

Implementation of Farmers' Rights in the Islamic Republic of Iran

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JULY 2010

This report was prepared by the Centre for Sustainable Development, an Iranian NGO, at the invitation of the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture, according to a decision of the Third Session of its Governing Body.

Background

Farmers make up an important portion of the Iranian population (25%) and economy(20%). The vast majority of Iranian farmers are small holders (75% of farmers have less than 5 hectares of land) and rely mainly on farm-saved seed.

Iran ratified the International Treaty on Plant Genetic Resources for Food and Agriculture in 2006. While the Treaty does not give a detailed description of Farmers' Rights (see text of Article 9 in Annex 1), many attempts during and since the adoption of the Treaty have been made to define it. This document refers to outcome of these efforts in its definition of Farmers' Rights:

1. Legal protection for informal and peasant seed systems, including recognition of collective rights; a separate system of protection for farmer varieties
2. Right to conserve, use, exchange and market originating from past, present and future peasant farmer breeding
3. Right to protect traditional knowledge related to agricultural biodiversity
4. Right to participate in national decisions on management of agricultural biodiversity
5. Right to access to gene banks
6. Right to safeguard gene banks and farmers' fields from genetic contamination by GMOs
7. Support from Participatory Plant Breeding

Current status of farm-saved seeds in Iran

Farmers in Iran rely on farm-saved seeds for the vast majority of cereals, legumes, paddy and forage crops. These crops make up the major part of the crops grown in the country, 86% of the total area under cultivation (see Table 1, below).

Table 1: Hectares of main crops cultivated with farm-saved seeds

Category	Crop	Hectares
Cereals	Wheat	5250205
	Barley	1070416
	Rice	526921
	Corn	242740
Legumes	Chickpea	426248
	Beans	99427
	Lentil	152980
	Other legumes	18623
Forage crops	Alfalfa	617512
	Clover	52628
	Other forage crops	280381

TOTAL	8738081
TOTAL AREA UNDER CULTIVATION	10150924

The main crops that are not covered by farm-saved seeds are the majority of vegetable varieties in the country which originate mainly from imported hybrid seeds. In 1384 (March 2005 to March 2006) \$77,562,513 worth of vegetable seeds were imported (including corn) of which about \$30,000,000 was dedicated only to cucumber seeds¹. Besides vegetables, a significant amount of colza, sugar beet, corn and sunflower seeds are imported. A certain amount of hybrid seeds for some crops such as maize and canola are produced locally.

Aspects of Farmers' Rights

1. A specific legal and policy framework for farm-saved and peasant seed systems, including recognition of collective rights;

There is no specific legal framework for farmer varieties or farm-saved seeds in Iran. The main legal reference point for seeds is the seed law, the “Act of Plant Varieties Registration, Control and Certification of Seeds and Seedlings”. The seed law covers issues related to varieties and seeds including variety release and registration, plant variety protection and seed quality control and certification. One of the aims of this law is to bring Iran in line with UPOV rules.

There is some reference to farm-saved seeds in the National Seed Policy Document, however this only addresses the specific issue of farm-saved seeds while other issues that should be addressed in a legal framework for the protection of peasant varieties, such support for research systems that produce and conserve peasant varieties.

Article 3, Note 1 of the Act stipulates that:

Non-improved and wild genetic resources shall be considered as national genetic resources and by any means, the non governmental sector is not allowed to patent them. Pursuant to the request of the public sector, such resources can be patented in the name of the Government of the Islamic Republic of Iran.

The term “non-improved” genetic resources has to be clarified, but if it could be taken to mean landraces which have in fact been improved by thousands of years of peasant breeding, this would mean that there is some sort of implicit recognition of collective rights since landraces would not be open for being registered under the name of a company or breeder and could only be registered or patented under the name of the government. The issue of whether the central government is the best defender of collective and community rights needs further discussion.

2. a) and b) Right to conserve and use seeds originating from past, present and future peasant farmer breeding

¹ Barressi vaziyat-e vaaredaat-e bazi-e mahsoolaat-e keshavarzi dar keshvar (Study on the status of import of seeds of agricultural products in Iran), 1385, Majlis Research Centre.

While the Act of Plant Varieties Registration, Control and Certification of Seeds and Seedlings attempts to bring Iran in line with UPOV standards which would severely limit the conservation and use of farm-saved seeds, several articles of the National Seed Policy Document clarify that farmers do have the right to conserve and use their seeds, even those that are “protected varieties”, meaning varieties that are covered by plant variety protection or PVP:

Article 9

Paragraph 7: “Farmers who produce farm-saved seed and plants have the right to store, use, exchange, and distribute their planting materials.”

Paragraph 8: Farmers using farm-saved seed and plants are permitted to use protected varieties.

According to the National Seed Policy Document, not only are farmers allowed to save their seeds, but the government is even responsible for helping them to improve the quality of farm-saved seeds:

Article 17

Paragraph 3: Increase in the quality of farm-saved seed and planting material will be addressed.

Article 8

Paragraph 1: Rules related to seed and plant certification in Iran do not include farm saved seed and planting material, however, necessary support will be given in order to increase the quality of farm saved seed and planting material.

2. c) Right to exchange and market seed originating from past, present and future peasant farmer breeding

The Act of Plant Varieties Registration, Control and Certification of Seeds and Seedlings, limits the marketing of seeds to certified seeds only:

Article 7

The following cases will be considered as violations and infringements of the Act and the violators will be treated in accordance with the prevailing laws and regulations (paragraph V): Production and propagation of seeds and seedlings to be supplied to the market without obtaining of the certificate from the Institute (i.e. SPCRI).

The general criteria for certified seeds are specified in Article 4 and basically refer to seed quality (genetic authenticity, health and sanitation and national and international standards for certified seed).

However, the National Seed Policy Document again clarifies that this does not apply to farm-saved seeds:

Article 9

Paragraph 7: Farmers who produce farm-saved seed and planting material have the right to store, use, exchange, and distribute their own materials.

Paragraph 8: Farmers who are using farm-saved seed and planting materials are permitted to use protected varieties.

3. Right to protect traditional knowledge related to agricultural biodiversity

Iran has ratified the Convention on Biological Diversity, however as yet there is national policy or law for the protection and promotion of traditional knowledge.

4. Right to participate in national decisions on management of agricultural biodiversity

Farmers are not consulted in a systematic way or included automatically in national decision-making on the management of agricultural biodiversity. Currently a draft law on the management of genetic resources is being presented to parliament, but farmers' organisations have not been able to see the draft so far.

5. Right to access to gene banks

The National Gene Bank of Iran is the largest gene bank in West and Central Asia and North Africa and has an impressive collection of field crops. However, there is no law or policy which specifies whether and on what conditions farmers can have access to genetic resources in national gene banks. Access is left to the discretion of the Director of the Gene Bank of Iran and/or the Director of the Seed and Plant Improvement Institute (the Gene Bank is under the umbrella of the Institute) and there have been cases of both allowing farmers access to genetic material as well as cases where access has been denied.

6. Right to safeguard gene banks and farmers' fields from genetic contamination by GMOs

Information about whether gene banks screen material for genetic contamination is unavailable. There are no mechanisms by which farmers can ensure that their fields are free from genetic contamination by GMOs.

7. Support for Participatory Plant Breeding

A number of PPB pilot projects were launched in Iran since 2006, however there is no national law or policy which supports PPB. The existing projects have been carried out with the support of the country's Dryland Agricultural Research Institute, the Office of Jihad for Agriculture of Kermanshah province and ICARDA and were initiated by an NGO (CENESTA) and a farmers' organisation (Group for the Sustainable Development of Garmsar Plain).

Annex 1: Text of Treaty Article 9 on Farmers' Rights

Article 9 – Farmers' Rights

9.1

The Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centers of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agricultural production throughout the world.

9.2

The Contracting Parties agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:

- (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture;
- (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and
- (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

9.3

Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.