

Farmers' Rights

and agrobiodiversity



Smallholders in Rwanda.

Photo: Guenay Ulutunçok

For thousands of years farmers all over the world have sown and harvested, saved seed and planting material for the following year and exchanged seeds and plants with their neighbours. In so doing they have created an almost unimaginable abundance of plants, and with their knowledge and skill they have paved the way for the food plants that we use today. In industrialised countries plant breeding and propagation has long been fully commercialised, but in developing countries it remains part of the day-to-day work of many farmers. Yet no one rewards these farmers for their contribution to the conservation of food plant diversity and thus to the global food security.

This was the background against which, following many years of discussion, the members of the Food and Agriculture Organization of the United Nations (FAO) adopted the International Treaty on Plant Genetic Resources for Food and Agriculture. Among other things, this treaty establishes what have come to be known as Farmers' Rights. The aim is to ensure that it is worthwhile for farmers to continue safeguarding and enhancing agricultural plant diversity. The Treaty came into force on 29 July 2004.

International commitment to Farmers' Rights

The International Treaty on Plant Genetic Resources for Food and Agriculture is the first international agreement to deal exclusively with the management of plant genetic resources in agriculture. The Treaty takes account of varying conditions in different FAO member countries by not laying down a catalogue of measures to be applied indis-

Farmers' Rights – a working definition

The International Treaty does not offer a definition of Farmers' Rights but simply describes the measures that need to be taken to protect and promote them. The document is, however, based on a common understanding of these rights acquired in the many years of negotiations that led up to the formulation of the Treaty:

The traditional rights which farmers as guardians and stewards of agrobiodiversity have had since agriculture began are termed Farmers' Rights. They include the right of farmers to self-determination when they store seed and planting material, plant it and share it with others, develop it and conserve varieties. Farmers also have the right to be rewarded for their contribution to the global pool of plant genetic resources and to the development of commercial plant varieties, either by the seed industry which uses their resources or – where the conservation of genetic resources for the general good is concerned – by the state or by the international community of states. They also have the right to be involved in any decision-making processes that have a direct bearing on Farmers' Rights.

criminally across the board. It is left to national governments to decide for themselves what measures are appropriate to their particular needs and purposes. This is not, however, a licence to act as they please: Article 9 of the Treaty obliges governments to assume responsibility for the upholding of these rights. The Preamble to the Treaty underlines the responsibility of national governments and emphasises that the implementation of Farmers' Rights requires support at both national and international level.

Articles 13.3 and 18.5 stipulate that “benefits arising from the use of plant genetic resources for food and agriculture (...) should flow (...) to farmers (...) who conserve and sustainably utilise plant genetic resources for food and agriculture.” The implementation programmes for the International Treaty should also benefit this target group.

Giuseppe Arcimboldo: "Vertumnus". Oil on wood. 1590-91.



Farmers' Rights are collective rights

Farmers' Rights are the rights of millions of farmers throughout the world, particularly in developing countries whose agriculture is based on the cultivation of traditional varieties or varieties that farmers themselves preserve and improve. In many developing countries these farmers are by far the largest sector of the population.

In 1986 the subject was aired for the first time by delegations from developing countries at FAO negotiations. This was an attempt to provide a counterbalance to the rights of commercial plant breeders whose new varieties were based on varieties developed by farmers. It was regarded as unfair that only the commercial breeders should benefit financially from this. This issue led to discussions both in developing countries and among the NGOs of North and South as to how the farmers' intellectual property rights could be secured. As the FAO negotiations progressed it became clear that, because the exchange of plant genetic material had been taking place over many generations, it would be difficult to identify the holders of such rights in any legally robust way. In addition, exclusive rights could lead to other farmers being denied access to these fundamentally important resources – a situation which would be counterproductive for Farmers' Rights. Experts in many fields have therefore broadly agreed that Farmers' Rights should be defined not as individual rights but as collective rights for the sectors of the population involved in the conservation and improvement of agricultural plant diversity.

The key points

Although there is no binding catalogue of measures for the implementation of Farmers' Rights, some key points have emerged as important for practical implementation:

- In order that they may continue to fulfil their role as stewards and renewers of plant genetic diversity in agri-

culture, farmers are dependent on their traditional right to store seed and planting material, to reuse it, to develop it as they deem right, to exchange it with other farmers and to sell it. Seed legislation (variety conservation and certification) must therefore permit these activities.

- The protection of traditional knowledge is a particular concern. The most important task here is to ensure that indigenous varieties remain publicly accessible and are not protected by plant breeders' rights. Plant registers can be used to document all known varieties; this is important for the legal protection of plant varieties since such protection can only be granted for new varieties.
- Farmers must be rewarded for the contribution they make to the global gene pool. This is not only a question of money. They need to be supported in conserving and developing these vital resources which form the basis of their own existence and that of the world's population. This means that they need access to seed suitable for improving traditional varieties and support in conserving seed and planting material and in the sustainable utilisation of these resources, for example through the setting up of local gene banks. Cooperation with professional breeders is also important, in order to improve the productivity and quality of local varieties. Improved opportunities for processing and marketing traditional food plants are other measures that help farmers improve their livelihoods.

Farmers' Rights in Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture

9.2 The Contracting Parties agree that the responsibility for realising 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 utilisation 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.



Encouraging the exchange of information and knowledge between farmers forms a basis for involving farmers in decisions about issues of sustainable plant diversity. Foto: SEARICE

- In order to safeguard these rights, it is important that farmers participate in decision-making processes. Different political systems provide different possibilities for this.

Farmers' Rights in the fight against poverty

The reduction of poverty is a primary goal of the United Nations and of development cooperation. More than a billion people live in extreme poverty, three-quarters of them in the rural areas of developing countries. Most of them depend for their survival on traditional agriculture without machinery and without artificial fertilisers or pesticides. The right of farmers to retain access to genetic resources is therefore at the heart of the fight against poverty. Climate, soil quality and the availability of water are important for food security, but most important of all are plant varieties that can adapt to the given conditions and that are affordable for small scale farmers.

Salvator Ndabirorere, advisor at the Burundi Ministry for Land Management, the Environment and Tourism, brought home the importance of Farmers' Rights in the struggle against poverty in these words: "Burundi is a poor country. More than 90 percent of the population is rural and their livelihoods are based on farming. Under these conditions, it can be stated that declaring the rights of farmers would secure all Burundis."

Farmers' Rights in practice

Implementation of Farmers' Rights on the basis of the International Treaty is now under way. Some examples illustrate the process:

- In a number of countries, such as Ethiopia and India, laws on Farmers' Rights have already been adopted or – as in Bangladesh, Bolivia and Zambia – are currently passing through the legislative process.
- In many developing countries projects are helping to strengthen farmers' seed systems. Such projects typically involve training in plant breeding for farmers, the setting up of local seed banks, support for seed propagation and marketing and/or participatory plant breeding in collaboration with commercial breeders. An example of such activities is the Philippine organisation South-east Asia Regional Initiatives for Community Empowerment (SEARICE) (more information at: www.searice.org.ph).
- Civil society organisations are the principal agents in the implementation of Farmers' Rights in developing countries. Without their involvement it is likely that little would be achieved. Some of these organisations have been very successful – for example the M.S. Swaminathan Research Foundation in India (www.mssrf.org), the Community Technology Development Trust (CTDT) in Zimbabwe (www.ctdt.co.zw) and Local Initiatives for Biodiversity Research and Development (LI-BIRD) in Nepal (www.libird.org).

A programme for development cooperation work

Farmers' Rights are a strategic instrument in the battle against poverty. Experts say that development cooperation is the most promising way of ensuring that farmers actually get to benefit from what is due to them.

Creative solutions required for monitoring

A Governing Body has been set up to monitor the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture. All the Treaty's member countries are represented in it and it meets biennially. Because the individual provisions relating to the implementation of Farmers' Rights are optional, accordance with Article 9 is not measurable; therefore the usual methods of monitoring cannot be used. This means that creative solutions are required. With the support of the Norwegian Ministry of Agriculture and Food, the Royal Norwegian Ministry of Foreign Affairs and GTZ, the Norwegian Fridtjof Nansen Institute has set up an international project that aims to support the development of appropriate monitoring methods by the Governing Body. More details at: www.fni.no/farmers/main.html.

There are many ways in which development agencies and organisations can support the implementation of Farmers' Rights, including these:

- Programmes for the on-farm conservation of plant genetic resources;
- Setting up local seed banks and registers of varieties;
- Programmes to improve farmers' knowledge of breeding, particularly with regard to broadening the plant genetic base;
- Programmes to improve the marketing of products from genetically diverse systems of cultivation;
- Information and training on the subject of Farmers' Rights at different levels, but particularly for political decision-makers at national and local level, farmers' organisations and farmers;
- Support of organisations involved in the protection and promotion of Farmers' Rights in developing countries;
- Including the subject of Farmers' Rights in discussions with recipient countries. Particular issues which need to be covered are seed legislation and the involvement of farmers in decisions affecting the management of plant genetic resources and Farmers' Rights;



Farmers' Rights include the protection of traditional knowledge and are therefore particularly important for indigenous people and minorities.

Photo: Guenay Ulutunçok

- Ensuring that smallholders' organisations from the developing world can participate in relevant international institutions, such as the Sessions of the Governing Body of the International Treaty.

The "People, Food and Biodiversity" Issue Paper Series is designed for individuals and institutions engaged in development cooperation. Its aim is to:

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