



Food and Agriculture
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The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by Madagascar on 23 July 2019.

The submission is presented in the form and language in which it was received.



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MADAGASCAR

Template for submission of
Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights
As set out in Article 9 of the International Treaty

Basic information

Title of measure/practice

Developing Community Biodiversity Registry and Biocultural Community Protocols (BCP):
Tools for Implementing Farmers' Rights as set out in Article 9 of the ITPGRFA and
strengthening Community Capacity to Manage Crop Genetic Diversity

- Date of submission : 23rd July 2019
 - Name(s) of country/countries in which the measure/practice is taking place : Madagascar and Benin
 - Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) : Ministry of Agriculture, Livestock and Fisheries (MAEP)
Contact person: Ms. Andriamahazo Michelle
Email address : michelle.andriamahazo@gmail.com
Telephone number : 034 05 610 31 and 033 14 257 66
 - Type of institution/organization (categories) : Governmental
 - Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))
1. The National Focal Point of Nagoya protocol within the Ministry in charge of Environment /Madagascar
Ms. Lolona Ramamonjisoa
lolona.ramamonjisoa@gmail.com
 2. Bioversity International, Via dei Tre Denari, 472/a
00057 Maccarese (Fiumicino)
Rome, Italy Tel: (39) 066118294; Fax: (39) 0661979661
<http://www.bioversityinternational.org>
 3. l'Institut national de recherches agricoles du Bénin (INRAB)
 4. Natural Justice, Traditionnal Knowledge and Benefit Sharing Programme (TKBS), Conservation and Customary Use Programme (CCU) 63 Hout Street Mercantile Building Cape Town, 8000 South Africa, www.naturaljustice.org T/F +27 21 426 1633 info@naturaljustice.org
 5. ITPGRFA and CBD Secretariats



Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)

The practice was implemented by 04 entities: the Ministry of Agriculture and Livestock -and the Service d'Appui à la Gestion de l' ;Environnement (SAGE) for Madagascar; NGO Cercle de Sauvegarde des Ressources Naturelles (CeSaReN) and the Institut National des Recherches Agricoles du Benin (INRAB) for Benin - with support of the Bioversity International and the Darwin Initiative. Some partners as ABS Capacity Development Initiative; Secretariats of the Convention on Biological Diversity and the ITPGRFA, African Union Commission were also involved.

Started on April 2015, it focused on putting systems in place for the mutually supportive implementation of the ITPGRFA and the Nagoya Protocol in both countries at both national and local levels. At the national level, the main focus was on creating and adopting legal instruments in the two countries. At the local level, communities were supported to create the community biodiversity registries, as a useful tool to identify the existing biodiversity in their surroundings; and the biocultural community protocols that meant to simultaneously advance the communities' interests in both i) obtaining an equitable share of benefits when their genetic resources are accessed and used, and ii) gaining access to, and being able to use genetic diversity from elsewhere for use in their own agricultural production systems

- Brief history (including starting year), as appropriate
- Core components of the measure/practice (max 200 words)
- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

From 2015 to 2018, Community Biodiversity registers and Biocultural Community Protocols were developed in Madagascar in the course of a project aiming at facilitate mutually supportive implementation of the Nagoya Protocol and ITPGRFA. The project was proposed and led by Bioversity International, an international research center of the CGIAR, for Benin and Madagascar and was financially supported by the Darwin Initiative, a Government Fund of the United Kingdom.

In Madagascar, this work was conducted under the responsibility of the Ministries of Agriculture and Environment, Natural Justice (a regional NGO)- In Benin, the Institut National des Recherches Agricoles du Benin (INRAB) as well as several NGOs were involved.

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



In a first step, community biodiversity registries were established with communities’ participation to identify crop, forage and agroforestry diversity in their agricultural systems. These registers can be used, for example, for the documentation of traditional knowledge associated with PGRFA, for monitoring purposes or to identify potentially interesting materials for exchange with outsiders and other farmers. Biocultural Community Protocols were then developed with the objective of helping local communities to take advantage of their countries’ commitments under both the ITPGRFA and the Nagoya Protocol by establishing mechanisms to regulate access to genetic resources in their territories. These protocols can serve as instruments for communities to set out rights and responsibilities under customary, state and international law as the basis for engaging with external actors, such as governments, companies, academics and NGOs, and to establish the terms and conditions for access to and use of their traditional knowledge and resources.

In this sense, Community biodiversity registries, Biocultural Community Protocols can help to promote and protect traditional knowledge systems relating to PGRFA, accordingly provision of article 9.2a and to define conditions and make decision for access and benefit sharing, thus supporting the implementation of Farmers’ Rights, specifically provisions of Article 9.2b and 9.2c.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Art. 9.3

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities’, farmers’ contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers’ conservation and sustainable use of PGRFA		

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	X	
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites	X	
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels	X	
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach

- Resources used for implementation of the measure/practice
Technical and financial support from Bioversity International (the Project was funded by Darwin Initiative)
Technical team from central services and extension workers from regional directorates of the Ministry of Agriculture and the Ministry of Environment
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
As the BCP was developed in 2018, its impact on the conservation and sustainable use of PGRFA cannot be yet assessed. However, the community constructed the community seed bank while developing these tools (Community Biodiversity Registry and Biocultural Community Protocols (BCP))
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)

It has been noted that while developing these tools, the community members of FaMa Cooperative in Analavory have begun to understand the two international instruments in terms of access and

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



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benefit-sharing. They have begun to understand the benefit-sharing mechanism and have sought to identify tools for finding links with farmers' rights, including conservation, sustainable use, exchange and sell farm-saved PGRFA, in their fields, and from there came up the idea to create a community seed bank (CSB).

- Other national level instruments that are linked to the measure/practice. The community seed bank
- Are you aware of any other international agreements or programs that are relevant for this measure/practice? Yes, the CBD, and the Nagoya Protocol
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Following the community biodiversity registry and the BCP development and the construction of the community seed bank, the next step is to find out further agreed on who would manage the biodiversity registry, and how data would be collected. It's the same for the Community seed bank, who could be the manager.

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

At the end of the project, the BCP for the two communities of Madagascar were adopted by the relevant municipal authorities (December 2017), the Regional Directorate for the Environment, Ecology and Forests (DREEF)

One of the learned lessons was the clarification of the links between farmers' rights and BCP. In fact, the BCP can be a meant to implement farmers' rights.

In Analavory community case, for example, farmer's rights to conserve PGRFA have been declined in the BCP because of their commitment to the establishment of the Community Biodiversity registry and the strengthening of traditional conservation activities.

Farmers' right to exchange, sustainable use or access to PGRFA with related concrete procedures following the collectively agreed organization have been also included in the BCP.

In addition, farmers' commitment to the conservation and sustainable use of genetic resources and associated traditional knowledge were described in BCP

As conclusion and learned lessons, BCP aim at clarifying the communities' decision-making mechanism to regulate access to genetic resources in their territory. They also specify the organization of communities for access and use of plant genetic resources under the Multilateral System of the ITPGRFA; as well as community-to community PGRFA exchange. The goal of this approach is to have more genetic diversity in their fields, in the face of the effects of climate change and new market demands.

The approach will contribute to the identification of modalities to better involve local communities and farmers in the access and benefit-sharing (ABS) decision-making process. Indeed, Madagascar has recently adopted interim legal frameworks for the implementation of each of the two international instruments on ABS (Nagoya Protocol and the ITPGRFA)



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- What challenges encountered along the way (if applicable) (max 200 words)
The BCP applicability, with a view to mutually supporting implementation of Nagoya Protocol and the treaty, is less obvious, especially regarding the rights of local communities and farmers, which remain to be clarified.

Indeed, the Nagoya Protocol and the Treaty have different functions although they share the same objectives. The development of BCP in the context of the Nagoya Protocol is based on the right to prior informed consent (PIC) of local communities. This allows them to directly negotiate bilateral benefit-sharing agreements that should be returned to them.

However, the Treaty is driven by the principle of facilitated access under the Multilateral System. All obligations of the parties involved in the Multilateral System resource transaction are already set through the SMTA (Standard Material Transfer Agreement) that may not necessarily be suitable for farmers' expectations. In addition, farmers' rights under Article 9 of the Treaty remain unclear.

All of these have raised a number of issues that have driven the process at the local level for the development of community protocols, while development of legislative and regulatory frameworks and reflections on farmers' rights continue and are on going

- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)
Conditions for success will be: to carry out awareness raising workshops and more explanation about the treaty in particular the farmer's rights, to carry out workshops consultation, explain and clarify the protection of traditional knowledge, to collect views of others stakeholders including ministerial officials, farmers' platforms, research sector, private operators and partner organizations

Further information

- Link(s) to further information about the measure/practice
[Biocultural Community Protocol Madagascar Analavory](#)