Chapter 13

Farmers’ Communities

A reflection on the Treaty from Small Farmers’ Perspectives

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Farmers and the International Seed Treaty

The provisions of the Treaty and its implications for smallholder farmers are yet to be substantially ‘processed’ by farmers and their communities. Civil society organizations (CSOs) with knowledge about the Treaty can only directly reach a very limited number of farmers. Although limited in number, these farmers have substantial understanding of the implications of the Treaty. However, while these farmers are informed and are often involved in the discussions of the Treaty, the issues covered by the Treaty have to compete with other more pressing issues like agrarian reform, access to markets, seed regulations, irrigation concerns and human rights violations.

Laws and regulations developed and implemented by national governments have far greater impact on small farmers than international treaties and conventions. The nation states that negotiated, signed and adopted the Treaty (see Annex 2 of this volume for the list of contracting parties per FAO regional groups), and not the Treaty itself, are the ones that can really affect farmers by enacting and implementing laws on seeds, plant varieties, access and benefit sharing, intellectual property rights, commercial regulations development of research and extension programmes. Farmers do not feel part of international policy processes and agreements, but feel very close to national policies and laws that can affect them.

It is not surprising therefore that despite attempts to invite farmers and farmer organizations for the negotiations, only a few actively participated during the first Governing Body meeting of 2006 in Madrid. This partly improved in
Rome in 2007 and in Tunisia in 2009 with the presence of farmers from La Vía Campesina and internationally unaffiliated farmers groups and communities from Asia, Africa and Latin America attempting to make their voices heard. Farmers, from local and national organizations in developing countries, who participated in the Governing Body meetings often wonder whether their presence mattered, as they cannot follow the discussions nor find that their interventions were heard. While there is an openness and good will from the Governing Body and the Treaty Secretariat to allow farmers to attend the negotiations, supportive mechanisms and processes, as well as financing, have yet to be set up to allow for a vibrant and constant engagement with farmers and their organizations. Primarily there is a need to support farmers to ‘process’ the content of the Treaty, its mechanisms and its implications for their lives. Farmers’ participation to the Governing Body is an essential element to ensure that their perspectives and positions on the finer points of the Treaty are heard and deliberated as part of a healthy democratic process, advancement in the global discourse and as an embodiment of one of the Treaty’s core components – the recognition of Farmers’ Rights.

Farmers and Farmers’ Rights

For small farmers, the most important provision is, therefore, the article on Farmers’ Rights. Farmers’ Rights, as a phrase, is immediately loaded with all the possible ‘rights’ that farmers are supposed to enjoy. However, the current and most prominent international deliberation and use of Farmers’ Rights is limited to issues related to plant genetic resources (PGR) for food and agriculture.

In 2003, farmers and farmer groups in the Philippines defined Farmers’ Rights to comprise 38 elements covering socio-political, economic and cultural rights (CBDC Network, 2009). In 2007, the Community Biodiversity Development and Conservation Network \(^2\) facilitated a discussion among farmers and farmer groups in Asia (Lao PDR and Philippines), Africa (Malawi and Zimbabwe) and Latin America (Brazil, Chile, Cuba and Venezuela) on their views about Farmers’ Rights. Farmers from these countries likewise defined Farmers’ Rights comprehensively to include access and rights to land, agricultural resources (water, information, other inputs), appropriate technology, market, the right to organize and participate in policy decision-making processes. For farmers, Farmers’ Rights is a bundle of rights. Although most farmers acknowledge the focus of the Treaty on PGR, for them, Farmers’ Rights as stipulated in Article 9 of the Treaty cannot be meaningfully realized unless other entitlements are guaranteed. Farmers point out the interrelationship between seeds and land, water, energy, culture, social fabric, household and individual well-being. Farmers and farmer groups are aware that all of these rights (forming the bundle of rights) have their own arenas and institutional locations where these are deliberated and where specific ‘battles’ are fought, but this does not stop them from looking at the potential of Farmers’ Rights, as stipulated in Article 9, to uphold their collective rights. This creates an impression that farmers and farmer groups are merely being rhetorical, contribut-
ing to further misunderstanding with negotiators, academic institutions and even CSOs who, in turn, are trying to concretize Farmers’ Rights to be limited to seeds.

Farmer groups and some CSOs argue that while the Treaty recognized the rights of farmers to save, use, exchange and sell farm-saved seeds in its Article 9, the Treaty did not limit Farmers’ Rights to this set of rights. The responsibility to recognize what constitutes Farmers’ Rights is subject to decisions of national governments. Farmers and farmer groups recognize the challenges for a legal recognition of their identified entitlements as such articulation may be viewed as a direct challenge to the status quo, rather than necessary measures to ensure national and global food security. At the national level, there are class struggles and structural problems, which will colour the interpretation of Farmers’ Rights. This is where the international and global community can play a role, by working to put forth the necessity of recognizing Farmers’ Rights as a cornerstone of the country’s food security and the security of the global food system. In a way, there are farmers and farmer organizations that see the utility of the Treaty and the spaces provided in the ongoing negotiations to assist them in ensuring legal entitlements to their collective rights.

Article 9 of the Treaty allows for a ‘human rights based approach’. Farmers’ Rights to plant genetics resources is a right that small farmers are to enjoy. However, in the real world and especially in less developed countries, rights are not handed down on a silver platter but are fought for and won. The moral and ethical high ground that underpins the rights of farmers to PGR is meaningless unless the structures and institutions that are responsible for providing this right are confronted. Small farmers who are usually among the poorer and weaker sectors of a country are keenly aware of this reality. For instance, farmers and farmer groups will continue to exercise their customary practices with or without legal recognition. For some, farming and seed saving have become an everyday form of resistance; for others it is simply their way of life; for most, it is the most practical way to survive and produce food for the family and for the community. Article 9 assists small farmers using this approach. Thus, the realization of Farmers’ Rights, with the Treaty as a guide, needs to be a result of the assertion of small farmers to enjoy this right. This right should not be a gift patronizingly given to farmers by those who are rich and powerful. Gifts, even good ones, strengthen dependency and weaken the poor. Farmers’ assertion of their rights will build confidence and critical learning. This will help address the ‘behavioural’ poverty of the poor that includes dependency and the lack of understanding of the structures that make them poor.

While there are farmers and farmer groups who have started expounding on Farmers’ Rights, a large number of farmers and their organizations have yet to identify themselves with this ‘social construct’ (Kneen, 2009). No one can teach farmers about Farmers’ Rights because it is imbedded in them and it is the role of governments and other stakeholders to ensure that farmers can continue with what they have been doing or strengthen their knowledge and skills for global public good. How these different views will play out at national and international negotiations remains to be seen, as the full potential of the Treaty as an instrument
of benefit to farmers has yet to be felt and assessed by farmers themselves.

**Recognizing the dynamic farmers’ seed systems**

Farmers exchange seeds, as genetic material, freely. Traditional agriculture depended on the constant exchange and movement of PGR to manage different biotic and abiotic stresses and to provide for the different needs of farming communities. These natural and farmers’ selection pressures developed the plant genetic diversity that the world inherited today. This system of management of PGR becomes even more important as climate change is making the weather, pest and disease resurgence become unpredictable. Diverse, free and democratic management of PGR will allow greater options for climate adaptation. The farmers’ system of PGR management will play an important role as they are at the frontline of changing rain pattern and stresses. The right of farmers to save, use, exchange and sell seeds is one of the most basic foundations of the farmers’ system of PGR management. This is how PGR diversity is maintained and created.

It is clear that traditional agriculture has been altered or modernized as farmers react to market opportunities and as they changed from extensive to intensive agriculture. Consequently, farmers’ varieties that fitted the traditional system of production were replaced by new cultivars bred for systems that are more intensive.

However, while more modern cultivars are often used, this did not stop the farmers’ system from creating diversity, this time also using introduced cultivars as raw materials for their selection. Thus, new types of varieties or populations emerged, selected from modern cultivars, landraces and local varieties. For example, farmers in North Cotabato, the Philippines, developed 120 farmer rice varieties in 6 years, in contrast to the national release of only 55 inbred lines in 10 years from public research institutions. In the Mekong Delta of Vietnam, there are more than 100 farmer varieties covering more than 100,000 hectares of rice area. In the North and Central parts of Vietnam, farmers have developed more than 150 new farmer varieties. Due to traits that fit the market and intensive systems that most farmers now practice, their new rice varieties are also non-photosensitive, of short to medium duration, and are no longer tall. Furthermore, these new varieties carry adapted traits that fit the farming conditions of different macro and micro ecosystems. Saving, using, exchanging and selling seeds among themselves helped create these new cultivars. All traditional or introduced varieties constitute raw materials to be developed and adapted. If the rice varieties were protected with intellectual property rights that discouraged farmers exchanging and selling among themselves, these varieties would not have emerged. This evidence is the moral reason why farmers should be allowed to save, use, exchange and sell seeds among themselves. They already provided all their PGR to the world for free. The materials they continue to create are also free.

When the negotiations of the Treaty started (see Annex 1 of this volume for the list of all Commission and Treaty negotiating meetings), there were few evidence-