

**FARMERS' RIGHTS MEETING  
LILONGWE, MALAWI  
REPORT**

1. The farmers' rights meeting co-organized by the Centre for Environmental Policy and Advocacy (CEPA), the Development Fund of Norway (DF) and the Global Forum on Agricultural Research (GFAR) was held in Lilongwe, Malawi on 7 August 2014. The meeting was attended by 12 representatives (6 women and 6 men) of the following organizations: CEPA; DF; GFAR; Seeds Services Unit (SSU) of the Department of Agricultural Research Services (DARS); Biodiversity Conservation Institute (BCI); Coalition of Women Farmers (COWFA); Self Help Africa (SHA); Environmental Affairs Department (EAD); Association of Smallholder Seed Multiplication Action Group (ASSMAG); and Media (Malawi Broadcasting Corporation-MBC and Zomba radio).
2. The aim of the meeting was to identify gaps and needs for promoting farmers' rights in Malawi. In addition it aimed to inform relevant stakeholders on the future joint work to be developed by CEPA, GFAR and the DF to increase awareness on farmers' rights in Malawi.



## **ITEM 1. OPENING OF THE MEETING**

3. The meeting was opened at 10.00 am by Mr. Victor Katchika-Jere from the Development Fund of Norway. Mr. Katchika- Jere welcomed participants to the workshop on farmers' rights in Malawi. He reiterated that farmers' rights are a condition for the maintenance of food production and for ensuring present and future food security. Realizing farmers' rights means enabling farmers maintain plant genetic resources for food and agriculture as they have done it since centuries. Mr. Katchika-Jere remembered that the Development Fund of Norway believes that plant genetic resources for food and agriculture is probably the most important resource for farming than any other environmental factor. In this context, farmers' rights enable adaptation to climate change. He mentioned that when we talk about farmers' rights we are talking about human rights. They should be understood in this context. There is no international definition of farmers' rights, however, farmers' rights must be understood as customary rights of farmers to save, use, exchange and sell seeds. Their contributions must be recognized and benefits should be distributed to farmers. Mr. Katchika-Jere informed that the Development Fund of Norway is working with CEPA to promote the implementation of farmers' rights the last few years. He finalized his speech highlighting that the meeting should be an action meeting and the outcomes should be the confirmation of a group to work for enhanced implementation of farmers' rights in Malawi.

## **ITEM 2. FARMERS' RIGHTS IN THE INTERNATIONAL FRAMEWORK**

4. Mrs. Juanita Chaves Posada, from GFAR gave a presentation on the international framework of farmers' rights. During her presentation, Mrs. Chaves remembered that farmers' rights were recognized as an international principle since 1989 and then became included in an international law, the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGFAR) in 2004. She explained that farmers' rights were recognized to ensure full benefits to farmers; support their continuation to their contributions to food security; and to equilibrate the balance between a recognized formal seed sector against an unrecognized informal seed sector. Mrs. Chaves recalled that farmers' rights are based in the recognition of past, present and future contributions of farmers to the conservation, improving and making available plant genetic resources for food and agriculture. In addition, she explained how farmers' rights are recognized in the International Treaty (article 9) and how other articles of the Treaty, such as articles 5, 6 and 18 are relevant for the implementation of farmers' rights. Mrs. Chaves reiterated that farmers' rights are the rights of farmers over seeds/propagating materials and traditional knowledge relevant to their conservation and sustainable use. As defined in the ITPGRFA, farmers' rights implementation is a national obligation and could be fulfilled adopting measures to ensure the protection of traditional knowledge; ensuring farmers participation in decision-making; distributing benefits arise from the use of the seeds and traditional knowledge; ensuring their right to save, use, exchange and sell farm-saved seeds/propagating materials. During the presentation, she reminded that Malawi has no legislation on farmers' rights, as many other countries worldwide. However, she claimed that efforts to implement farmers' rights in Malawi should not wait any longer; implementation of farmers' rights in Malawi is a need; the Centre for Environmental Policy and Advocacy, the Development Fund of Norway and the Global Forum on Agricultural Research want to support the efforts to increase awareness and strengthen the implementation of farmers' rights in Malawi.

5. After Mrs. Chaves's presentation, time for questions and comments was given to participants. Comments regarding the importance of farmers' rights were reiterative and the example of Ethiopia, as one of the countries in Africa having farmers' rights legislation was given. African Model Legislation for the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources was also given as relevant instruments to for Malawi's situation.

## **ITEM 3. STATUS OF FARMERS' RIGHTS IN MALAWI**

6. Mr. William Chadza from CEPA presented the status of farmers' rights in Malawi. During his presentation, he made an overview of the seed sector in Malawi; talked about the regional and national policy processes related to seeds; gave some information regarding farmers' rights and the seed sector in Malawi; and finally identified some challenges and opportunities.

7. In relation to the overview of the seed sector in Malawi, Mr. Chadza informed that in Malawi the seed sector comprises farm-saved seed system; seed multiplication and distribution programmes by NGOs and farmer associations; national public & private seed supply system by government; and multinational seed companies.

8. The national public/private seed system is mainly represented by the Ministry of Agriculture and Food Security (MoAFS). It depends on public agricultural research and extension institutions and includes the national commercial seed companies. Farmers are contracted to multiply seeds.

9. The farm-saved seed system is the informal seed sector. Within this system, farmers multiply, save, sell and exchange seeds, mostly in-kind. Formal institutions recognize seeds from this sector some times as grains, not seeds. However, it is the dominant seed supply system in Malawi involving locally adapted crops and their varieties.

10. The seed multiplication programmes are community based and carried out by NGOs and farmer associations to increase farmers' access to seeds. Both food and cash crops are covered by these programmes..

11. The multinational seed companies like Monsanto, Seed Co., Panar Seed, and others work closely with the MoAFS to breed, develop varieties, produce seed, multiply and distribute. Mostly the focus has been on hybrid maize. This sector is quite aggressive in promoting commercial varieties and use of certified seeds.

12. Mr. Chadza also explained the existence of some seed value chains, which focus on high valuable crops (i.e. cotton, tobacco and sugarcane). Farmers have access to certified seeds to grow these varieties and sell them to a specific company on the basis of contracts for marketing and distribution.

13. In regard to the regional and national policy processes related to seeds in Malawi, Mr. Chadza explained that the Seed Act of 1996 provides standards on how to regulate and control seeds production and certification of seeds. The Seed Act has significantly contributed to the development of the formal seed sector in Malawi undermining the informal seed sector, which is still dominant. He explained that the seed Policy and Act are currently under review. In the regional scenario, organizations like COMESA, SADC and ARIPO are finalizing legal frameworks for cooperation on plant genetic resources for the African Region. Malawi is part of SADC and COMESA. These are intents to harmonize seed regulation in the Region. The Draft Plant Genetic Resources Bill mirrors SADC and COMESA instruments, but excludes farmers' rights interest and participation.

14. He highlighted that smallholder farmers in Malawi have played a crucial role in managing and developing plant genetic resources for food and agriculture. But farmers breeding efforts are not formally recognized by national and regional seed legislation. Local varieties are perceived not to be distinct, uniform and stable and

therefore not recognized. Local varieties are not recognized as a variety as they do not fulfill the criteria and are often called landraces. This undermines their role to continue to develop crop diversity and meet the food security challenges in Malawi.

15. In relation to farmers' rights and the seed sector in Malawi, Mr. Chadza explained that Malawi is part of the International Treaty on Plant Genetic Resources for Food and Agriculture, the only legally binding instrument recognizing farmers' rights. The Ministry of Agriculture and Food Security is the responsible institution in Malawi for the implementation of the Treaty. Mr. Chadza reiterated that the draft Plant Breeders Rights Bill of the Ministry has left out farmers' rights from its scope and currently, farmers' rights have not appropriate home.

16. Mr. Chadza finalized his presentation with the identification of the following challenges in regard to the implementation of farmers' rights in Malawi:

- Access to quality seeds remains a problem to smallholder farmers
- Integration of formal and informal seed sectors is not fully reflected at policy the level
- Implementation of access and benefit-sharing is not well developed
- There is limited awareness and understanding of farmers' rights among different stakeholders (decision makers, institutions, farmers, etc.)
- There are diverse views on the role of farmers as breeders

He also identified the following opportunities:

- The on going reviews in terms of policy and legislation gives an opportunity to include elements for the recognition and implementation of farmers' rights in Malawi
- Existence of farmers' organizations provide strong platforms for mobilize and consolidate farmers' voices (Coalition of Women Farmers- COWFA, National Association for Smallholder Farmers of Malawi- NAFAM, Farmers Union of Malawi-FUM and the Association of Smallholder Seed Multiplication Action Group- ASMAAG).

17. After Mr. Chadza's presentation, time for questions and comments was given to participants. Comments regarding the existence of a *sui generis system* adopted by Malawi to protect plant breeders' varieties were made. Other participants highlighted the importance of farmer participation in decision- making at the national and regional levels. The Development Fund of Norway informed about a survey held in 2012 in Malawi regarding the meaning of farmers' rights. Some people responded that farmers' rights are the rights over crop diversity; the right to plant seeds that farmers think is suitable to their situation than what they are told to plant and the right to keep and reuse their own seeds irrespectively their sources. Participants also reiterated that awareness on farmers' rights is not yet there and further work in this direction should be an immediate priority.

18. The role of media in increasing awareness on farmers' rights was noted as a crucial and cross-cutting element.

#### **ITEM 4. FARMERS' RIGHTS AWARENESS MATERIALS DEVELOPMENT CONCEPT**

19. Mrs. Juanita Chaves Posada, from GFAR exchanged with participants the work done in other countries in Central America (Guatemala, Honduras and Nicaragua) to increase awareness on farmers' rights and support its implementation at the national level. She emphasized that the work done has been participatory and in partnership with national organizations and the Development Fund of Norway.

#### **ITEM 5. IDENTIFICATION OF EXPECTED OUTPUTS TO BE DEVELOPED IN MALAWI TO INCREASE AWARENESS ON FARMERS' RIGHTS AND STRENGTHEN THE IMPLEMENTATION OF FARMERS' RIGHTS AT THE NATIONAL LEVEL**

20. After Mrs. Chaves's presentation, participants were divided in two working groups to identify outputs to be developed to increase public awareness on farmers' rights and strengthen the implementation of farmers' rights in Malawi.



Working Group 1



Working group 2

21. The working groups identified the following expected outputs to be developed jointly by CEPA, GFAR and DF to increase public awareness on farmers' rights and strengthen the implementation of farmers' rights in Malawi:

- Public Awareness Materials on Farmers' Rights. These materials should indicate the importance of agrobiodiversity; explain the concept of farmers' rights within the framework of the International Treaty on Plant Genetic Resources for Food and Agriculture; explain the context and relevance of

farmers' rights in Malawi; explain policy challenges; identify the roles of different institutions; among other issues. An editorial committee integrated by relevant stakeholders should be established for the development and review of the public awareness material.

- **National Meeting on Farmers' Rights:** A national meeting on farmers' rights with the participation of relevant stakeholders was proposed. A tentative date proposed to hold this meeting was on December 2014, within the International Year on Family Farming. Concrete recommendations to improve the implementation of farmers' rights in Malawi should be one of the results of the national meeting.
- **Support of the Diversity Fair.** The Diversity Fair will be taking place at the end of August 2014. A presentation on farmers' rights, using easy language, could be given to participants of the Diversity fair. A flyer on farmers' rights could also be developed for distribution among smallholder farmers and relevant stakeholders participating at the fair.
- **Legal Support and Inputs** for discussions on how to improve the implementation of farmers' rights in Malawi (revision of the PBV Bill; PVP Bill (combines FR and Plant Breeders Rights); PBR (plant breeders' rights). Recommendations for the discussion on institutional home of farmers' rights i.e. to take it back to the MoAFS should be made.
- **Involvement of the media** in the socialization of the process initiated on farmers' rights in the country and the development of an action plan. The group agreed that a short media message could be developed and circulated by the participating organizations regarding the process on farmers' rights that has just began in Malawi.

## **ITEM 6. CLOSING**

22. Mr. Victor Katchika-Jere from the Development Fund of Norway closed the meeting, thanking participants for their inputs and the identification of expected outputs to increase awareness on farmers' rights and strengthen its implementation in Malawi. He highlighted the commitment of the participated organizations to support the work that has just started on farmers' rights in Malawi.