



BRIEFING REPORT

Securing Farmers' Rights through practice: Case studies and strategies emerging from the ground

2022



ZAAAB

Zambia Alliance For Agroecology & Biodiversity

ACKNOWLEDGEMENTS

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FRONT PHOTO REFERENCE:

Community Technology Development Trust (CTDT) - Participatory Plant Breeding, Selection of Plants from a Segregating Population, Chirundu, Zambia.

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INTRODUCTION

Farmers' seed varieties are the bedrock of food and agriculture and are recognised in international law. The dynamic social ecosystems through which this seed is valued, maintained, and developed, are however not well supported nor recognized through legislation. Instead, farmer managed seed systems (FMSS) and their potential is curtailed through industry-oriented certification approaches, market mechanisms and Intellectual Property Regimes (IPR). There are ongoing global efforts to change this, including through the multilateral efforts of the United Nations (UN) Food and Agriculture Organisation (FAO), International Treaty for Plant Genetic Resources for Food and Agriculture (ITPGRFA).

In Zambia, the Zambia Alliance for Agroecology and Biodiversity (ZAAB) and its 25 member organisations across the country have been working to strengthen FMSS and advocate against impinging seed and corporate privatization laws since 2010. Specific work of ZAAB members has been to facilitate in-depth efforts with relevant government officers, partners, and farmers to identify and respond to opportunities and threats related to the realization of Farmers' Rights and the legal obligations of the ITPGRFA in Zambia. The participatory processes have provided guidance on key ongoing advocacy responses, which happen across multiple scales, including:

1. Supporting bottom-up processes and innovative local initiatives and policy instruments which secure and strengthen Farmers' Rights in practice.
2. Facilitating collaborative action against amendments to Zambia's current policy and legislation which *further* curtail and threaten Farmers' Rights and food sovereignty, particularly through harmonization and alignment to UPOV91 and UPOV-like systems, genetic engineering and increasing privatization and corporate control.

Evidence in Zambia shows that farmers seed systems are gaining traction and value recognition on the ground. This briefing report provides examples of Farmers' Rights in practice from across Zambia and the innovative initiatives which enable them. These can and must be rapidly scaled. They provide easy entry points for government programme support and need protection through the obligated implementation of comprehensive policy measures for Farmers' Rights.

Farmers diverse seed systems are the foundation of the food system. Any chance of adapting to climate change, enabling a transition to agroecology for food sovereignty, and reclaiming healthy diverse diets relies solely on farmers initiatives.

This briefing report is a compilation of research and input from key partners and extracts from their work. It was informed by scoping research and input from researchers at the Zambia Agriculture Research Institute (ZARI) with understanding of the options for Farmers Rights as per the ITPGRFA. It also draws on farmer's discussions within the 2022 activities of the Regional Farmers' Rights Campaign and Seminar on Securing Farmers Rights in Southern Africa, co-hosted by ZAAB and the University of Cape Town in Lusaka, October 2022. It does not intend to be an exhaustive list of all the seed and Farmers' Rights efforts in Zambia. It provides a start to publicising examples, which collectively are making headway to ensure Farmers Rights are better recognised, supported, and protected.

BACKGROUND

The report provides an introductory overview of Farmers' Rights as recognized in the ITPGRFA as well as the United Nations Declaration of the Rights of Peasant and Rural People (UNDROP). The broader framing of the UNDROP is gaining increasing international relevance, and one which ZAAB, led by farmer association members, is collaborating on to support. The report then presents 4 common examples of how Farmers Rights practices in are being expressed and increasingly advocated for in alignment with both international rights-based instruments.

2.1 FARMERS RIGHTS IN THE ITPGRFA

The ITPGRFA is the only legally binding international agreement on Farmers' Rights. It gives national governments the responsibility for implementing Farmers' Rights. The Zambian government joined the Treaty after ratifying it in 2006 because it believed in its objectives and benefits.

Article 9 on Farmers' Rights is a key component of achieving the objectives of the rest of the Treaty. It aims at supporting the needs, interests and knowledge systems of traditional smallholder farmers and farming communities.

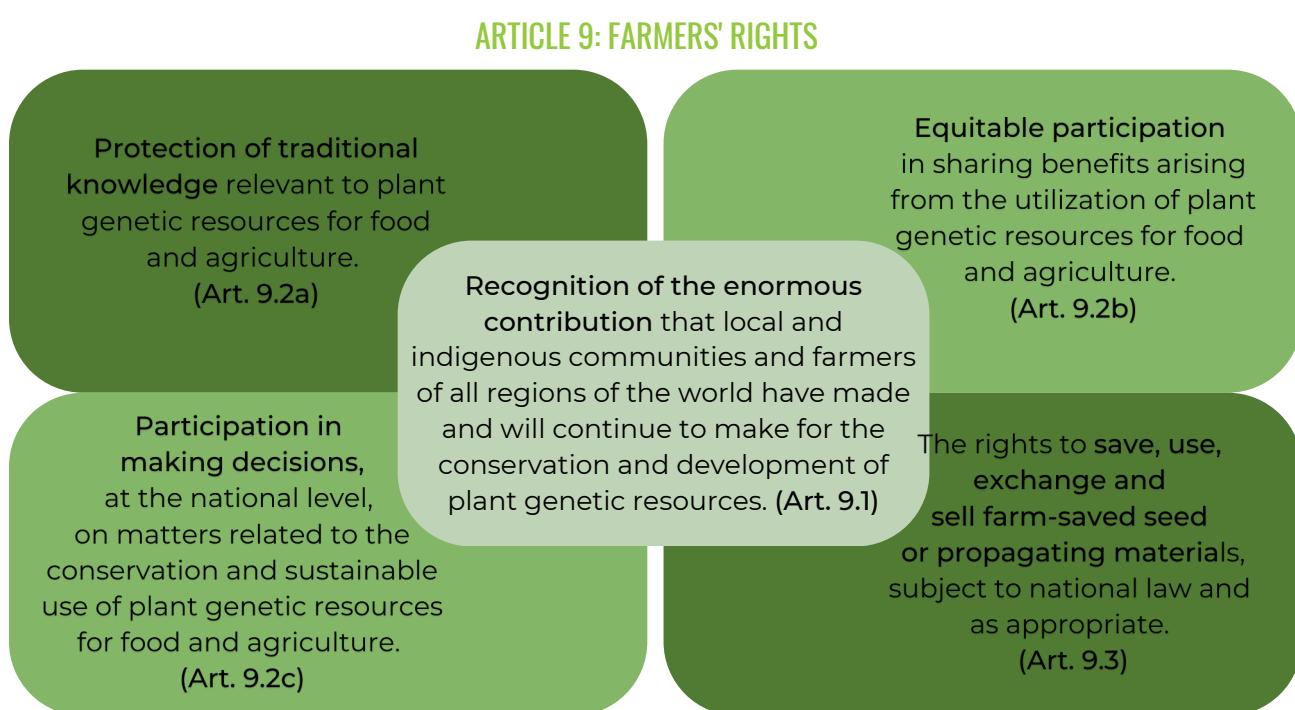


Figure 1: Article 9 of the ITPRGFA, presented by Dr Mario Marino, Technical Officer at the Plant Treaty Secretariat, in Lusaka, October 2022

Provisions under Farmers' Rights are important for over 2 million family farmers in Zambia, whose agriculture is based on the cultivation of traditional varieties developed and maintained through the local farmer-led seed system. Realisation of these rights could enable farmers and farming communities to continue breeding their varieties and maintaining the resilience of the agro-ecological farming systems in which they exist and secure diverse healthy diets and ultimately food sovereignty.

The importance of realising farmers' rights includes:

- Securing on farm and in-situ conservation of agro-biodiversity (as the basis of diversity, adaptation, and food system resilience)
- On-farm management facilitates the continuous local adaptation of farmers' varieties over time.
- PGRFA managed sustainably on-farm serve as a live repository/reservoir and natural backup for ex-situ collections worldwide.
- Promoting and sustaining the role of farmers as custodians of biodiversity.
- Promoting food sovereignty, culture, and cultural diversity.

WHY DO FARMERS' RIGHTS MATTER?	
UNDERSTANDING FARMERS' RIGHTS: TWO APPROACHES	
THE STEWARDSHIP APPROACH	THE OWNERSHIP APPROACH
<ul style="list-style-type: none">• The goal is to protect farmers' crops, varieties and knowledge from extinction, and thus to encourage their further use.• Benefits are to be shared between custodians of agrobiodiversity and society at large-through national and international measures.• Legislation should shape/uphold legal space for farmers to continue maintaining crop genetic diversity. sharing farm-saved seed freely	<ul style="list-style-type: none">• The goals are to protect farmers' varieties and knowledge from misappropriation and enable its holders to decide over use.• Benefits are to be shared between . purported owners and buyers of genetic resources upon prior informed consent and on Mutually Agreed Terms.• Legislation should balance intellectual property rights for farmers (registering varieties) with plant breeders' rights.

Figure 2: Regine Anderson, Research Director of Biodiversity and Natural Resources at the Fridtjof Nansen Institute in Norway presented this at the Securing Farmers' Rights in Southern Africa Seminar, Lusaka, October 2022

2.2 FARMERS' RIGHTS IN THE UNDROP

In 2018 the United Nations (UN) adopted the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP). The UN Declaration enshrines peasants' right to seeds in international human rights law. According to UNDROP, states shall, inter alia, "elaborate, interpret and apply relevant international agreements and standards to which they are party, in a manner consistent with their human rights obligations as they apply to peasants" (Article 2.4).

States shall also "support peasant seed systems, and promote the use of peasant seeds and agrobiodiversity" (Article 19.6). And they shall "ensure that seed policies, plant variety protection and other Intellectual Property (IP) laws, certification schemes and seed marketing laws respect and take into account the rights, needs and realities of peasants" (Article 19.8).

In the 2022 seminar on Securing Farmers Rights in Southern Africa, the conceptual relevance of UNDROP in relation to Farmers Rights, and stakeholders grounded understanding of Farmers Rights, was strongly affirmed. Farmers Rights is therefore understood to be about seed rights (legally binding through the ITPGRFA), and as a central tenant to the realisation of broader human rights and ongoing agrarian life.

The UNDROP is adopted as a critical measure to rebalance power relations in rural areas and to guarantee that states respect, protect and fulfil the rights of peasants who have been left behind in national and international policies.¹



Scenes from the 2022 Regional Farmers' Rights Campaign.



The Seminar on Securing Farmers Rights in Southern Africa, co-hosted by ZAAB and the University of Cape Town in Lusaka, October 2022.

¹ Dr Karine Peschard, Associate Research Fellow and Dr Christophe Galay, Senior Research Fellow at the Geneva Academy, Switzerland, Presented at the Securing Farmers' Rights in Southern Africa Seminar, Lusaka, October 2022. Customary practices related to seed remain essential to peasants' rights to food, as well as to global food security and biodiversity. But the protection of IPRs over seeds at the World Trade Organization (WTO) and UPOV, and the promotion of commercial seed systems have posed serious challenges to the protection of customary practices, and to the maintenance of peasant seed systems and agrobiodiversity.

FARMERS' RIGHTS IN PRACTICE TAKING HOLD IN ZAMBIA

We present how Farmers Rights are being expressed and secured in Zambia through four common strategies, which also align to Article 9 of the IPTGRFA. Farmer centred advocacy is a common outcome of each at various scales. These are discussed below with examples.

1. Community-based agrobiodiversity-management (e.g. community seed banks)
2. Farmer-led seed sharing, marketing and knowledge exchange (e.g. seed and food fairs)
3. Participatory action research and development for PGR (e.g. participatory plant breeding)
4. Supportive policies / Farmer centred advocacy for supportive national policies and laws to protect and support farmers rights.

3.1 COMMUNITY-BASED AGROBIODIVERSITY SEED BANKS

Community seed banks act as sites for farmer's timely access to seeds. They facilitate farmer contribution and active participation in the dynamic process of ongoing conservation, management and development of genetic diversity. They foster horizontal knowledge exchange at community scale, between multi actors. This builds farmer's agency and collective power for bottom-up farmer led policy participation and engagement. Community owned and run seed banks are critical spaces and expressions of Farmers Rights in practice.

Seed banking is a commonplace traditional strategy to store, safeguard and facilitate access to seed. Seed banks are an age-old historical practice, held in traditional wisdom and knowhow of the need to ensure genetic diversity within the family farming system. The industrialization of agriculture systems and push for privatization and disruption of rural agrarian society has weakened many traditional seed harvesting, saving and storage practices. Current initiatives to revive the knowledge and practice of household and community scale seed systems has become a key activity for participatory grassroots action.

The Kasisi Agriculture Training Centre (KATC) has been working with farmers in Chongwe and Rufunsa district for over 25 years. In collaboration with Seed and Knowledge Initiative (SKI) partnership, farmers have revived their traditional seed practices, restored lost crops through accessing seed from the National Genebank as well as through facilitated exchange with other farmers from across Zambia. With KATC extension team's careful mentoring, farmers in six Agriculture camps (Kapete A, Kapete B, Ndubulula, Sinjela, Nyangwena and Chainda) have (re)established their village scale seed banks.

In interesting contrast, The Community Technology Development Trust – Zambia (CTDT) adopted a multipronged approach to its work with farmers on the revival of traditional seed practices. CTDT advocates for household seed security as a priority. It also supports district scale community agrobiodiversity seed banking. In strong partnership with farmers, the Zambia Agriculture Research Institute (ZARI), the National Genebank, and Oxfam Novib, CTDT piloted support for the establishment and 5 district seed banks in 3 different provinces in Zambia.

Evidence from both these different approaches, show that seed banks at local accessible scale serve multiple functions. They act as community gathering spaces which foster relationships, particularly for women. They facilitate sharing of genetic resources, knowledge

and practices and the revival of traditional agroecological systems within which FMSS exists. They provide seed at the time it is needed – an essential issue within the context of the current failings of the commercial and subsidized seed industry, and often overlooked and neglected in industry led sector development. Most importantly crop and agroecological diversity is increased, community scale food, nutrition and climate resilience is strengthened, and ultimately steps towards greater food sovereignty is built.

Agrobiodiversity-based community seed banks are an important means to improve seed and food security among smallholder farmers. They must be owned by farmers and supported by government.



(L-R, clockwise): Village scale agrobiodiversity seed bank at Alex Lupiya's home in Chainda camp; Inside Alex's seed bank



CTDT partner-supported community seed bank in Rufunsa.

3.2 FARMER SEED AND FOOD FAIRS

Seed fairs function as a tangible expression of Farmers Rights in practice. They scale what community seed banks offer at local level, into the broader public domain. They facilitate agrobiodiversity and knowledge exchange across spatial and temporal boundaries. They act as local, provincial and national hubs for spreading information and sharing about seed and agroecological practices, farmer innovations and participatory action research feedback loops. They also function as critical spaces where farmers engage local and national government officers and policy makers. They are subversion acts for explicitly claiming farmers rights through the public exchange, sharing and marketing of farmer seed.

When seed and food fairs are combined, the beneficial connections and multi-functional synergies within a local food system are reignited. Dialogues and displays of local agrobiodiversity, food and appropriate technologies facilitate sharing and participatory learning. Farmers realise additional incomes and strengthen their own and collective agency.

Seed and food fairs are now a common feature of Zambia's smallholder farmer calendar, supported through collaborative programmes across the country. Examples include:

- KATC facilitate agrobiodiversity fairs at agricultural camp scale, bringing farmers, local leaders, government technical and local government offices, partner CSOs and media together, to share plant genetic resources, learning and lobby for scaling up FMSS. These fairs are now well known and take place in six camps across Chongwe and Rufunsa districts, Lusaka Province.
- CTDT field and food days hosted in 21 camps across 4 districts of Rufunsa, Chikankata, Shibuyunji and Chirundu (3 provinces of Lusaka, Central and Southern Province)
- The annual National Seed and Food Festival, held in Lusaka. This event brings together farmers from across the country, research, policy and private sector actors, in a two-day advocacy dialogue and celebratory festival event, organised by a wide partnership of CSOs, including ZAAB and its members.



KATC facilitates agrobiodiversity fairs to share plant genetic resources, learning and lobby for scaling up FMSS.

Lessons learnt:

- These initiatives contribute significantly to raising the profile of smallholder farmers seed systems, neglected crops, cultural associations and importance for household nutrition. They are spaces where farmers actively engage and lobby government offices and policy makers for appropriate and due support.
- They require high levels of organisation and benefit from external support.
- Local seed fairs can be hosted at community seed banks that provide infrastructure and technical information sharing to visiting farmers on seed propagation, selection and saving.
- At a national scale, strong collaboration of multiple actors and establishment of committees that oversee activities underscores the success of events.

In all cases, Government departments are important players to mobilise farmers and the public, provide technical support and open buy-in to show farmers their support.



A CTDT Seed Fair



The National Seed and Food Festival

3.3 PARTICIPATORY RESEARCH AND DEVELOPMENT

Farmer's meaningful participation in the ongoing management, conservation and development of genetic resources at all levels, is a key tenant of Farmers Rights. This right has been neglected and farmers alienated through the privatization and corporatization of seed into a global industry. Breeders are now corporatizations, and genetic resources have been digitalised. Research and development of seed is oriented towards global commodity crops, not farmers and consumers preferred traits. In Zambia, public funding has historically been overwhelmed by the focus on input subsidies. Reorienting breeding back to farmers is essential – not only as a right, but as a prerequisite to climate adaption and nutrition. Government has a responsibility to ensure farmers diverse seed systems and diversity is protected in-situ and their interests safeguarded.

Collaborative partnerships between farmer associations, NGOs and government have made important strides in recent years to restore lost seed varieties and diversity. One such initiative is Participatory Plant Breeding.

3.3.1 PARTICIPATORY PLANT BREEDING (PPB) BY CTDT

Participatory Plant Breeding (PPB) supports a move towards a more inclusive seed system, and enhanced seed sovereignty for farmers. It refocuses the objective of breeding back to farmers. It enables active farmer led decision making, enhances access to a broad range of quality multi-purpose crops, supports diversity and household, intergenerational nutrition needs.

There are almost 2 000 farmers involved in farmer field schools with CTDT Zambia. New varieties are being created and existing varieties improved with and by farmers, not for them. Farmers are managing their own diversity and involved in decisions regarding their food production.

CTDT has found that PPB creates community cohesion, enables farmers to breed for resilience as well as local context while fostering collective ownership of germplasm. PPB reorientates the focus and control of crop development and research back to farmers. For successful PPB, there is need to strengthen collaborations with institutions like genebanks and public breeders to enable access to wider germplasm – as envisioned and set out within the ITPGRFA. Germplasm may come from the genebanks, breeders or from farmers' communities or surrounding communities. Farmers need specific skills, like how to manage diversity, understanding agroecological production practices, and working with diverse needs (breeding for different traits, e.g., nutrition, tolerance, soil fertility, root structure etc). With farmers, CTDT has learnt key lessons which other organisations and partnerships are now learning from. CTDT recognises the need to have community facilitators that understand the critical and contextual needs of the community to implement a successful PPB. (Juliet Nangamba, CTDT)

There are three main approaches under PPB:

- **Participatory variety enhancement:** Improving or restoring existing farmer varieties. Farmers select the best plants that present desired traits in a population of interest and multiply them out. Farmers have registered 20% increases in yield through this methodology for a local variety of maize.

- **Participatory variety selection:** increasing diversity of farmers varieties e.g., giving farmers a wide range of choices over which varieties are adapted to suit farmers agroecological environment, which are selected and then multiplied out. Farmers make the decisions according to agreed and preferred needs. Farmers have adapted eight varieties of sorghum, groundnuts, finger millets that are context specific within target communities.
- **Participatory variety development:** creating new farmer varieties. e.g. crossing different material to make new material, working closely with research institutions. CTDT and the farmers have created 5 new stable lines of sorghum

Dissemination of PPB materials takes place through field days, seed fairs and learning exchanges.

Participatory approaches ensure a sense of ownership by the farming community because they do not feel that technologies are being imposed on them. In other words, it could be considered as deploying technologies on farm to meet the expectations of a farmer and at the same time allowing a farmer to realize their own diverse needs and their rights (Dr Lloyd Mbulwe, ZARI)

Major limitations to realising the benefits of PPB are due to ownership of germplasm, limited institutional and government support, funding and its restrictions and seed marketing restrictions. These are essentially, limitations to farmers rights themselves. Ongoing work to overcome these includes working with government and farmers to strengthen collaboration, building further capacity on farmers' rights and advocacy for supportive policy, particularly through an alternative national framework for farmer variety registration – discussed below.

3.3.2 INSTITUTIONAL SUPPORT FOR FARMERS RIGHTS PRACTICE

Zambia Agriculture Research Institute (ZARI) is a department in the Ministry of Agriculture with the mandate to conduct agricultural research and development to provide appropriate agricultural technologies and services in soils and water, crops, plant protection and farming systems. ZARI is the Focal Point of the ITPGFRA in Zambia, working closely with the The National Gene Bank or National Plant genetic Resources Centre (NPGRC).

ZARI has made concerted efforts to provide community initiatives with diverse germplasm which was lost due to policies that supported monocropping biased maize cultivation. 'These policies resulted in many communities substituting their locally adapted indigenous crops for maize. Working with community seed banks and PPB projects is helping revive the lost crops and re-establishing genetic diversity' (Dr Lloyd Mbulwe, ZARI)

Through the Sorghum and Millets Improvement Programme (SMIP), ZARI is actively engaged in research and development with farmers. PPB approaches and facilitation of value addition and market linkages for farmers has resulted in documented wider social-economic benefits of sorghum production being realised (Mbulwe et al, 2020, Mbulwe & Ajayi, 2020). Sorghum and to a lesser extent, millet are already in high demand as a healthy staple alternative to maize, used in the brewery industry and important stock-feed crops. The SMIP has been instrumental in raising the profile of sorghum & pearl millet, and working to address challenges to further upscale farmer access to seed, production and market demand.

Through PPB, ZARI is making available improved varieties to farmers freely and developing new improved varieties with the farmers. The major goal is to develop a portfolio of farmer-preferred varieties that address the diversity of farmer needs, contribute to climate change adaptation/mitigation and enhance functional diversity in local communities. It also contributes towards steps of securing farmers rights, through institutionalising programmes that better involve farmers in variety development and marketing of their seeds and produce, by creating opportunities for farmers to work hand in hand with research breeders and increasing the diversity of seed at community scale again (Dr Lloyd Mbulwe, ZARI)

Further research is needed on how PPB helps to implement farmers' rights and support the development of a framework for farmer variety registration.

3.4 INSTITUTIONAL SUPPORT FOR FARMERS RIGHTS PRACTICE

The impetus of the ITPGRFA and Article 9 is the responsibility by governments for realising Farmers' Rights. This substantially means creating legal space for farmers rights; ensuring coherence in legislation that promote and protect farmers rights; removing obstacles and systems that undermine farmers rights (like UPOV-aligned laws); safeguarding farmers' varieties and landraces, against loss, erosion and biopiracy; and ensure sharing of the benefits that arise from use of farmers varieties.

There are many initiatives that the Zambia Government, through ZARI is engaged in to try and address the issues related to Farmers Rights. This includes the recent development and finalization of the new National Plant Genetic Resources Strategy for Zambia, offering important mechanisms for securing Farmers Rights.

During the launch of the International Year of the Millets on 2nd February 2023. The Ministry of Agriculture recognized that one of the ways indigenous crops can be promoted is to put them on the Farmer Input Support Programme (FISP) now called Comprehensive Agriculture Support Programme (CASP). The idea is that such an initiative will prompt farmers to grow indigenous farmer varieties on a wider scale and this will prompt their utilization, and conservation.

In contrast and clear incoherence of the policy environment, the current seed legislation (Plant Variety and Seed Act, and Plant Breeders Rights Act), result in clear blocks to farmers rights, including:

- Only seed of a registered variety on the National Variety Registration list can be sold or distributed in Zambia. The NVR system is borrowed from the UPOV, and registration standards based on the principle of DUS thereby excluding farmers varieties.
- Seed of farmers' varieties is not considered to be seed but grain (uncertifiable and thus not considered seed).
- Consequently, seed of farmers' varieties is absent from the formal seed market, even though it contributes more to local crop production than commercial seed.

The current Plant Breeders Rights Act does recognize farmers' privileges. This allows a farmer to save and exchange limited quantities only of protected seeds for non-commercial use. In its current state, farmers are allowed some level of safeguard for their rights.

However, Zambia's application to the International Union for the Protection of New Varieties (UPOV), will mean the repealing of the current act and removal of even this minor level of rights protection. Drawing on international best practice and research from other countries, the incompatibility of PBRs and Farmers Rights within the context of UPOV91 and UPOV-like systems has been clearly documented.

3.4.1. FARMER VARIETY REGISTRATION SYSTEM FOR ZAMBIA

A farmer variety registration system is being proposed for Zambia, in order to allow for the registration of farmers diverse varieties and subsequent seed production. This is currently prohibited by the commercial market system and associated laws. The proposed system will facilitate the formal recognition of farmers' varieties and enable their inclusion on the national variety list. It will promote awareness of the value of farmer varieties, and the need for their conservation and increased use. It would directly contribute to the realisation of farmers' rights as required under Article 9 of the ITPGRFA.

Supported by ZAAB and other CSO and farmers, CTDT is leading a proposal to develop a framework for registration of farmer varieties that ZARI will implement. The idea is to accommodate farmers varieties which do not conform to the formal NVR system.

There are recognised risks of implementing such a system, which CTDT and ZAAB acknowledge, and which will need to be critical addressed by all parties. This includes biopiracy; diminishing social, cultural, and ecological values as market values take precedence; capture by other stakeholders to the detriment of farmer wellbeing; and gender insensitivity.

CONCLUSION

The importance of agrobiodiversity for farming, food and nutrition, cultural and agrarian preservation, biodiversity and climate change, cannot be understated. The fact that the international treaty exists is testament to this.

ZAAB has been advocating for FMSS and against restrictive imposing seed laws and IP regimes for over 10 years. There is overwhelming growing evidence of increased attention, work and demand by farmers, supported by various stakeholders. Zambian needs to take advantage of this, at all levels. Building momentum on the ground, deepening knowledge sharing and spreading practice to landscape scales with farmers, is the only sure way to build resilience to climate change.

This cannot happen however if farmers seed systems are restricted through cumbersome legislation and bureaucracy. Farmers already experience critical seed shortages, prohibitive entry to markets through certification regulations, labelling, volumes, registration limits amongst many other challenges. These issues have been the focus on farmers' advocacy for many years, and further research supporting farmers experiences needs to be undertaken and comprehensively considered within government.

Zambia's application to join UPOV 91, must be withdrawn. Over 80% of the commercial seed sector is already controlled by foreign multinational corporations. The burgeoning global seed and agrochemical industry does not need additional protection and investment to exploit Zambian markets. Farmers seed systems and local seed market initiatives, centred on diversity for livelihoods, adaptation and good nutrition is a stated priority of the National Government and must be facilitated through cohesive and favourable policy environment.

ZAAB calls for increased support to farmers to realise their rights, to build bottom-up advocacy through practice, and foster functional linkages with ZARI, the IT focal point, and the objectives of the new NPGR Strategy. The practices and experiences of work already happening on the ground, provide entry points for immediate action and support by multiple partners.



Figure 3: 'What are farmers rights and why do they matter', as described by SKI partners in the October seminar, 2022.



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