

# The Farmers' Rights Project



## Background Study 8

# Farmers' Rights in Peru – Farmers' Perspectives

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## Executive Summary

Peru is a center of diversity for major food crops such as potato, mashua, oca, olluco, sweet potato, sweet corn (maize), cassava, and aracacha. Especially among small Andean and Amazon communities these crops are vital for food security: for example, potato, oca, olluco and mashua serve as vital sources of carbohydrates and other nutrients. As the main center of origin of the potato, Peru is home to seven domesticated potato species, one of which is *Solanum tuberosum*, which ranks as one of the five most important food crops in the world, and which has more than 3000 different varieties in Peru. However, diversity is rapidly deteriorating for various reasons, including climate change, the introduction of commercial crops, changed land-use and urbanization. If this rich diversity is to be maintained – for regional as well as international food security – the realization of Farmers' Rights related to crop genetic diversity is crucial.

This is why Peru was chosen for this case study. The aim has been to contribute to the debate as well as to practical efforts aimed at realizing Farmers' Rights in Peru, while also generating information useful for other countries. As such the report is a contribution to the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Plant Treaty), which aims at the conservation and sustainable use of crop genetic resources, the fair and equitable sharing of the benefits arising from their use for sustainable agriculture and food security, and provides for the realization of Farmers' Rights.

In the context of the Plant Treaty, realizing Farmers' Rights means enabling farmers to maintain and continue to develop crop genetic diversity as they have done since the dawn of agriculture, as well as recognizing and rewarding them for their indispensable contribution to the global pool of genetic resources. The realization of Farmers' Rights is a precondition for the maintenance of crop genetic resources, which in turn forms the basis of all food and agricultural production in the world. The continued maintenance of agricultural biodiversity is particularly important for traditional small-scale farming, on which large numbers of people in Peru and in other developing countries depend for their livelihoods. The realization of Farmers' Rights is a central means to improving the livelihood of farming families and as such an important contribution to poverty alleviation in rural areas.

The Plant Treaty stipulates that governments are to protect and promote Farmers' Rights and that they can choose measures appropriate to their own needs and priorities. Certain measures are suggested, covering the protection of traditional knowledge, benefit-sharing and participation in decision-making. The rights of farmers to save, use, exchange and sell farm-saved seeds and propagating material are also addressed, but the treaty provides no particular directions for implementation.

Because a central provision of the Plant Treaty on Farmers' Rights deals with farmers' participation in decision-making processes at the national level regarding the management of crop genetic diversity (Paragraph 9.2.c), this report takes the perceptions and experiences of 180 farmers in various regions of the Peruvian Andes as its point of departure and analyzes how these can form the basis of future policies on Farmers' Rights in Peru.

From March to May 2008, Maria Scurrah of Grupo Yanapai organized and held a series of workshops with Peruvian farmers in order to map their views, experiences and suggestions with regard to the realization of Rights. The farmers of the workshops came from highland small-scale subsistence agriculture, as also the majority of farmers in the country do. These are custodians of the greatest crop genetic diversity of the country. Modern market and export oriented sectors, mainly on the irrigated coastal plains, where not included in the study, as they are largely not involved in the maintenance of crop genetic diversity. Farmers of the Peruvian Amazon could not be included due to financial limitations for the study. Representatives from some of the workshops and other farming groups were invited to a final workshop at Instituto Nacional de Investigacion Agraria (INIA) in Lima in September 2008, together with practitioners and decision-makers in the field of genetic resources. The findings were analyzed by Regine Andersen and Tone Winge from the Farmers' Rights Project at the Fridtjof Nansen Institute, Norway, in collaboration with Maria Scurrah. The study has been carried out in collaboration with the Peruvian Society for Environmental Law (SPDA) in Lima and with the German Gesellschaft für Technische Zusammenarbeit (GTZ). It is part of a project on the implementation of the Plant Treaty in Peru, involving the SPDA, Grupo Yanapai, the Fridtjof Nansen Institute and the GTZ. The GTZ has been involved in crop genetic diversity and the implementation of Farmers' Rights for several years and has a long-standing involvement in development cooperation with Peru. We are grateful for the valuable advisory and financial support provided by the GTZ project *People Food and Biodiversity*, as well as helpful comments from the SPDA, and their collaboration regarding the workshops. We are also grateful to INIA for hosting the final national workshop.

This report presents the results of the five regional workshops with farmers as well as the national workshop, and analyzes the implications for Peruvian policies. The target groups are farmers, practitioners from various organizations involved in farming communities, and, importantly, decision-makers in the field of genetic resources.

During the workshops a range of measures for the realization of Farmers' Rights were discussed, including seed fairs, plant variety catalogs, local seed banks, access to varieties held by national and international gene banks, access to scientific knowledge, participatory breeding activities, sharing of local knowledge, mainstreaming of laws and regulations, market access, and conducive price policies. The issue of farmers' relationships with the authorities was addressed, and it was stressed that the authorities need to recognize and support farmers for their vital contributions to the genetic pool. It was evident that the farmers themselves have many ideas on how the realization of Farmers' Rights should be pursued. They are keen to be involved in and organize projects, as well as participate in the relevant decision-making processes.

The farmers were conscious of their role as custodians of a rich heritage of varieties and knowledge, and expressed worries about the disappearance of the old seed systems and the access to good-quality propagating material from a wide collection of varieties. In some areas, seed exchange is not as widespread as formerly. Several farmers stressed that there is too much focus on competitions and awards for farmers with the highest number of varieties at seed fairs, and that this can obstruct the sharing of knowledge and propagating material. Seed fairs need to focus more on the promotion of

seed exchange and sharing of knowledge. Capacity-building efforts should also focus on the importance of seed exchange. The farmers were deeply concerned about the loss of varieties, and wanted this development halted. Local seed banks were suggested as a means to stop losses, and should receive financial and technical support. Catalogs that document traditional varieties and the associated knowledge were discussed as a means of maintaining traditional knowledge for future generations.

The workshops also revealed that the farmers felt that they had little influence over the selection criteria of professional breeders. Their experiences with participatory plant breeding were mixed. One of the challenges is slow diffusion of the resultant varieties. The farmers were also interested in collaborating with researchers; they wanted scientists to share their knowledge with them, and their own needs to form the basis of agricultural research.

Farmers generally displayed very little knowledge of the laws and regulations that affect them. There is a clear need to inform farmers and rural communities about such legislation and include them in future legislative processes. So far, legislation tends to favor export oriented large-scale agriculture, and does not meet needs of small-scale farmers. As a result of the recently signed Free Trade Agreement with the United States, Peru is amending many laws, and introducing new ones, some of which will negatively affect Farmers' Rights.

Various threats to farming practices and the maintenance of local varieties and the associated knowledge were discussed by the farmers. One threat is the increased dominance of commercial varieties, which limits the access to traditional varieties of seed potatoes. Climate change, with fast meltdown of glaciers in the Andes, is considered an even more serious threat in many areas. With climate zones changing rapidly, it is increasingly difficult to grow the traditional varieties of these areas, and genetic erosion might ensue. In such a situation, plant genetic diversity is crucial: it is the factor that enables adaptation to changing environmental conditions – provided that seed exchange can take place, and particularly so if backed by research to identify the varieties best suited to the new conditions. Other serious threats are interventions in farming areas, through the building of dams and the development of mining. Such interventions hinder the conservation of plant genetic diversity, because of the loss of land as well as the pollution caused by mining. The establishment of national agrobiodiversity reserves was proposed as one possible counter-measure.

Low prices for their products were cited by most farmers as the reason why they have remained subsistence farmers, and the wish for higher prices was a recurring topic in all workshops. In general, the farmers also wanted respect and recognition for their work, and they wanted to be informed and consulted on matters concerning them.

The feasibility of the suggestions made by the farmers has been further analyzed in the report, with a view to the current legal and political situation in Peru. The measures for the realization of Farmers' Rights provided in the Plant Treaty have been taken as points of departure for this analysis and for deriving recommendations.

To ensure the *maintenance of traditional knowledge* (Plant Treaty, Paragraph 9.2.a), measures are required to document such knowledge in such a way that it cannot be misappropriated, and to keep it alive by sharing it and teaching it to the next generation. Agro-biodiversity reserves could be introduced to protect the land most important for the cultivation of native varieties in as many communities as possible. This would help keep traditional farming practices and traditional knowledge alive. Redirecting aid and emergency practices towards a greater emphasis on buying locally and providing farmers with access to propagating material would also contribute. In addition, pilot villages should be considered as a measure to bolster the conservation and exchange of genetic resources and traditional knowledge.

To ensure *equitable benefit-sharing* (Plant Treaty, Paragraph 9.2.b), farmers' access to good-quality propagating material should be promoted by providing support to community gene banks, seed fairs and exchange visits, and participatory research on traditional seed systems. Farmers should also have

access to research, technology and new techniques through information dissemination and collaboration with researchers. Agricultural research should be more informed from the ground, by bottom-up processes. Participatory plant breeding is a vital instrument to support farmers in their efforts, and could also be central in the context of such bottom-up processes. Here it is important that the resultant varieties are disseminated quickly. Farmers must to a greater extent be informed about existing possibilities and projects, such as the repatriation program of potato varieties by the International Potato Centre. Efforts should be made to ensure farmers higher prices for their crops, for example by assisting them with processing and marketing. A support system for Andean crops should be considered to ensure that the incentive system also promotes this type of agriculture.

A condition for the *participation of farmers in decision-making* (Plant Treaty, Paragraph 9.2.c) is the awareness on the importance and contents of Farmers' Rights. Relevant decision-makers must be made aware of why such participation is important, and what Farmers' Rights are about. The capacity of farmers to participate in decision-making also needs to be developed, as they have been excluded from such processes throughout history. Awareness-raising and capacity-building efforts like workshops and seminars should disseminate information about the genetic heritage of Peru, the Plant Treaty and its provisions on Farmers' Rights, existing laws and policies as well as political processes and ways to influence them. At the national workshop in Lima a national conservationist farmers' organization was established in order to channel farmers' participation in decision-making processes at the national level. This organization will need support. In addition, farmers' organizations should be consulted both when laws and policies are made and when they are implemented.

In order to mainstream legislation and policies with regard to *Farmers' Rights related to the use and exchange of seeds* (Plant Treaty, Paragraph 9.3), it is necessary to include a chapter on Farmers' Rights in the Seed Law, to create legal space for the continuation of traditional practices of seed-saving and exchange. Consideration should also be given to incorporating a wider farmers' exemption into the new law on plant variety protection resulting from the US-Free Trade Agreement. To promote seed exchange locally, projects in farming communities could increase their focus on networking and the building of trust among farmers.

In addition to these recommendations, the Peruvian government would probably be in a better position to promote Farmers' Rights and the implementation of the Plant Treaty if it made certain institutional changes. In particular, it is necessary to ensure that there is one focal point for the implementation of the Plant Treaty and Farmers' Rights, and not two, as the case is today. Vesting this responsibility with INIA seems likely to enable more action. A further measure would be for INIA to establish an interagency committee consisting of those government units that are relevant for carrying out measures for the implementation of Farmers' Rights. Such a committee would help promote activities, boost the ownership of such measures among the involved agencies and ensure coordination. Consideration should be given to the participation of farmers' organizations and NGOs in the committee.

The process of realizing Farmers' Rights is underway in Peru. According to the stakeholders, this report will be used as the process moves along, which will hopefully contribute to improving the food security of small-scale farmers and the continued maintenance of the country's rich agricultural biodiversity.



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