



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



Item 13 of the Provisional Agenda

FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 14-18 March 2011

IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS

Note by the Secretary

EXECUTIVE SUMMARY

1. The International Treaty recognizes the enormous contribution that local and indigenous communities and farmers of all regions of the world have made, and will continue to make, for the conservation and development of plant genetic resources as the basis of food and agriculture production throughout the world. Article 9 of the Treaty establishes that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments and is subject to its national legislation.
2. This document provides an overview of the decisions and resolutions taken by the Governing Body of the International Treaty related to the implementation of Article 9 and reports on actions taken by the Secretary, according to the request made by the Governing Body at its last Session.
3. The Governing Body is invited to take note of the actions taken by the Secretary and to provide guidance on the future implementation of Article 9.

TABLE OF CONTENTS

	Paras.
I. Introduction	1 - 3
II. Decisions and Resolutions of the Governing Body for the implementation of Article 9 of the International Treaty	4 -16
III. Actions taken by the Secretary since the Third Session of the Governing Body	17-21
IV. Guidance Sought	22

I. INTRODUCTION

1. The International Treaty on Plant Genetic Resources for Food and Agriculture recognizes that past, present and future contributions of farmers of all regions of the world, particularly those in the centres of origin and crop diversity, in conserving, improving and making available these resources, as the basis of Farmers' Rights.
2. This document provides an overview of the main resolutions and decisions adopted by the Governing Body at its previous sessions and reports on the actions taken by the Secretary since the Third Session in Tunis.

3. Article 9 of the International Treaty reads:

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 centres 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 agriculture 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 all 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.

II. DECISIONS AND RESOLUTIONS OF THE GOVERNING BODY FOR THE IMPLEMENTATION OF ARTICLE 9 OF THE INTERNATIONAL TREATY

First Session of the Governing Body (12-16 June 2006)

4. During the First Session of the Governing Body in 2006, a Ministerial Meeting of Contracting Parties and Contracting States was held on 13 June and resulted in a Ministerial Declaration which included the following references to work of farmers and Farmers' Rights:

xiii) Recognizing the enormous contribution that the local and indigenous communities and farmers of all regions of the World, particularly those in the centres 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 agriculture production throughout the world;

xiv) Recognizing the importance of implementing Farmers' Rights, in accordance with Article 9 of the Treaty.

5. During the discussion of Article 9 at the First Session, Norway stressed the importance of Farmers' Rights, noting that the responsibility for their implementation lay with national governments. This Party also informed that it was funding a project focused on how countries could best implement Farmers' Rights, on the need for cooperation in this regard within the framework of the International Treaty, and on how the Governing Body could support those efforts¹. No decisions or resolution related to Farmers' Rights was adopted at that time.

Second Session of the Governing Body (29 October-2 November 2007)

6. At its Second Session the Governing Body extended its appreciation to the Governments of Norway and Zambia for convening an informal international consultation on Farmers' Rights in Lusaka, Zambia, in September 2007, and for sharing the outcomes with the Governing Body.²

7. Following the guidance of the Bureau of the Second Session, the Secretary presented at the Second Session the document IT/GB-2/07/Inf. 6, "*Information document on the development of Farmers' Rights in the context of the International Undertaking and Article 9*", which gave a brief outline on the history of Farmers' Rights in the context of the International Understanding on Plant Genetic Resources adopted by the FAO Conference at its 22nd Session Conference Resolution 8/83³.

8. The Governing Body adopted Resolution 2/2007 on Farmers' Rights acknowledging that there was "*uncertainty in many countries as to how Farmers' Rights can be implemented and that the challenges related to the realization of Farmers' Rights are likely to vary from country to country*".

9. Through Resolution 2/2007, the Governing Body "*encourage[d] Contracting Parties and other relevant organization to submit views and experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving, as appropriate, farmers' organizations and other stakeholders*".

10. The Governing Body requested the Secretary to "*collect these views and experiences as a basis for an agenda item for consideration by the Governing Body at its Third Session to promote the realization of Farmers' Rights at the national level and to disseminate relevant information through the website of the International Treaty, where appropriate*".

Third Session of the Governing Body (1-5 June 2009)

11. Following the request made by Contracting Parties, the Secretary presented at the Third Session the document IT/GB-3/09/Inf. 6, "*Collection of views and experiences submitted by Contracting Parties and other relevant organizations on the implementation of Article 9*", which

¹ IT/GB-1/06/Report, paragraph 54

² IT/GB-2/07/Circ.1, Implementation of Article 9 of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture: Farmers' Rights, <ftp://ftp.fao.org/ag/agp/planttreaty/gb2/gb2c1e.pdf>

³ IT/GB-2/07/Report

included the submissions received from Ecuador, Germany, Mali, Niger, Pakistan, Syria and Zambia. The Secretariat also issued five addenda to that document.

12. The Governing Body adopted Resolution 6/2009, "*Implementation of Article 9, Farmers' Rights*", which "*recognize[d] that exchange of experiences and mutual assistance between Contracting Parties can significantly contribute to making progress in the implementation of the provisions on Farmers' Rights of the International Treaty*"⁴.

13. Furthermore, it invited each Contracting Party to "*consider reviewing, and if necessary, adjusting its national measures affecting the realization of Farmers' Rights as set out in Article 9 of the International Treaty, to protect and promote Farmers' Rights*".

14. Once again, the Governing Body encouraged Contracting Parties and other relevant organizations "*to continue to submit views and experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving as appropriate, farmers' organizations and other stakeholders*".

15. The Governing Body requested the Secretary "*to convene regional workshops on Farmers' Rights, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, aiming at discussing national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving, as appropriate, farmers' organizations and other stakeholders*".

16. It also requested the Secretary "*to collect the views and experiences submitted by Contracting Parties and other relevant organizations, and the reports of the regional workshops, as a basis for an agenda item for the consideration of the Governing Body at its Fourth Session, and to disseminate relevant information through the website of the International Treaty, where appropriate*".

III. ACTIONS TAKEN BY THE SECRETARY SINCE THE THIRD SESSION OF THE GOVERNING BODY

17. On November 2009 the Secretary sent a Circular State Letter to all Contracting Parties to bring to their attention the major decisions that had direct implications for them⁵, including those related to Article 9 of the Treaty in paragraphs 28 and 29 and inviting them to send their submissions on views and experiences. The communication was circulated by e-mail to all the National Focal Points and posted on the website of the International Treaty.

18. Additionally, another notification from the Secretary was circulated to National Focal Points and relevant organizations on May 2010, which was also posted on the website⁶.

19. By 1 December 2010, the Secretary had received information from six Contracting Parties and four relevant organizations which were compiled and distributed in the language and form received in the document IT/GB-4/11/Inf.6 "*Compilation of views and experiences on the implementation of Farmer's rights Submitted by Contracting Parties and relevant organizations*".

20. Due to budgetary constraints in the early part of the biennium, and the consequently limited financial and human resources available, the Secretariat was unable to convene regional workshops.

21. Nevertheless, views and experiences submitted by Contracting Parties and other relevant organizations were collected and disseminated through the website of the International Treaty, by

⁴ IT/GB-3/09/Report

⁵ ftp://ftp.fao.org/ag/agp/planttreaty/noti/CSL_GB4_1_en.pdf

⁶ ftp://ftp.fao.org/ag/agp/planttreaty/noti/NCP_GB4_Art9_en.doc

the Secretariat, as requested by the Governing Body.

IV. GUIDANCE SOUGHT

22. The Governing Body is invited to take note of the actions taken by the Secretary and to provide guidance on the future steps for the implementation of Article 9.