

# **STRENGTHENING THE IMPLEMENTATION OF FARMERS' RIGHTS IN GUATEMALA**

## **DOCUMENTING THE PROCESS**



JUANITA CHAVES POSADA, 2013

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Commissioned by the Global Forum on Agricultural Research  
(GFAR), supporting the implementation of Farmers' Rights in  
Guatemala

March 2014

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## **I. INTRODUCTION**

Following the request made by the government and farmers' organizations of Guatemala to support the rights of farmers to achieve food security and livelihood security of the most vulnerable population in the country, the Global Forum on Agricultural Research (GFAR) commissioned a study to identify how the rights of farmers over their plant genetic resources and traditional knowledge, also known as farmers' rights, can best be realized in practice.

This study follows on from work undertaken by GFAR to better reconcile farmers' rights and plant breeders' rights in the intellectual assets principles of the international agricultural research system (CGIAR). GFAR's work showed that the two can be reconciled in practice and has led to a significant number of national demands for its application in national policies and practices.

The case study, started in May 2013 and concluded in December 2013, involved two main elements: i) legal support for the recognition of farmers' rights in draft national policy of seeds; and ii) capacity-building and technical support to smallholder farmers' organizations for the implementation of farmers' rights.

The aim of this paper is to document the participatory process undertaken in Guatemala, as a guide for future possible activities, projects and programmes supporting other countries seeking to implement farmers' rights.

## **II. LOCATION OF THE CASE STUDY**

Guatemala, a country with 108,889 km<sup>2</sup>, is located in Central America, in the so-called Mesoamerican Region. Its population in

2008 reached 13,677,815 people and almost half of it was between 0 and 14 years old.



Population in Guatemala is multiethnic, pluricultural and multilingual, integrating 21 ethnicities of the mayas, xinca, garífuna and ladina indigenous communities. Around half of the population of Guatemala is indigenous people, who mostly live in rural areas.

Guatemala is rich in native agrobiodiversity and a center of diversification and domestication of important crops for food security including maize, beans, pumpkins, cassava and potato. Agriculture is the main economic activity in the country, involving 52.5% of its population. Most agriculture activities for subsistence purposes are by smallholder farmers, while agriculture activities for the international market are held by big enterprises.

Guatemala is one of the most unequal countries in the world in terms of distribution of wealth and most of its population, especially indigenous peoples is poor and malnourished. Around 60% of families in Guatemala are at risk from malnutrition and hunger.

The case study took place in the region of Huehuetenango, in the Sierra de los Cuchumatanes, located at the northwest part of the country, close to Mexico. It has diverse landscapes with mountains and hills rising more than 3,500 meters in the Sierra de los Cuchumatanes, and lower lands at 300 meters. The weather is diverse due to differences in land elevation.



Location of Huehuetenango, Guatemala

In the Sierra de los Cuchumatanes, due to its diversity of climates and altitudes, both temperate and tropical crops can be found. Coffee, sugar, tabaco, capsicum, cassava and achiote are some of the crops found in the hottest parts of the Region. Cereals like wheat, maize and beans are harvested in the upper and coldest parts. Diversity within these crops is found, as well as of their crop relatives such as teocintle. Some scientific studies have suggested that this region, rather than Mexico, may even be the center of origin of maize.



SIERRA DE LOS CUCHUMATANES  
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TEOCINTLE SEEDS- JUANITA CHAVES POSADA 2013

The Sierra is not only rich in biological diversity, but also in cultural diversity. The Region is rich in local customs and traditions and has the highest number of territories of direct descendants of the Mayas. The indigenous population comprises over 60% of the total population of Huehuetenango.

Even though it is a Region rich in plant genetic diversity with an economy based on agriculture, Huehuetenango is one of Guatemala's regions most affected by food insecurity and hunger. According to a national report from 2012, 55% of the population in Huehuetenango lives in a situation of chronic malnutrition.

### **III. KEY FEATURES OF THE PROCESS UNDERTAKEN**

#### **1. Working together in partnership with national organizations and farmers' organizations**

The identification of farmers' organizations and national institutions (governmental and non-governmental) who have worked in Guatemala on matters related to: participatory plant breeding, agricultural research, conservation and sustainable use of crops of nutritional importance and wild relatives, family farming

and community seed banks, was crucial for the development of the case study. Partnerships enabled ready access and communication with smallholder farmers' communities and leaders, as confidence was already established with these groups and farmers' representatives. Previous work done by other organizations was recognized as important in strengthening the core organization of these local communities and building public awareness of the importance of agrobiodiversity, as well as other concepts relevant for the implementation of farmers' rights and the development of this study.

In addition, joint identification of interests for future activities helped to build a participatory working environment among national partners, ensuring that the outcomes of the case study will be adopted and implemented at the local level.

The main organizations in Guatemala who participated in the development of the case study were:

a) Ministry of Agriculture, Livestock and Food of Guatemala

The Ministry of Agriculture was involved from the beginning of the development of the study, and particularly in the development of specific outcomes, including the co-organization and celebration of the first National Meeting on farmers' rights in Guatemala.

b) Association of Farmers' Organizations in the Cuchumatanes, Guatemala – ASOCUCH

ASOCUCH is an association grouping 12 farmers' cooperatives, 8 associations and 35 groups of farmers' women entrepreneurs of the Sierra de los Cuchumatanes in Guatemala (western Guatemala). This organization works towards promoting social, economic and productive development in the rural area of the Sierra de los Cuchumatanes.

ASOCUCH has been working in the Region of the Sierra de los Cuchumatanes for more than 10 years, supporting activities such as the participatory plant breeding and the establishment of community seed banks.

The Association represents farmers' organizations to the government of Guatemala and international cooperation agencies and provides technical assistance and capacity-building on critical matters for rural development and food security.

Some of its main strategic programmes include strengthening local competitiveness and local economies; management of natural resources; participation and gender equity; and financial sustainability.

Within its strategic programmes, ASOCUCH has coordinated a project with the support of the Development Fund of Norway and the Foundation for Technological Innovation, Forestry and Agricultural Resources- FUNDIT on participatory plant breeding for the development of new varieties adapted to climate change and higher yields. More information regarding this organization is available at: <http://www.asocuch.com.gt>

c) Foundation for Technological Innovation, Forestry and Agricultural Resources- FUNDIT

FUNDIT is a private organization established in 1999 for the agricultural development of Guatemala, through agricultural research and technology transfer for the benefit of smallholder farmers. The thematic focus of the organization includes biodiversity, food security and nutrition, biosafety and public policies.



## 2. Governmental participation

The development of the case study resulted, among others, from the explicit request from the Government of Guatemala for external support to the Ministry of Agriculture in understanding how a new seed policy could recognize farmers' rights and how to include specific elements in the draft policy of seeds being developed by an inter-institutional committee.

The Government of Guatemala, considered the case study to be useful not only for technical support and capacity-building, but also for its contribution to the implementation of national commitments in the framework of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

The Government of Guatemala requested this study as supporting the implementation of farmers' rights within the framework of the ITPGRFA, of which Guatemala has been a Contracting Party since 2006. In this same framework, the Governing Body of ITPGRFA has requested organizations to consider providing financial and technical support for the implementation of farmers' rights, as set out in Article 9 of the International Treaty, in developing countries. GFAR's technical support in Guatemala is framed in these two specific requests.

## 3. Participatory and inclusive methodology

The case study developed in Guatemala was based on a participatory and inclusive methodology, used for: i) the identification of expected outputs; and ii) for their development. The case study was an inclusive exercise, involving smallholder farmers; research institutions; public and private sector partners and universities, among others.

The case study started with a field visit to the Sierra de los Cuchumatanes and Ciudad de Guatemala from 2-5 June 2013, when:

a) smallholder farmer indigenous communities and leaders were visited to explain GFAR's role and support to be given in relation to farmers' rights, and the intention of developing a case study to support the implementation of these rights in Guatemala.



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b) expected outcomes for the implementation of farmers' rights were identified and agreed with farmers' communities and leaders.

c) a brief presentation of what farmers' rights mean was given to smallholder farmers' leaders.

d) a discussion took place with representatives of the Ministry of Agriculture of Guatemala, as the national authority responsible

for the development of the Policy of Seeds, on the possible contribution of GFAR within this process.

During the first field visit to the Sierra de los Cuchumatanes, two smallholder farmer communities and their agrobiodiversity associations were visited.

The first community visited was the **Aldea Quilenco Chiantla**. Members shared and spoke about their local varieties of maize, their uses and the work done through a participatory plant-breeding programme.



EXPLANATION ON LOCAL MAIZE SEED VARIETIES  
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This small farmer community conserves around 18 to 23 local varieties of maize per family. Maize is very important and the main crop of their daily diets. Maize seeds are the heritage that parents' leave to their sons. When a son is getting married, parents give the son two maize seeds of each variety. That is his heritage and the reason why some maize varieties are more than 200 years old.



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The community shared some of the local uses of their maize varieties. Red maize, for example, is used only during the celebration before the wedding takes place. During the wedding, white and black maize are cooked, representing the colors of the bride and groom. Other varieties of maize are used only during Christmas holidays and Eastern week.

Most maize is consumed as flour, in tortillas or as a paste or mass. Therefore, its drying is very important. The traditional way of doing so is by hanging the maize cobs outside the houses (see picture).



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As most families have around 8 members and their daily diet is based in maize, some of them have sufficient maize seeds for only 3-4 months, increasing their food insecurity.

This insecurity, and threats to the Region from strong storms and winds, well justify the conservation of maize diversity and plant breeding in this area.



IMPROVED MAIZE SEED FIELD  
JUANITA CHAVES POSADA, 2013

The importance of GFAR's study in Guatemala towards the implementation of farmers' rights was recognized by Mr. Sergio Alonzo, manager of ASOCUCH, who *“appreciated the visit of Juanita Chaves Posada, senior expert and consultant of GFAR”* and noted that *“few efforts for implementing farmers' rights at the national level have been a reality. Therefore, it is very important to strengthen [activities towards] capacity-building on farmers' rights, as well as initiatives towards on-farm conservation, participatory plant breeding, traditional exchange of seed etc. Furthermore, it is important to update national legislation, with the aim of including farmers' rights and boost the establishment of mechanisms to promote agrobiodiversity conservation by local farmer communities and protect their rights”*.

During the field visit to the Aldea Quilenco Chiantla, smallholder farmers Esvin López, Estaquio López and Felipe Eulogio López, members of the Association of San Bartolo R.L., shared their experiences and project results addressing food security and the protection of local crop varieties.

They emphasized how the **repatriation of local seed varieties** of maize, lost in small farmer farms, but conserved by other local communities of the Region, has been possible thanks to the local exchange of seeds, for example through seed fairs.



FELIPE EULOGIO LÓPEZ SHOWING A REPATRIATED VARIETY OF LOCAL MAIZE USED IN CHRISTMAS HOLIDAYS.  
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**Conservation of local seed crop varieties in community seed banks** was another example shared by the Association. The community seed banks established in the Sierra de los Cuchumatanes have three purposes:

- i) Conservation of genetic diversity. The conservation of strategic crops for the community, such as maize genetic resources is very important, as many varieties have been lost during the past years, due to climate change, pests and diseases.
- ii) Conservation of seeds for emergencies. Seeds could be used by the whole community in emergency situations.
- iii) Conservation of good quality seeds for use in the next seed season by the same smallholder farmers who

deposited them in the community seed bank. Local farmers must renew seeds deposited in the seed bank every year.



COLLECTIVE SEED BANK  
JUANITA CHAVES POSADA, 2013

Finally, the Association shared its experience of **participatory plant breeding** and the success of reducing the height of maize plants from 2.5 meters to 1.5 meters tall, preventing high winds from knocking down the plants. Also, through participatory plant breeding, the community has modified maize varieties to make corn grains uniform and straight, allowing the work (usually of women) of stripping the seed from the cobs to be done more easily.





IMPROVED SEED OF MAIZE WITH STRAIGHT CORN GRAINS  
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The second smallholder farmer community visited was the **Aldea Climentoro, Aguacatan**. This community also has an Association called Cooperativa Joya Hermosa de las Tres Cruces R.L. created in 1974. Smallholder farmers in this area harvest potato and maize. They have a community seed bank of potato and maize.



POTATO COMMUNITY SEED BANK  
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The Association of the Cooperativa Joya Hermosa de las Tres Cruces holds potato seeds certified by the Ministry of Agriculture of Guatemala. They also have greenhouses and a clone garden with more than 50 potato varieties. Their work with potato aims for the conservation of native potato varieties, some of which have useful resilience to climate change and resistance to pests and diseases.

In the case of maize, the collective seed bank aims for the conservation of local seed maize varieties. At the moment there are 180 local maize varieties conserved in the community seed bank.



COLLECTIVE MAIZE SEED BANK  
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#### **IV. IDENTIFICATION OF EXPECTED OUTPUTS**

During the first field visit to Guatemala, a presentation on Farmers' Rights was done for 16 smallholder farmer leaders of the Sierra de los Cuchumatanes.

The aim of this brief presentation was to present what farmers' rights mean, how the International Treaty on Plant Genetic

Resources for Food and Agriculture recognizes these rights, how they can be realized at national and local levels, and the role of GFAR in this process and its possible support for improving food security through the implementation of farmers' rights. Lack of information and public awareness of farmers' rights were evident among the smallholder farmers.



SMALL FARMER INDIGENOUS REPRESENTATIVES LISTENING TO FARMERS' RIGHTS PRESENTATION  
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After the presentation, the smallholder farmer representatives directly requested support for the implementation of farmers' rights in Guatemala, as very few efforts have been made in this regard. The need to value the role of smallholder farmer communities for food security and conservation of agrobiodiversity and the need for protecting traditional knowledge were noted.

Farmer representatives welcomed the support offered by GFAR towards the implementation of farmers' rights in Huhuetenango. Andres Sicán from the farmer community of Climentoro, Joya Hermosa, recognized the *“importance of these events on farmers' rights and thanked the support given by GFAR for visiting the communities and providing information on farmers'”*

*rights. We need to know about our rights and hope GFAR continues giving support to implement farmers' rights in our communities”.*

Once the discussion finished, smallholder farmer representatives were divided into small groups to discuss and identify precise activities that GFAR could develop in the following 7 months, supporting the implementation of farmers' rights in the Region.



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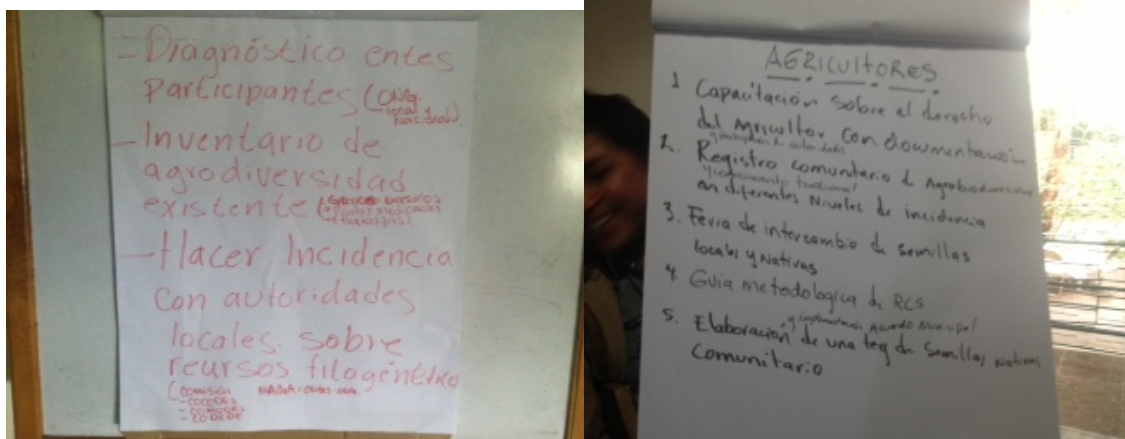
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Farmer leaders identified the following activities as important for the implementation of farmers' rights:

- Capacity-building for smallholder farmer leaders and replicators on farmers' rights;
- Capacity-building on farmers' rights for decision makers at local and national level;
- Development of community data base of agrobiodiversity and associated traditional knowledge;
- Promotion of traditional seed fairs;
- Elaboration of a guide on the importance and use of local community seed banks;
- Contribution to the development of national legislation and policies related to local seeds and farmers' rights;
- Development of agro-biodiversity inventories;
- Systematization of information related to the conservation and use of plant genetic resources by smallholder farmers;
- Capacity-building and socialization of the Seed Policy, when adopted;
- Identification of stakeholders and organizations working on matters related to farmer communities; on-farm management and agro-biodiversity conservation.



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It was agreed with the farmer representatives that the following activities would be developed within the next seven months, as part of the case study undertaken by GFAR to support the implementation of farmers' rights in Guatemala:

- Elaborate **capacity-building material on farmers' rights** for smallholder farmer communities.

A local editing committee will be formed to ensure that language used in the material is well understood by smallholder farmers and can be broadly disseminated by trained smallholder farmer leaders.

- Develop an **explanatory guide** on the importance and use of community seed banks, addressed to decision-makers at local level.

The guide will aim to inform local decision-makers on the importance of community seed banks for food security and agrobiodiversity conservation and promote the allocation of additional resources to support these banks. The explanatory guide will also support other smallholder farmer communities in the creation of community seed banks, taking into account previous experiences and lessons learnt.

- **Support local seed fairs** to promote the traditional exchange of local seed varieties of maize and other local strategic crops and associated traditional knowledge.
- **Organize and host the First National Meeting on Farmers' Rights in Guatemala**, with the participation of relevant actors, including smallholder farmer indigenous communities, universities, national research institutions and policy makers to promote the dialogue among all of them and consolidate partnerships for farmers' rights implementation.

## V. OUTPUTS ACHIEVED

## **5.1 Material for the awareness of local governmental authorities on the importance of community seed banks**

A booklet on the importance of community seed banks was developed with the participation of a farmer editing committee and other institutions, including ASOCUCH and FUNDIT. This booklet explains the importance of community seed banks for the conservation of the agricultural biodiversity and achieving food security. The booklet aims to give relevant information to decision maker authorities at the local level, on how they could support the development and maintenance of community seed banks as relevant tools for improving food security and food sovereignty. The electronic version of this booklet is available on [www.egfar.org](http://www.egfar.org) and hard copies are being made available.

## **5.2 Capacity-building material on farmers' rights for smallholder farmers**

Capacity-building material has been developed on Farmers' Rights for smallholder farmers. The material includes six booklets on matters relevant to the public awareness of farmers' rights and their implementation:

1. General information on the capacity-building materials.
2. Concepts relevant to farmers' rights, such as family agriculture, farmers' rights, food security, food sovereignty, genetic diversity and traditional knowledge.
3. How to implement farmers' rights at national and local level.
4. The recognition of rights of indigenous and local communities over their natural resources and associated traditional knowledge. This booklet explains in some detail the recognitions made by the Convention on Biological Diversity, its programme of work on agricultural biodiversity, its programme of work under article 8J; and the work undertaken by the

Intergovernmental Committee on Intellectual Property Rights and Genetic Resources, Traditional Knowledge and Folklore of WIPO.

5. The recognition of farmers' rights by the International Treaty on Plant Genetic Resources for Food and Agriculture and the recent resolution adopted by the Governing Body of the Treaty relevant for the implementation of farmers' rights.
6. Explains national policies and legislation in Guatemala relevant for the implementation of farmers' rights in the country.

Each booklet was reviewed by an editing committee of farmers, to ensure its relevance and accessibility to smallholder farmers. A short collective exercise is recommended at the end of each booklet.

The electronic version of these capacity-building materials is now available at [www.egfar.org](http://www.egfar.org).

Dissemination and impact assessment strategies are being discussed with national partners in Guatemala.

### **5.3 Annual seed fair**

Every year, farmers' organizations, with the support of FAO-Guatemala, national universities, research institutions and the Ministry of Agriculture organize a national seed fair in the Sierra de los Cuchumatanes. GFAR supported the seed fair on agro-biodiversity held in November 2013. For two days, GFAR organized and held a workshop on farmers' rights with the participation of more than 30 farmers, where the concept of farmers' rights was explained, as well as their importance for food security and the improvement of livelihood of smallholder farmers. GFAR representatives also participated as judges of the agro-biodiversity



trustees, witnessing the great number of traditional varieties conserved and used by smallholder farmers, as well as of the exchange of seeds and traditional knowledge among them. Finally, a booklet of traditional recipes using crop varieties exhibited at the seed fair, jointly developed by GFAR, ASOCUCH and other organizations, was distributed to smallholder farmers, especially women farmers. Pictures of the seed fair are available at GFAR's website.

#### **5.4 Organization and hosting of the First National Meeting on Farmers' Rights in Guatemala**

GFAR, ASOCUCH and the Ministry of Agriculture co-organized the first national meeting on farmers' rights in Guatemala. Around 50 representatives of the public and private sector, farmers' organizations, farmer women organizations; academic sector and research organizations participated in this one day national meeting, to discuss and establish a common understanding of farmers' rights and their different means of implementation at national and local level. For the first time, all relevant stakeholders sat together to discuss farmers' rights and make recommendations to the Ministry of Agriculture on how to improve their national implementation. The report of the National Meeting on Farmers' Rights is available at [www.egfar.org](http://www.egfar.org).

#### **ACTIVITIES TO SUPPORT THE NATIONAL GOVERNMENT OF GUATEMALA IN THE RECOGNITION OF FARMERS' RIGHTS IN THE NEW POLICY OF SEEDS**

Suggestions and elements to include the recognition of farmers' rights in the draft policy of seeds that is currently being discussed in Guatemala were sent to the Ministry of Agriculture of Guatemala in May 2013.

During the first visit to Guatemala, Ms Chaves-Posada met Mr. Eduardo Salazar, National Focal Point for Guatemala for the International Treaty on Plant Genetic Resources for Food and Agriculture; Mr. Samuel Ajquejay from the Ministry of Agriculture, and Mr. Rolando Quiñónez, all in charge of coordinating the development of the draft policy of seeds for Guatemala.



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The national authorities recognized the important technical support given by GFAR to improve the draft policy, through the inclusion of elements recognizing farmers' rights.

As a result, some of the activities now included in the draft policy of seeds relevant for the recognition and implementation of farmers' rights include recommendations to:

- i) Develop an inventory of plant genetic resources and associated traditional knowledge;
- ii) Motivate farmer communities for the implementation of community seed banks, supporting their infrastructure and providing technical assistance;

- iii) Promote mechanisms that encourage farmers who have developed in situ conservation systems of plant genetic resources;
- iv) Strengthen the use of native and local seeds relevant for food and nutrition security;
- v) Establish alternatives for seed registration of seeds produced under the informal system;
- vi) Promote the conservation of seeds at the local level to ensure the availability of seeds to small-holder farmers in case of natural disasters and contingency situations;
- vii) Promote the use of local crops as the basis for national programmes on food security (e.g. programmes to respond to emergency situations, food security in schools).
- viii) Implement mechanisms that recognize informal systems of production and commercialization of seeds, especially for native plant genetic resources; and
- ix) Promote certification systems to ensure seed quality for the informal sector, where associations, organizations, professionals on agricultural sciences and smallholder farmers could certify the seed quality.

A more detail identification of activities included in the draft policy of seeds relevant for the implementation of farmers' rights is available at GFAR's website.

## **VI. LESSONS LEARNT**

- i) Supporting the implementation of farmers' rights at the national and local level must be based on an inclusive and participatory process, especially with participation of smallholder farmers, public and private sector.

- ii) GFAR stakeholders should join efforts between national partners and relevant organizations working in the country with farmers' organizations for a better impact.
- iii) Supporting smallholder farmers in the realization of farmers' rights in the field must be done through strong farmers' organizations and leaders.
- iv) Public sector, particularly the Ministry of Agriculture should be informed and endorse the technical support provided towards the implementation of farmers' rights.
- v) Dissemination and capacity-building activities must be agreed with local actors from the beginning, identifying clear responsibilities and clear timelines.
- vi) Assessment of impacts is crucial to evaluate the benefits achieved and improve GFAR's support and capacities.