant Breeders Rights. It was agreed that the aspect of Farmers’ Rights should not be undermined by the enactment of such laws but rather space should be created to enable farmers to continue exercising their rights to acquire/access seeds of their choice, the rights to register their varieties, the rights to receive recognition and reward and the right to benefit sharing.

There are real threats and challenges posed by IPRs and these need to be addressed so that they do not become barriers to the implementation of Farmer’s Rights which include access to information, registration of farmer’s varieties, protection of indigenous knowledge, innovations and technologies and participation in making decision at the national level on matters related to the conservation and sustainable use of PGRFA.

Most of the African countries have been advised to adopt UPOV 1991-compliant domestic legislation, without taking into account the needs of the countries concerned or, for instance, differentiating between crops. The region felt that countries need to understand the consequences and implications of such policies on farmer seed security which should be
considered as a national food security issue, economic, social and cultural rights of smallholder farmers.

It was noted that PBR and IPRs provide restrictions on the use, exchange and sale of farm-saved PVP seeds which will make it difficult for resource poor farmers to access improved seeds originating from the PVP system. The region agreed that imposing such limitations on farm-saved seeds and the practice of exchange by farmers could negatively impact on the functioning of the farmer seed system, as the beneficial linkages between the formal and farmer seed systems will be cut-off.

The limitations imposed by IPRs and PBR will lead towards the loss of local knowledge on seed selection, conservation and sustainable use of local varieties and the de-skilling of farmers in general.

Challenges and Opportunities in the implementation of Farmers’ Rights in Africa

The implementation of Farmers’ Rights, rests with the national governments. This provision makes the implementation of Farmers’ Rights uncertain and not being realized. The participants have identified several challenges that impede or affect the implementation of Farmers’ Rights. The challenges in the implementation of Farmer’s Rights included policy, technical and operational matters, as follows:

a) Un-alignment of Farmers’ Rights to other international conventions i.e. UPOV, WTO/TRIPS, Regional Free Trade Agreements (RFTAs), and Nagoya Protocol on ABS;
b) Lack of appropriate policies to domesticate Farmers’ Rights as stipulated in the Treaty;
c) Low level of awareness on the importance of PGR including Farmers’ Rights both at the policy and technical levels;
d) Lack or limited knowledge and understanding on Farmers’ Rights (definition of Farmers’ Rights/ interpretation of the Treaty);
e) Lack of capacity to mainstream Farmers’ Rights in policy development at national level;
f) Fragmented institutional framework and poor institutional arrangements and disharmony among policies and legislations;
g) Alignment of National Seed Laws requiring seed certification with Farmers’ Rights;
h) The need to have balance policies between Farmer’s Rights and other enacted legislations with related Conventions;
i) Dilemma of securing the knowledge and/or resources without predisposing to biopiracy, losing it to commercial actors, and consequently losing the benefit sharing and control in the event of modification;
j) Constraints in documentation and registration due to heterogeneity of traditional varieties; and
k) Up-scaling and out-scaling projects and programmes that promote rewards and support systems to farmers.

Farmers’ Rights as laid down in Article 9 are backed by other provisions of the International Treaty, including the Preamble and a number of measures proposed for the conservation and sustainable use of PGRFA. The implementation should include aspects related to MLS, conservation and sustainable use of PGRFA, the Funding Strategy, capacity building and access and benefit sharing (ABS) as a package. This is in recognition of the enormous contribution that local and indigenous communities and farmers make to conservation and sustainable use and development of PGRFA. Governments have the responsibility to secure Farmers’ Rights in order to minimize the loss of crop genetic diversity, traditional knowledge and practices.

Participants to the Consultative workshop have observed that for the effective domestication of Article 9, there is a need for the Treaty Secretariat to provide guidelines for PGR policy formulation and development in addition to the Explanatory Guide to the ITPGRFA/IUCN Environmental Policy and Law Paper N° 57. Currently there is no comprehensive and clear policy on PGR. There is no clarity on scope or elements that make farmer variety a unique. The proposed guidelines would include modalities for national listing of the farmer varieties. The participants, likewise, identified some opportunities and possible strategies to implement Farmer’s Rights. These opportunities and strategies include the following:

a) Enacting and implementation of policies and legislation that include Farmers’ Rights.
b) Developing sound and effective policies on plant genetic resources management.
c) Streamlining funding mechanisms for the Treaty implementation.
d) Establishment of national digital libraries as in the case with the Indian experience.
e) Initiating improved documentation methodologies that work in collaboration with national programmes on PGR.
f) Developing and registering of farmer’s varieties which employ the quality declared seed standards (QDS).
g) Embracing documentation of traditional knowledge and ensuring that its sustenance through intra-generation transfer of such knowledge.
h) Designing incentive measures e.g. for farmers who embrace diversity would be rewarded for their continued contribution.
i) Enhancing the BSF strategy of the MLS and reengineering projects to directly benefit farming communities whilst ensuring effective farmers’ involvement and participation.
**Awareness Raising**

It was agreed that there is need to create awareness on all levels about the importance of implementing Farmer’s Rights and interventions need to include all stakeholders such as: farmer’s organizations, research institutions, government departments, parliamentarian committees responsible for the agricultural sector, seed related institutions, private sectors, cooperating partners, consumers, farmers, NGOs, CBOs and extension services.

It was agreed that each institution would need to assess and map their roles and contribution in terms of creating awareness relevant to the implementation of Farmer’s Rights. Information and awareness raising/creation relevant to the role of community seed-banks, seed fairs, farmers field schools, participatory plant breeding and variety selection (PPB/PVS) including the value and importance of farmers’ resources and the associated local knowledge are considered essential. Access to information e.g. ICT for development, advertisement on local radios and print media was regarded as a key communication strategy. The encouragement of the continuation and growth of farmer seed exchange, socio-economic benefits and bio-cultural importance need to be highlighted and information be shared.

The continent recommended that the Treaty Secretariat in collaboration with the AU, national governments and regional organizations, organize regional workshops designed to create awareness on the importance of implementing Farmers’ Rights focusing on policy and legislation development, ABS mechanisms, documentation of IKS, promoting guidelines on quality declared seeds functionaries, and sharing information on best practices.

This should also include elements of scaling out some of the best examples from other regions of the world. The meeting suggested that farmers’ roles could include: active participation at all levels of the value chain, maintaining PGR materials, practicing their IKS and innovations.

The government role was defined as including elements of putting adequate policies to guide and support the implementation of Farmer’s Rights, capacity building and developing the requisite support structures, creating awareness to farmers and other stakeholders on FRs, community mobilization for implementation, provision of resources, playing the advisory role, research and development, coordination between and among stakeholders, and establishing inter-ministerial committees on ABS.

On the other hand, civil society organizations roles are characterized as community mobilization, technical and financial support, assisting in running and maintaining community initiatives, infrastructure development, policy and advocacy and awareness creation.
The private sector can make contributions in the aspects of recognising and appreciating the farmer’s inputs and giving appropriate remuneration, corporate social and environmental responsibility, and product development, value addition, marketing and sharing the research results.

The cooperating partner’s role would be for funding and streamlining priorities on issues that deal with Farmer’s Rights, capacity building and policy engagement at high level institutions.

The consumer’s responsibility has to include elements that would help determine the standards and quality of the farmers’ produce, promoting and appreciating the local products derived from the utilization of local PGR.

**Financial Resources**

It was agreed that Africa need to mobilize financial and non-financial resources to ensure effective implementation of the Treaty. The position of the continent is that it needs to mobilize both forms of resources that are complimentary for efficient and effective implementation of the Treaty. The resources should include non-monetary benefits which would be for: participatory crop improvement, transfer of technology for the benefit of the farmers, management of PGR, information sharing inclusive of obtaining geographical information on PGR from DivSeek, discovering gene sequences of what is needed to breed with, capacity building in various forms of PGR management. Also, there is need to commit resources for promoting national and regional meetings on PGRFA conservation and use as an essential component of national/international food security and contributions to the country’s economy.

The aspects of co-generation of technologies and innovations, capacity building, establishment of community seed banks, collaborating with NPGRCs, organizing national conferences on Farmers’ Rights, protection of traditional knowledge and preparation of materials to raise awareness such as pamphlets, also require financial support. Support can also be directed towards on-farm seed production for farmer’s seed varieties, farmer participation in restoration and enhancement of farmer varieties, multi-location variety testing schemes which facilitate linkages between breeders, farmers and researchers.

The other aspects for monetary benefits include the following:

- Payments/levies for access to PGR.
- Commercialization of farmers’ varieties.
- Exportation of seeds in areas with similar climatic conditions.
- Provide seed technology (quality, germination, technology transfer).
• Non-governmental funding (GEF, AU, FAO, UNDP, IFAD and International Treaty BSF).
• Protection of rights e.g. traditional knowledge (permit fees, royalties, research funding, joint ownership of research products, employment opportunities and contracts to supply raw materials.

The resources are necessary to raise awareness of Farmers’ Rights within the various stakeholders (NGO circles, Governments, Farmers organisations, Researchers, Civil Society Organizations etc.). The resources are also important to strengthen the capacities of farmers in the conservation and sustainable use of plant genetic resources for food and agriculture through promotion of on-farm management and conservation of important PGRFA as well as crop wild relatives. It is the duty of each Contracting Party to develop its own National Funding Strategy.

The participants have recommended the creation of synergies between and among various funding institutions and partners to avoid duplication and unnecessary waste of resources.

**Role of Community Seed Banks**

Community seed banking approach is considered essential for Africa for purposes of seed saving, accessibility and affordability to many smallholder farmers. Each harvest, between 60 to 80% of the seed grown by smallholder farmers is saved on-farm with the remainder being sourced from off-farm. The African farmers have over the years developed vast knowledge bases and skills of growing, selecting and storing these crop varieties which are adapted to the marginalized environments of the continent. However, these genetic resources are under threat from the continued erosion and loss from environmental, social, economic and scientific factors such as the introduction and vigorous promotion of hybrids, climate change related droughts, crop failures, floods, conflict situations, pests and diseases and the introduction of genetically modified crops. The continued loss of farmers’ PGR poses a danger to smallholder farmer’s sustenance, food and nutrition security and livelihoods.

The Consultative Workshop noted the importance of establishing community seed banks. The seed banks provides several advantages and supports smallholder farmers, as follows:

• It provide smallholder farmers with easy access to quality locally adaptable seeds.
• It promote preservation of local knowledge, bio-cultural heritage of adaptable seeds of choice by farmers.
• It promote on-farm seed saving, exchange and selling of local seeds thereby fulfilling one of the requirements of the Treaty.
It contributes to documentation of local knowledge, social history, technical skills in seed conservation and sustainable use, seed preservation technologies and customary practices.

The community seed banks are considered as an important means to farmers’ decision making processes in terms of: (i) determining crop and crops cultivars to be multiplied, (ii) identifying farmers who will be responsible for seed multiplication, (iii) estimating seed demand locally by crop and variety, (iv) coordinating seed distribution and supply, and (v) determining the quantity of local seed reserves that would ensure local seed security. The facility is responsible for seed treatment, packaging, and storage using local knowledge and practices.

**Community Seed Fairs**

Seed fairs are used as a medium for enabling farmers to exchange, sell and share seeds between and among farmers in Africa. The practice is very important for creating market linkages through the value chain to improve the availability of locally produced seeds. The approach encourages local farmers to access seed of their choice within the community at affordable prices, employing bartering system, evaluating local diversity and levels of adaptability.

The practice is important for assessing crop diversity availability by applying the crop diversity wheel analysis. The continent regards this approach important for enhancing restoration and enhancement of lost crop diversity in both high and low agriculture potential areas. Women are the prime participants of this practice and there is need for capacity building and strengthening of the approach across the continent.

**Policies and legislation**

Participants to the meeting proposed, as a strategy for the implementation of Farmers’ Rights, the development of standalone Farmer’s Rights policy and legislation. Another option proposed was to develop regulations under existing national laws or to create an omnibus comprehensive Agricultural biodiversity statutory instrument. A proposal was made also that there may be need to amend the existing national seed laws to incorporate farmer seed systems. Where legislative framework is established, there is need to pilot test it in a number of countries and compile experiences of the best practices related to the implementation of Article 9 and to share information with other Contracting Parties.
Relevant structures for implementing Farmers’ Rights

Participant to the Consultative workshop highlighted the need for the creation of appropriate and competent national institutions which would be responsible for the management and implementation of Farmers’ Rights. The suggested relevant structures would include the following:

- Village /community based agro-biodiversity management committees
- District agro-biodiversity management committees
- National Biodiversity Authorities
- National registry of Farmers’ Rights and related officers
- Creation of Farmer Rights information management systems and data base

Conclusion

Participants have all agreed that for the effective implementation of Farmers’ Rights, farmers should have the right to save, use, exchange and sell farm saved seeds and other propagating material without hindrance or limitations from IPR or PBR regimes. There is need to put in place the mechanisms for fair and equitable sharing of benefits due from commercialisation of products derived from the utilization of farmer’s innovations, knowledge and crop diversity. Participants requested also the Treaty Secretariat to provide guidelines for PGR policy development including on how Farmers’ Rights’ can be effectively implemented.
Annex 1

Official Opening Speech by the Honorable Minister of Agriculture, Mechanization and Irrigation Development

**Stakeholders’ Consultation on Farmers’ Rights in Africa**

**HICC Hotel, Harare, Zimbabwe**

**27-29 June, 2016**

The Master of Ceremony

The Representative from the Office of the Secretary General of the International Treaty on Plant Genetic Resources for Food and Agriculture,

Distinguished workshop participants from various regions of the Continent,

Senior Zimbabwe Government Officials here present,

The Chairperson of Community Technology Development Organization,

Civil Society organizations, NGOs here present,

Ladies and Gentleman

It gives me great pleasure to welcome you all to this very important stakeholders’ consultation workshop on Farmers’ Rights in Africa which is being held in Zimbabwe as part of the fulfilment of the Governing Body of the ITPGRFA adopted Resolution 5/2015, where the Governing Body requested the Secretariat to engage Contracting Parties and relevant organizations to gather information at national, regional and Global levels for exchanging knowledge, views experience and best practices on the implementation of Article 9, Farmers’ Rights.

I hope you have acclimatized yourselves well to our weather particularly now when we experience our winter period.

Mr Chairman, Zimbabwe, being a Contracting Party to the Treaty expresses its profound gratitude in hosting the Secretariat, other Regional Contracting Party participants, and other relevant organizations.

Mr Chairman, Agriculture is the principal source of livelihood for 80% of Zimbabwe’s population and also it is a source of raw materials for the larger number of industries. Small holder farmers produce the bulk of food for the country and they depend on diversity of cultivated plants adaptable to the adverse climatic conditions. Our smallholder farmers have
managed to grow a diversity of crops at their own farms through seed selection, saving and exchanging amongst themselves

Seed selection, saving and exchange are at the heart of traditional agricultural systems for millions of small holder farmers across Africa and the world at large. This contribute significantly to livelihoods and the conservation of agricultural diversity. Enabling farmers to maintain and develop this diversity, along with their rich knowledge of and practices in traditional agriculture and agro-ecology, is vital in ensuring present and future food security and sovereignty. Farmers’ varieties and landraces are vital for livelihoods; they enhance food security, strengthen social cohesion, maintain cultural integrity, and build climate resilience.

Mr Chairman, it is however sad to note that, the development of seed varieties by farmers is not appreciated or recognised. This has resulted in a significant proportion of crop diversity being lost and susceptible to continued erosion.

Mr Chairman, Agricultural innovations were not subjected to Intellectual property protection before the coming into force of the current international instruments such as UPOV and the TRIPS Agreement which require members to provide Intellectual Protection for Plant Varieties by Patents, or by an effective sui generis system, or by a combination there of.

These international instruments and their regulatory frameworks on seed laws and IPRs are less supportive to farmers’ customary seed management systems leading to farmers not being able to equitably participate in the benefit sharing, participate in decision making and be able to save, use, exchange and even sell their farm-saved seeds.

Zimbabwe supports fully all efforts being undertaken by the Treaty Secretariat towards full domestication and implementation of Farmers’ Rights since the implementation of Farmers’ Rights is a precondition for the maintenance of crop genetic diversity which is the basis of all food and agricultural production.

Zimbabwe has made effort with regard to domestication and realization of Farmers’ Rights at national level through enactment of various pieces of legislation which include the Plant Breeders Rights Act [Chapter 18:16] and the Seed Act [Chapter 19:13]. These pieces of legislation however are being reviewed so that they reflect on the country’s interest through inclusion of provisions related to the realization of Farmers’ Rights at national level and in particular the needs of our local small holder farmers.

This workshop provides an opportunity for open and effective discussions, sharing of country experiences, best practices and lessons learnt in relation to Farmers’ Rights from Contracting Parties and relevant stakeholders here present which should lead the region to identify ways and means to facilitate practical and easy process towards the realization of Farmers’ Rights as they relate to PGRFA at national level so as address food security and nutrition for present and future generation.
This workshop could not have come at a better time than now, when we as a region is preparing for the Global Consultation on Farmers’ Rights to be held in September, 2016, in Bali, Indonesia. Africa need to speak with one voice. It is pertinent that the outcome of this Stakeholders’ Consultation on Farmers’ Rights in Africa will lead to the drafting of a report of the Africa region which will be presented to the Global consultation on Farmers’ Rights.

I would like to take this opportunity to thank first and foremost the Treaty Secretariat for gracing this important occasion and also for the provision of material support through the Benefit Sharing Fund of the Treaty, which enabled the Zimbabwe Government to host this very important stakeholders’ consultation.

I also want to thank the organisers of this stakeholders’ consultation in particular, Community Technology Development Organization (CTDO) for a job well done. With these remarks, I declare this Stakeholders’ consultation workshop officially opened.

I wish you very fruitful deliberations.

I thank you

Hon. J. Made
### Programme Agenda

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<tr>
<th>Time</th>
<th>Topic</th>
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<tr>
<td>08:00-08:30</td>
<td>Registration of Participants</td>
<td>Mrs Jackie Ngundu</td>
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<tr>
<td>08:30-09:00</td>
<td>Introduction of Participants</td>
<td>Facilitator</td>
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| 09:00-09:15  | Welcome address                                                     | 1. Mr A Mushita  
2. Mr. R. Chitsiko, Permanent Secretary, Ministry of Agriculture, mechanization and irrigation Development|
| 09:15-09:30  | Remarks by the African Group Chair /Deputy Chair of the Bureau of the International Treaty on Plant Genetic resources for food and Agriculture | Dr. Francis Leku Azenaku,                                                      |
| 09:30-09:45  | Introduction of the Africa Stakeholders Consultation on Farmers Rights in Africa, in preparation for the Global Consultation on Farmers Right to be held in Bali, Indonesia, September, 2016 as part of the preparation for the 7th Session of the Governing Body | Mary Jane Ramos Dela Cruz, FAO Treaty Secretariat                                |
| 09:45-09:50  | Introduction of the Guest Speaker                                   | Mr. R. Chitsiko, Permanent Secretary, Ministry of Agriculture, mechanization and irrigation Development |
| 09:50-10:20  | Address by the Guest Speaker                                        | Hon J. Made, Minister of Agriculture, mechanization and Irrigation development |
| 10:20-10:30  | Discussions after Guest Speaker’s Address                           | All                                                                            |
| 10:30-11:00  | Tea Break                                                           | All                                                                            |

**11:00-11:20:** Setting the scene: Understanding Farmers Rights, their substantial elements as they relate to PGRFA by national Governments and the future of Plant Genetic Conservation and Sustainable use - Ms. Liz Matos - Angola

**Session 1: Lessons Learnt, Key issues and concerns of smallholder farmers and indigenous communities, and their challenges in the implementation of FRs as they relate to plant genetic resources for food and agriculture**

11:20-11:40 | Overview of the lessons learnt, key issues and concerns of farmers and their challenges in the implementation of FRs as they relate to: (1) the protection of farmers’ traditional knowledge  
(2) regarding farmers’ participation in | Dr. Desterio Nyamongo - Kenya |
benefit sharing

(3) regarding farmers’ participation in
decision making and the rights that
farmers have to
save, use, exchange and sell seeds and propagating
material

11:40-12:00 Lessons learnt regarding Farmers’ organization,
civil society perspectives Mr. Andrew Mushita

12:00-13:00 Group Discussions (4 Groups) Facilitator

13:00-14:00 Lunch All

14:00-15:00 Continuation group discussion All

15:00-15:30 TEA BREAK ALL

15:30-17:00 Presentations of Group Discussions All

17:00 End of Day End of Day
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<th>Time</th>
<th>Session/Activity</th>
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<tr>
<td>08:30-8:50</td>
<td>Access and benefit sharing and traditional knowledge</td>
<td>Andrew Mushita – Zimbabwe</td>
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<tr>
<td>08:50-09:10</td>
<td>Strategy and options to emphasize the role of smallholder farmers in the conservation and sustainable use of PGRFA and how to channel support to them.</td>
<td>Barnabas Kampange SADC Plant Genetic Resources Centre-Zambia</td>
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<tr>
<td>09:10-09:30</td>
<td>Practical measures and options for national governments supportive of Farmers’ Rights</td>
<td>Dr Dickson Ngu’ni – Zambia</td>
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<tr>
<td>09:30-10:00</td>
<td>Local level/farming communities’ alternative actions and activities</td>
<td>Mr. Patrick Kasasa-Zimbabwe</td>
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<td>10:00-10:30</td>
<td>TEA</td>
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<tr>
<td>10:30-11:30</td>
<td>Group discussion (4) and Recommendations</td>
<td>Facilitator</td>
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<tr>
<td>11:30-13:00</td>
<td>Presentations</td>
<td>ALL</td>
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<td>13:00-14:00</td>
<td>LUNCH</td>
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**Session 4 : Recommendations**

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<tr>
<td>14:00-15:00</td>
<td>Summarized Recommendations for the Africa Group for submission to the Global Consultations on Farmers Rights</td>
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<tr>
<td>15:00-15:30</td>
<td>Closing Remarks</td>
<td>Dr Dickson Ngu’ni – Zambia</td>
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Annex 3

TERMS OF REFERENCES

Stakeholders’ Consultation on Farmers’ Rights in Africa
27-29 June 2016, Zimbabwe

Concept Note and Provisional Agenda

1. Rationale

Today, 75% of the world's 1.2 billion poorest people live in rural areas and depend largely on traditional agriculture. In Africa, traditional agriculture accounts for more than 375 million farmers, of which, 80 to 90 percent of these smallholder farmers rely and use their own farm-saved seeds. For these farmers, access to commercial varieties and the required production input such as fertilizers and pesticides are mostly unaffordable. They depend on diversity of cultivated plants to maintain the yields and quality crop production, adapting their farming system to often marginal environments and difficult conditions. Diversity between and among crops is a means of spreading the risk of crop failure due to pests and diseases or adverse climatic conditions like drought. The diversity of crops is also dependent on the way by which farmers managed and conserved their seeds. Historically, the majority of farmers in Africa mainly get their seeds from the informal channels which include farm saved seeds, seed exchanges among farmers and/or local grain/seed market. These informal systems contribute to about 80-100% of seed supply depending on the crop and the country.

However, this informal management mechanism farmers is becomingly more and more limited, and is being challenged by rather recent regulations such as seed laws, Intellectual Property Rights, policies and regulatory frameworks that are less or not supportive to farmers’ customary management system.

2. Farmers’ Rights under the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

As farmers are custodians and developers of crop genetic resources in the field, their rights are crucial for enabling them to maintain their vital role to conserve diversity for local and
global food security, nutrition and poverty eradication. Realizing Farmers’ Rights means enabling farmers to manage, develop and dynamically conserve crop genetic resources as they have done since the dawn of agriculture, and recognizing them for this indispensable contribution to the global pool of genetic resources for food and agriculture. The International Treaty calls for the promotion of Farmers’ Rights at the international and national levels and specifically recognizes in Article 9:

**Article 9 - Farmers’ Rights**

9.1 The Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.

9.2 The Contracting Parties agree that the responsibility for realizing Farmers’ Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers’ Rights, including: (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture; (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

9.3 Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.

3. The Implementation of Farmers’ Rights, Perceptions, Challenges and Opportunities

“Farmers’ Rights is viewed as a cornerstone of the International Treaty, as a precondition for the maintenance of crop genetic diversity, which is the basis of all food and agriculture production in the world. The concept of Farmers’ Rights³ (mean rights arising from the past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the centres of origin/diversity). These rights are vested in the International Treaty, as trustee for present and future generations of farmers, for the purpose of ensuring full benefits to farmers, and supporting the continuation of their contributions. Realizing farmers’ rights is seen as a vital means to halt genetic erosion and ensure food security. It is also viewed as central in attempts to counterbalance current inequities in the world. As such, it represents a crucial concept in the fight against poverty and food insecurity.

In the previous international consultations on Farmers’ Rights held in (i) Zambia⁴ (2007), and (ii) Ethiopia⁵ (2010), it was reported that despite many challenges, there are efforts started

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⁴The informal consultation was held from 18-20 September 2007 is Lusaka, Zambia. Organized by the Ministry of Agriculture and Food and the Fridtjof Nansen Institute of Norway, Zambia Agriculture Research Institute of the Ministry of Agriculture, Food and Fisheries.
already with regard to the measures highlighted in the provisions on Farmers’ Rights under the International Treaty on Plant Genetic Resources for Food and Agriculture, such as: rights with regard to the protection of traditional knowledge; right to equitably participate in benefit sharing; right to participate in decision making; and the right of farmers to save, use, exchange and sell farm-saved seed. The right of farmers to save, use, exchange and sell farm-saved seed – is perceived as the most important and crucial rights. Because this right relates to the management of farm saved seeds and propagating materials, it formalizes law of the land that encompasses farmers’ management of their seed systems.

While there are efforts started already, there are also substantial barriers preventing the realization of these Farmers’ Rights, particularly with regard to legislation and incentive structures, of which, would require further analysis in order to find practical and easy process to realize Farmers’ Rights. Some of these barriers that were identified in the previous consultations are, as follows:

- The lack of awareness among farmers and policy makers or authorities. The problem is rooted in the difficulties related to defining Farmers’ Rights and the varying interpretations and lack of understanding of “Farmers’ Rights” concept and the generic human rights concept. For farmers, their way of life is intrinsically linked to access to land, water, and other input factors such as labour, knowledge, and technology, in addition to seeds and other propagating material. This might be one of the reasons why it has been difficult to reach a common definition of Farmers’ Rights. While it is important to recognize the broader context of rights, however, it is important to focus on Farmers’ Rights as set out in the International Treaty, as well as to embed the realization of these rights in the local realities and needs of farmers.

- Poor, weak or contradictory legislation is also perceived as another barrier in the region. The importance of developing adequate legislation and/or mainstreaming Farmers’ Rights in existing legislation is seen crucial.

- The lack of implementation capacity in many developing countries

4. Stakeholders’ Consultation

At its Sixth Session, in October 2015, the Governing Body of the ITPGRFA adopted Resolution 5/2015 on the Implementation of Article 9, Farmers’ Rights. The Governing Body has requested the Secretariat to engage Contracting Parties and relevant organizations to gather information at national, regional and global levels for exchanging knowledge, views, experiences and best practices on the implementation of Farmers’ Rights, as set out in Article 9 of the International Treaty. The Governing Body has invited Contracting Parties and relevant organizations to take initiatives to convene regional workshops and other consultations including with farmers’ organizations, for the exchange of knowledge, views and experiences to promote the realization of Farmers’ Rights as set out in Article 9 of the Treaty, and present results at the next session of the Governing Body.

5 The global consultation was held in Addis Ababa from 23-25 November 2010 with Institute of Biodiversity Conservation of Ethiopia, supported by the Swedish International Biodiversity Programme (SwedBio), the Norwegian Agency for Development Cooperation (NORAD), the Norwegian Ministry of Agriculture and Food, the Development Fund, Norway, and the Spanish Agency for International Development Cooperation (AECID).

Taking note of the guidance received from the Governing Body as contained in Resolution 5/2015, in preparation for the Global Consultation on Farmers’ Rights, an stakeholders’ consultation for Africa will be organized.

5. Objectives of the Stakeholders’ Consultation

Overall Objective:

To identify ways and means to facilitate practical and easy process towards the realization of Farmer’ Rights, as they relate to PGRFA, by the national governments, while acknowledging Farmers’ Rights as vital for present food security and health nutrition, and the future of plant genetic resource conservation and sustainable use.

Specific Objectives:

- To take stock of significant country experiences, best practices and lessons learned in realization of Farmers’ Rights.
- To identify challenges for the realization of Farmers' Rights, as they relate to PGRFA
- To identify practical options and strategies for national implementation of Farmers’ Rights

The outcome of the Stakeholders’ Consultation will be consolidated as a report of Africa Region to be presented to the Global Consultation on Farmers’ Rights in September 2016, in Bali, Indonesia.

6. Date and Venue

The Stakeholders’ Consultation on Farmers’ Rights will be held from 27-29 June 2016.
## Annex 4

### List of Participants to the International Treaty on Plant Genetic Resources for Food and Agriculture Consultative Workshop on Farmers’ Rights

<table>
<thead>
<tr>
<th>Participant Name</th>
<th>Organisation/Country</th>
<th>Contacts</th>
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<tbody>
<tr>
<td>1. Ms. Remmie HILUKWA</td>
<td>Senior Forester: NPGRC, National Botanical Research Institute Ministry of Agriculture, Water and Forestry (MAWE) Private Bag 13184 Windhoek Namibia</td>
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<tr>
<td>2. Dr. Desterio Ondieki Nyamongo</td>
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<tr>
<td>3. Dr Francis LEKU AZENAKU</td>
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<tr>
<td>4. Ms Michelle ANDRIAMAHAZO</td>
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<tr>
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<tr>
<td>6. Prof Godwin Mkamanga</td>
<td>Biodiversity Conservation Initiative Lilongwe Malawi</td>
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<tr>
<td>7</td>
<td>Mr. Barnabas Kapange</td>
<td>SADC Plant Genetic Resources Center</td>
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<td>8</td>
<td>Thandie Jessie. Lupupa</td>
<td>Senior Programme Officer-in situ/on-farm Conservation</td>
</tr>
<tr>
<td>9</td>
<td>Elizabeth Matos</td>
<td>Centro Nacional de Recursos Figenéticos (CNRF) Universidad Agostinho Neto Prédio do Centro Nacional de Investigação Científica (CINIC) Avenida Ho Chi Min, n 201 P.O. Box 10043 Luanda Angola</td>
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<tr>
<td>10</td>
<td>Modester Kachapila-Millinyu</td>
<td>Malawi Plant Genetic Resources Centre Chitedze Research Station Address Chitedze Research Station, P.O. Box 158 Lilongwe Malawi</td>
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<tr>
<td>11</td>
<td>Dr. Dickson Ng’uni</td>
<td>Chief Agricultural Research Officer with Zambia Agriculture Institute, Ministry of Agriculture Zambia</td>
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<tr>
<td>12</td>
<td>Dr. Mary Jane Dela Cruz</td>
<td>Technical Officer, ITPGRFA Secretariat, FAO, Rome, Italy</td>
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<td>13</td>
<td>Gloria Otieno</td>
<td>Associate Expert Biodiversity Conservation Bioversity International</td>
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<td>14</td>
<td>The Chief Executive Officer</td>
<td>Dr.J Mufandaedza National Biotechnology Authority of Zimbabwe Harare, Zimbabwe</td>
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<tr>
<td>15</td>
<td>Mr. Sifelani Tsiko</td>
<td>Senior Reporter Herald Harare</td>
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<tr>
<td>16</td>
<td>Dr. Isaiah Mharapara</td>
<td>Chief executive officer Research Council of Zimbabwe Harare</td>
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</table>
| 17. Prof. Upenyu Mazarura | University of Zimbabwe
Crop Science Department
Mount Pleasant P O Box MP167 |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 18. Mrs Rudo Musango    | Ex-situ Conservation Officer
Genetic Resources and Biotechnology Institute
Ministry of Agriculture Mechanization and Irrigation
Harare, Zimbabwe |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19. Mr Onismus Chipfunde| In situ Conservation Officer
Genetic Resources and Biotechnology Institute
Ministry of Agriculture Mechanization and Irrigation
Harare, Zimbabwe |
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| 20. Dr Claid Mujaju     | Head and Registrar of Plant Breeders Rights
Seed Services Institute |
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<tr>
<td>21. Mr Andrew Mushita</td>
<td>Director, Community Technology Development Organisation</td>
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| 22. Mr Patrick Kasasa   | Program Officer, Biodiversity
Community Technology Development Organisation |
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| 23. Mr Regis Mafuratidze| Program Officer Policy
Community Technology Development Organisation |
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<tr>
<td>24. Dr. J. N. Mushonga</td>
<td>Community Technology Development Organization</td>
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| 25. Mr Hilton Mbozi     | Project Officer, Biodiversity
Community Technology Development Organisation |
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<td>26. Mrs Jackie Ngundu</td>
<td>Community Technology Development Organization</td>
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<td>27. Mrs Stella Mtungwazi</td>
<td>Community Technology Development Organisation</td>
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<td>28. Mr Tinashe Sithole</td>
<td>Community Technology Development Organisation</td>
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| 29. Mrs C. Jeke         | Farmer Representative
Murehwa District |
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<tr>
<td>30</td>
<td>Mrs Dorothy Chiota</td>
<td>Farmer Representative</td>
<td>Uzumba Maramba Pfungwe District</td>
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<td>31</td>
<td>Mrs L Danga</td>
<td>Farmer Representative</td>
<td>Uzumba Maramba Pfungwe District</td>
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<tr>
<td>32</td>
<td>Mr Marcus Hakutangwi</td>
<td>Phiri Award</td>
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<td>33</td>
<td>Mr. Norest Ndawana</td>
<td>Research Services Division</td>
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<td>34</td>
<td>Ms. Rachel Kachecha</td>
<td>Research Services Division</td>
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<td>35</td>
<td>Dr Godfrey Chikwenhere</td>
<td>Deputy Director, Research Services Division</td>
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<td>36</td>
<td>Mr. R. J. Muzamhindo</td>
<td>Principal Director, Irrigation Development</td>
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<td>37</td>
<td>Mr J Gondo</td>
<td>Principal Director, Department of Agricultural Technical and Extension Services (AGRITECH)</td>
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<td>38</td>
<td>Dr C Mguni</td>
<td>Director Research Services Division</td>
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<td>39</td>
<td>Mr JLN Sikhosana</td>
<td>Director, Livestock Research</td>
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<td>Maxwel Teedzai</td>
<td>Africa We want trust</td>
<td>President</td>
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<td>Zimsoff</td>
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<td>Manager</td>
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<td>Agritex</td>
<td>Agric Extension Specialist</td>
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<td>L Chazingwa</td>
<td>ARDTZ</td>
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