

# STAKEHOLDERS' WORKSHOP ON FARMERS' RIGHTS

INPUT AND RECOMMENDATIONS FROM STAKEHOLDERS

Compiled by

Godfrey Kangaude

## INTRODUCTION

CEPA convened a stakeholder workshop on Seed Industry, Farmers' Rights, Intellectual Property Rights, Plant Breeding and Farmers' Organisations, on 26<sup>th</sup> November, 2008. The paper entitled "The Status of Farmers' Rights in Malawi: A Stakeholder's Perspective" was presented by Mr G. Kangaude.

Following the presentation of the paper, stakeholders made comments including corrections of facts but also raised certain issues. The stakeholders then were asked to break into groups to discuss some questions that were raised from the presentation.

Corrections of fact or any addition of information have been integrated in the final paper that was presented. This report provides a synthesis of issues raised and final recommendations made by stakeholders at the workshop.

## ISSUES RAISED BEFORE GROUP DISCUSSIONS

### OTHER RELEVANT INSTRUMENTS FOR TO ADVANCE FARMERS RIGHTS

Stakeholders mentioned that there are international organizations and groups have or are in the process of coming up with instruments and documents that can also assist Malawi in framing its own policy or legislation on farmers' rights.

There is an instrument which has been or is being drafted by ARIPO on protection of traditional knowledge which could provide some guidance on how Malawi may frame its own policy or legislation.

WIPO is also drafting an instrument on reward mechanisms and this can also provide insights into how access and benefit sharing or reward mechanisms for farmers can be put in place.

There is also an African Model Law that was drafted by the now defunct Organisation of African Unity which also has information on how farmers' rights can be protected.

### THE IMPORTANCE OF ENGAGING WITH WTO

The point was also raised that the WTO of which Malawi is a member is an important institution which lays down regulations and conditions which affect amongst other things farmers' rights. Malawi must be able to engage with WTO and other international bodies as well in order to have its input but also have the capacity to implement her obligations intelligently. It was noted by stakeholders that sometimes persons sent to WTO meetings are not competent and that is why despite sending delegations, they cannot assimilate discussions and make a contribution in their country.

Advocacy must therefore begin at the international level where not everyone is interested in farmers' in the same way. Malawi must be able to negotiate what is best for her and the farmers in Malawi.

## AWARENESS OF CIVIL SOCIETY

Stakeholders also realized that there is a great deal of information which other people do not know, while there are a group of people who have a great deal of information on this. There is therefore a need to share information. Further, this information must reach the general public so that advocacy efforts must be supported from the grassroots because people have the information.

## ISSUES RAISED FOLLOWING AT THE GROUP WORK SESSION AND PLENARY

### TERMS OF REFERENCE FOR THE DISCUSSIONS

For the group work, the following were the terms of reference:

- Discuss emerging issues, challenges, and opportunities identified in the presentations;
- Suggest on critical issues for inclusion in the review of existing policy instruments; and
- Make recommendations for way forward, including development of an action plan to address the challenges highlighted during the presentations and develop the opportunities identified.

The group discussed the following questions following from the one question: “How do we realise farmers’ rights in practice?” Therefore how do we:

- Create awareness at all levels
- Ensure participation of farmers in the whole process
- Harmonise and coordinate efforts at all sectors
- Make implementation efforts more clearly focused and effective
  - To protect traditional knowledge
  - To create incentive structures to support customary practices of farmers
  - To enhance reward and support mechanisms for farmers
  - To promote equitable benefit sharing

## RECOMMENDATIONS FLOWING FROM THE GROUP DISCUSSION

### TO RAISE AWARENESS AT ALL LEVELS

Need to raise awareness about farmers rights with institutions working with farmers such as the Ministry of Agriculture and Food Security, NASFAM, Farmers Union of Malawi, Small Holder Farmers Federation, Non Governmental Organisations, Cooperative Societies etc.

This would also ensure that all stakeholders have a common understanding of farmers’ rights.

This awareness should be raised through various avenues such as media, publication, the training of trainers, farmers' rights campaign activities, workshop and seminars as well as using extension agents.

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## TO INCREASE THE PARTICIPATION OF FARMERS

Farmers must be consulted before, during and after policy formulation and implementation. They also must be involved in monitoring and evaluation of implementation of farmers' rights activities.

One way to involve farmers would be by using the tool know as the Bwalo concept which has been effectively used by CISANET.

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## HARMONISATION OF EFFORTS

Organisations working in the area of farmers' rights must establish strong networks and also coordinate activities amongst all stakeholders so that efforts are focused rather than scattered. This could include amongst other things formation of joint programs and harmonization of thematic programs.

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## MAKE IMPLEMENTATION EFFORTS MORE EFFECTIVE

In order to protect traditional knowledge there is need to identify and document traditional practices and knowledge. This will enable the legal protection of traditional knowledge. It would also be useful and necessary to learn how other countries such as India, China, Brazil, Kenya and Ethiopia have managed to put in place a system of legal protection of traditional knowledge.

In order to help farmers conserve local varieties which are normally not given much attention, there will be need to provide incentive structures such as promotion of community gene banks and on farm conservation activities, promote local seed fairs and also most importantly promote marketing strategies for local crop varieties.

Small holder farmers also need to be rewarded. This should be based on community benefit structures and also supported by policy initiatives and legislation.

It is also important for Malawi through stakeholders to engage in international advocacy through various international and regional bodies so that we can improve our intellectual protection regime but also enhance our negotiating skills at international level. This should include broadening participation of competent persons at national and international meetings. Nongovernmental organizations and civil society must have an interest in what activities, meetings and workshops are going on at the international level where crucial decisions affecting policies of the country are made.

The action plan (which should be polished up by CEPA) should include that MoFAS extension agents and NGOs should be trained to make farmers aware of farmers' rights. Another activity should be advocacy for passing of the farmers' rights legislation ie, the Environmental Management.