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Community seed banks and Brazilian laws

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Context

Over the last few years, three Brazilian states (Paraíba, Alagoas and Minas Gerais) have approved laws aimed at providing a legal framework for community seed banks created and maintained by small-scale farmers' associations with the support of nongovernmental organizations (NGOs) and sometimes local governments. In four other states (Bahia, Pernambuco, Santa Catarina and São Paulo), similar bills are being discussed in the state legislative assemblies.

The first jurisdiction to enact a law creating a community seed bank programme was Paraíba, one of smallest states in the northeast of Brazil where half the population lives in semi-arid regions. Alagoas, Bahia, Pernambuco and Minas Gerais are also (partly) located in the semi-arid region of Brazil. The main biome in this region is the caatinga (an indigenous name meaning 'clear and open forest'); it is uniquely Brazilian and occupies about 11 per cent of the country. This biome is subject to two dry seasons a year: a long period of drought followed by intermittent rain and a short drought followed by torrential rains (with intervals that can last years). Most (58 per cent) of the country's poorest people live in the semi-arid region. The Human Development Index is considered to be low (0.65) in approximately 82 per cent of the municipalities (ASA, 2014).

The Brazilian semi-arid region is characterized by sharp social inequality: water, lands and seeds have always been highly concentrated in the hands of a very small politically and economically dominant group. The development of community seed banks was part of a strategy for small-scale farmers to overcome food and seed insecurity, increase autonomy over their production systems and sustain their livelihoods. In Brazil, small-scale farmers are called family farmers, as the family is the basic unit of agricultural production. Small-scale farmers use multiple cropping systems and mainly farm-saved seed of local varieties known in the state of Paraíba as *sementes da paixão* (seeds of passion) and *sementes da resistência* (seeds of resistance). These seeds are adapted to the agro-ecological conditions of the semi-arid region and to specific social and cultural needs and demands of family farmers (see Chapter 13).

Historically, government programmes have distributed only certified seeds of a few improved varieties, and such programmes have always been accused of serving political interests, i.e. exchanging seeds for votes during elections (Dias da Silva, 2013). On the other hand, family farmers have always faced serious difficulties in buying seeds, because of high prices resulting from privatization of seed production. This reality has contributed to the loss of agro-biodiversity (Santilli, 2012).

In response, one of the main functions of community seed banks in the Brazilian semi-arid region has been to ensure access to the preferred (local) varieties, in sufficient quantities and at the right time (Dias da Silva, 2013; see also Chapter 13). Seed banks lend seed to farmers, who agree to return the same amount plus a relatively low percentage at harvesting time.

Paraíba

In Paraíba, community seed banks have been supported by a network of farmers' and community associations, small cooperatives, unions, parishes and a local NGO called Articulação do Semi-Árido Paraíbano, whose main objectives are to strengthen local biodiverse farming systems and promote social equity and local sustainable development. Currently, Paraíba has a network of more than 240 seed banks, involving 6,561 farmer families in 63 municipalities. They conserve seeds of over 300 varieties of maize, common beans, fava beans, cassava, sunflower and peanuts as well as forage and fruit species. Farmers use the banks for several purposes: food, feed, fiber and medicinal purposes (Agroecologia em Rede, 2010). The seed banks function not only as facilities for the safe storage of seeds, but also as places where local farmers' organizations can meet to discuss political issues and exchange seeds and traditional knowlege.

This network has gained political influence and one of its main achievements was the approval, in 2002, of law 7.298/2002, which established a community seed bank programme to allow Paraíba's state government to buy seeds of local varieties for distribution among farmers and seed banks. Previously, only certified seeds of improved varieties could be used for this purpose (Santos et al., 2012; Dias da Silva, 2013). This law has also allowed farmers to use seeds of local varieties to produce food and sell it (through contracts with state government agencies) to public schools and hospitals (Schmidt and Guimarães, 2008). Between 2004 and 2010, over 180t of food was produced in Paraíba using the seeds of 73 local varieties (Dias da Silva, 2013).

Before the approval of law 7.298/2002, seeds of local varieties were not recognized by the Brazilian legislation as seeds, they were considered to be mere 'grains', of low quality, and were excluded from official seed programmes.

Alagoas

On 3 January 2008, the state of Alagoas (also located in the semi-arid region, in northeast Brazil) approved law 6903/2008 establishing a community seed

bank programme aimed at 'strenghtening community seed banks through public support for the rescue, multiplication, distribution and supply of seeds of local varieties'. Its objective was 'ensuring the sustainability of small-scale farming production systems'.

In Alagoas, the main seed bank networks have been managed by cooperatives of small-scale farmers, based in the regions of Alto and Médio Sertão de Alagoas. They are also supported by Articulação do Semiárido de Alagoas, a network that brings together several local organizations. Currently, Alagoas has 131 seed banks in 221 municipalities involving 3,350 farmer families and 32 local seed varieties, mainly beans, fava beans, cowpeas and maize (Almeida and Schmitt, 2010; Packer, 2010). Native species of the caatinga biome (catingueira, angico, aroeira) are also widely used and conserved by farmers on their farms.

Minais Gerais

The state of Minas Gerais passed its community seed bank law in 2009 (18374/2009). This law established, for the first time, a legal definition of a community seed bank: 'a germplasm collection of local, traditional and creole plant varieties, and landraces, administered locally by family farmers, who are responsible for the multiplication of seeds or seedlings for distribution, exchange, or trade among themselves' (see Chapter 13). According to the law, the main objectives of policies aimed at strengthening seed banks are to stimulate the recovery and conservation of plant species and varieties produced in family-farming units; to stimulate the protection of local genetic resources that are important for the sustainability of agro-ecosystems; to protect agricultural biodiversity and promote associated cultural values, as well as the conservation of natural heritage; and to promote community organization, as well as capacity building for the management of seed banks and the protection of traditional knowledge.

Federal situation

Paraíba's successful pioneering experience with community seed banks, followed by the initiatives of other Brazilian states, helped convince the national congress to allow for the use and production of local, traditional and creole seeds in the Federal Seed Law (10711/2003) approved on 5 August 2003. The inclusion of local species in this legal instrument aimed at regulating the Brazilian formal seed system was a result of strong political pressure from farmers' and civil society organizations (Articulação Nacional de Agroecologia, 2012).

According to law 10711/2003, local, traditional and creole cultivars are:

> varieties developed, adapted or produced by family farmers, agrarian reform settlers or Indigenous peoples, with well established phenotypical characteristics, that are recognized by their respective communities and

> which, according to the Ministry of Agriculture, and considering also social, cultural and environmental descriptors, are not characterized as substantially similar to commercial cultivars.

This law also states that 'registration of local, traditional or creole cultivars used by family farmers, agrarian reform settlers or Indigenous peoples in the National Registry of Cultivars is not mandatory'. Such exemption recognizes the issues surrounding local varieties and the difficulty farmers have meeting the requirements of the National Registry, especially in terms of homogeneity and stability. The law also stipulates that 'family farmers, agrarian reform settlers and indigenous peoples who multiply seeds for distribution, exchange or sales among themselves do not have to be registered in the National Seed Registry'. Thus, as long as seed distribution, exchange and trade take place among family farmers, agrarian reform settlers and indigenous peoples, there is no need for registration.

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