

# FARMERS' RIGHTS AND THE SEED TREATY

## African governments are not protecting farmers' rights

**F**orty-two African countries have approved the **International Treaty on Plant Genetic Resources for Food and Agriculture** (also known as the 'Seed Treaty'), which came into effect in June 2004.

The Treaty recognises farmers' rights to save, use, exchange and sell farm-saved seed and other planting material. It also aims to protect traditional knowledge, giving communities the right to get profits or other benefits if third parties use their knowledge or resources to make commercial products. The Seed Treaty obliges governments to:

- ◆ ensure that farmers participate in decision-making on issues relating to seeds and planting material; and
- ◆ enforce farmers' rights to reuse and exchange farm-saved seeds.

Unfortunately, African governments have not put any of these obligations into practice.



## African Model Law

At the continental level, there is the **African Model Law on the Protection of the Rights of Local Communities, Farmers and Breeders, and for the Regulation of Access to Biological Resources**.

This law recognises and balances many different kinds of rights, including:

- ◆ the rights of plant breeders (Plant Breeders' Rights);

- ◆ the rights of farmers as breeders; and
- ◆ the rights of farmers to replant, exchange and sell all farm-saved seed (Farmers' Rights).

The African Model law does not allow patents (ownership) on living things such as seeds and planting material.

However, this law has also been ignored by African governments.

