



Food and Agriculture  
Organization of the  
United Nations



**The International Treaty**  
ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE

# Overview of the Implementation of Farmers' Rights

**Africa Region Training Workshop on Conservation  
and Sustainable Use of PGRFA and Farmers' Rights  
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Le Ndiambour Hotel, Dakar, Senegal**

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# **Outline of the presentation**

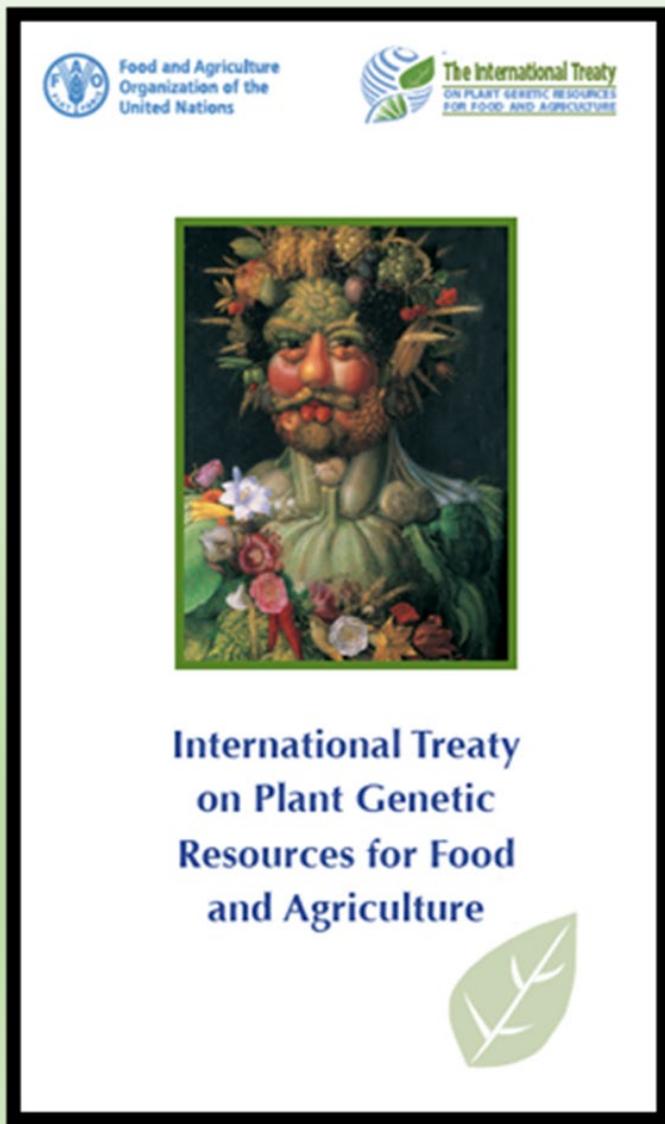
- **Introduction – about the International Treaty**
- **The history of Farmers' Rights**
- **Introduction – Farmers' Rights, as set out in Article 9 of the International Treaty**
- **Other provisions within the Treaty, supportive to Farmers' Rights**
- **The importance of realizing Farmers' Rights**
- **Current progress and development in the implementation of Farmers' Rights**

# The roots of Farmers' Rights in FAO

- **1983: International Undertaking on Plant Genetic Resources**
- **In 1987, first mention of Farmers' Rights in a Working Group, formed the foundation for all further negotiations on Farmers' Rights:**
  - **Recognition of farmers' contribution**
  - **The need to reward farmers for their contribution**
  - **The rights holders were not to be single farmers or communities, but entire peoples**
  - **Farmers' and plant breeders' rights to be developed simultaneously, seeking a balance**
- **1992: The Convention on Biological Diversity Adopted**
- **Together with it a resolution urging the FAO to commence negotiations for a legally binding international instrument on the management of plant genetic resources for food and agriculture, and include the question on Farmers' Rights**



**Adopted in 2001; entered into force in 2004**



- **International instrument for the management and conservation of crop genetic resources**
- **Objectives:**
  - Conservation
  - Sustainable Use
  - Fair and equitable benefit-sharing

**Farmers' Rights – the cornerstone of the implementation of the International Treaty**

# The Key Message...

- Recognizing Farmers' Rights was a central move to seek a balance to the development of intellectual property rights to PGRFA and to ensure farmers' continued contribution to the global genetic pool.
- Addressing the rights, not of individuals, but of **'entire peoples'** was an important foundation of our current understanding of Farmers' Rights, as well as other elements of the International Treaty, such as the MLS.



# Article 9, Farmers' Rights

## Protection of traditional knowledge

relevant to plant genetic resources for food and agriculture (**Art. 9.2a**).

## Equitable participation in sharing benefits

arising from the utilization of plant genetic resources for food and agriculture (**Art. 9.2b**).

## Recognition of 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 (**Art. 9.1**).

## Participation in making decisions,

at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture (**Art. 9.2c**).

Rights that farmers have **to save, use, exchange and sell farm-saved seed/propagating material,**

subject to national law and as appropriate (**Art. 9.3**).



# Article 9, Farmers' Rights

- ❑ **The only legally binding international agreement...**
- ❑ **The Treaty gives national governments responsibility for implementing Farmers' Rights through provisions.**
- ❑ **The realization of Farmers' Rights is a cornerstone for the implementation of the Treaty and of central importance to achieving the overall objective of food security and nutrition, in an era of climate change**



# Why Farmers' Rights Matter?

The Contracting Parties recognize the enormous contribution that **the local and indigenous communities and farmers of all regions of the world (...)** have made and will continue to make for **conservation and development of plant genetic resources,** which constitute the basis of food and agriculture production throughout the world.



# Supportive provisions

- **Preamble:** addressing the importance of FR and the importance of promoting it at national and international levels
- **Article 5: Conservation**
  - Providing for Contracting Parties to promote/support farmers and local communities' efforts to manage and conserve on-farm their crop genetics
- **Article 6: Sustainable use**
  - Providing for Contracting Parties to enhance sustainable use, promote participatory plant breeding, the use of local varieties, on-farm diversity; and to review and adjust regulations on variety release and seed distribution



# Realizing Farmers' Rights means...

- **Promote on-farm and in-situ conservation**
- A **significant amount of local crop diversity** is only maintained in farmer's fields
- On-farm management facilitates the continuous **local adaptation of farmers' varieties and landraces** over time
- PGRFA managed sustainably on-farm serve as a **live repository/reservoirs and natural backup for *ex situ* collections** worldwide
- **Promoting and sustaining the role of farmers** of custodians of biodiversity
- **Promoting food sovereignty, culture and cultural diversity**
- **And many more...**



# Where are we now in the implementation of Farmers' Rights?





# 2016 Online Survey

**Respondents' view on the  
implementation of Farmers' Rights?**

**19% Very Important**

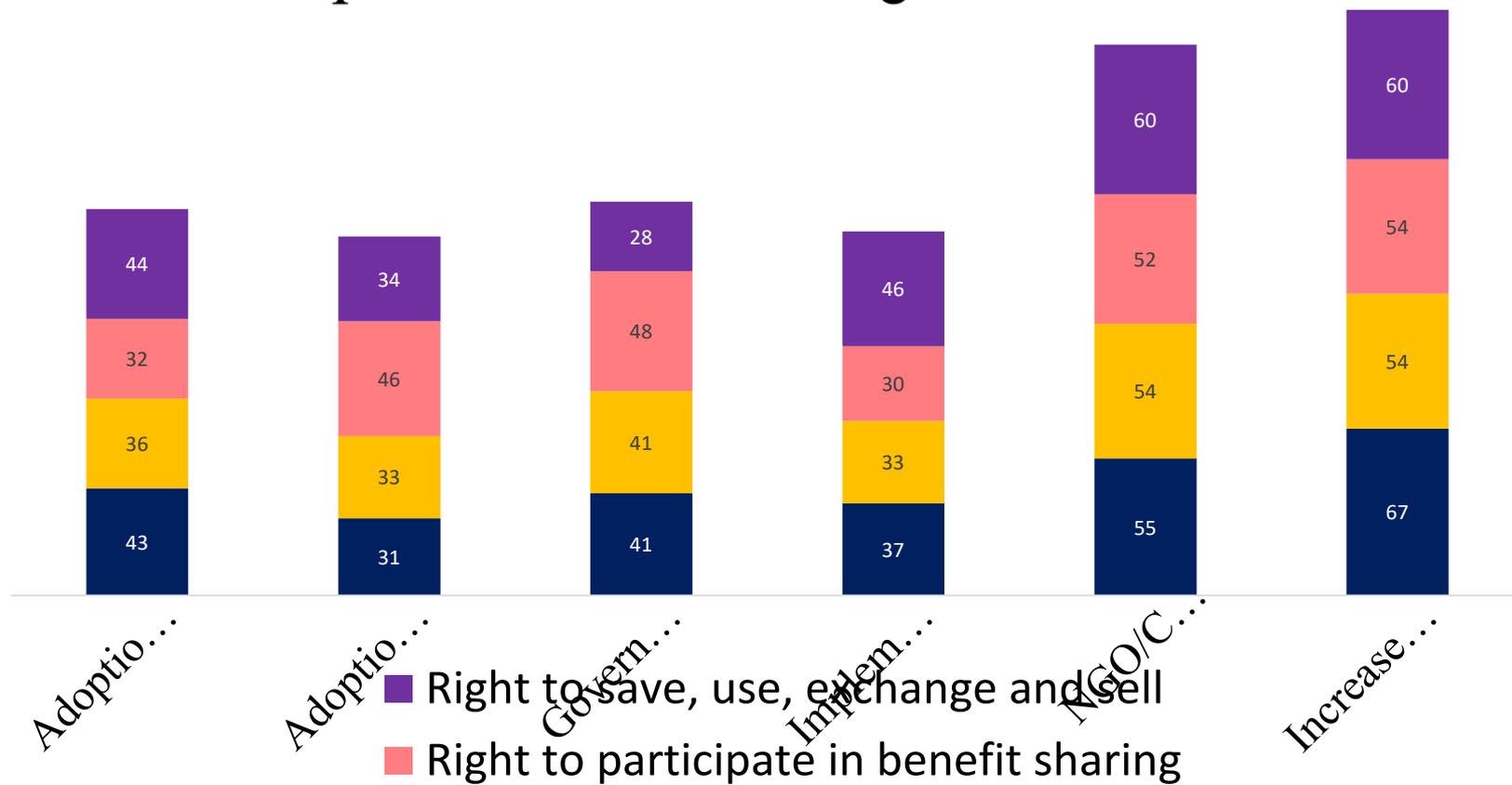
**80% Important**

**1-3 % – not sure**



# 2016 Results of the Online Consultation: views and needs on the implementation of Farmers' Rights

## Means to implement Farmers' Rights



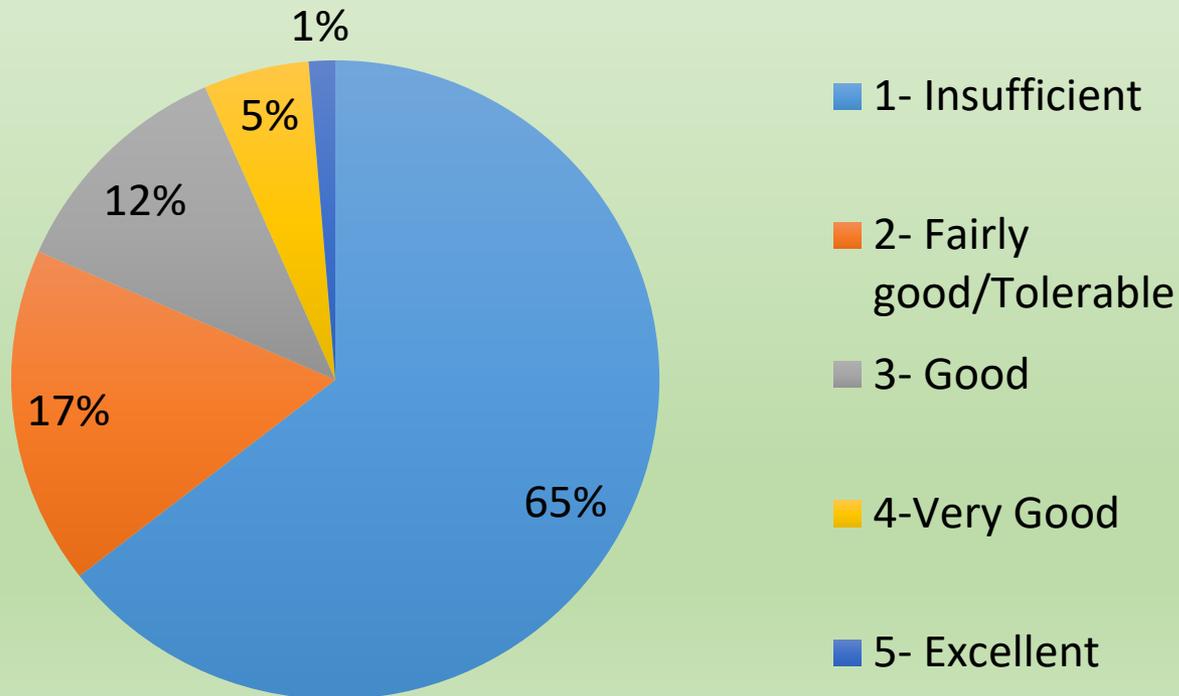
# What are the challenges?

- The predominance of the formal seed sector
- Variety release and seed distribution legislation
- Intellectual property rights
- Documentation of best practices and scaling up
- Limited technical capacity, needing guidance, support



# 2016 Results of the Online Consultation:

On a scale of 1 to 5, how would you rate the implementation of Farmers' Rights in your country?



# What are the opportunities?

- **The increasing attention to recognition on the role of indigenous local communities and farmers**
- **Formal and local seed systems are complementary: there is a need to ensure legal space for each to contribute to the conservation and sustainable use of PGRFA**
- **Many programmes and initiatives support awareness raising and capacity development in areas of biodiversity for food and agriculture**
- **Increasing level of participation of farmers**



# The increasing attention to recognition on the role of indigenous local communities and farmers...

- **The International Year of Family Farming (IYFF) 2014**
- **The United Nations Decade of Family Farming 2019-2028 and the UNDFP Global Plan of Action**
- **The United Nations Declarations on the Rights of the Peasants and other People Working in Rural Areas:**
  - recognizes the contribution of farmers to the conservation and management of biodiversity, as well as to food security
  - "Article 19, Right to Seeds" uses and further expands on similar language as Article 9 of the International Treaty
- **The UN Committee on World Food Security emphasizing the role of smallholders and local communities in resilient Food Systems**
- **Voluntary Guidelines (FAO, CBD, etc) ...**
- **National Plans and Programs, e.g. NBSAPs, etc..**



# **Decisions endorsed by the Governing Body**

# Decisions endorsed by the Governing Body

## Resolution 7/2017

- Collect (knowledge), views and experiences (and best practices) on the implementation of Farmers' Rights, involving, as appropriate, farmers' organizations and other stakeholders (since GB-2/2007)
- Consider reviewing and, if necessary, adjusting national measures affecting the realization of Farmers' Rights (including regulations concerning variety release and seed distribution,
- Convene regional (and/or local, national, international) consultations on Farmers' Rights
- Engage farmer organizations and relevant stakeholders in matters related to the conservation and sustainable use of PGRFA
- Engage in capacity building, dissemination, networking

# Decisions endorsed by the Governing Body

## Resolution 7/2017

- Address Farmers' Rights in conjunction with measures under Articles 5.1(c) and (d), 6.2(c) and (g)
- Promote access to plant genetic resources for food and agriculture under the Multilateral System by local and indigenous communities and farmers (Resolution 8/2013)
- Promote sustainable biodiverse production systems and facilitate participatory approaches such as community seed banks, community biodiversity registries, participatory plant breeding and seed fairs as tools for realizing Farmer's Rights
- **Establishment of an Ad Hoc Technical Expert Group on Farmers' Rights (Expert Group)**

# The Expert Group



- i. Produce an **inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty; and**
- ii. **Based on the inventory, develop OPTIONS for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty**

# The Expert Group: current developments

- On producing the *Inventory*: **agreed on the structure and elements; template for gathering the examples of measures and practices**
- On developing the *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*: **agreed on the elements to be covered; the outline is also developed**

These outputs will be presented to the Governing Body at its Eighth Session



# Overview of Submissions

<b>Submissions Received</b>	<b>2012 – 2017</b>	<b>2018 (AHTEG-1)</b>	<b>2019 (AHTEG-2)</b>
<b>Total</b>	21	33	62
<b>Contracting Parties</b>	5	21	32*

# **An invitation to submit examples of measures and practices or update submission...**

## **Further information**

**<http://www.fao.org/plant-treaty/areas-of-work/farmers-rights/submissions-by-the-contracting-parties-and-stakeholders/en/>**

# Food for thoughts

**In your view, as individual, or an institution, what are the practical ways and means to promote the implementation of Farmers' Rights?**

**Have we mainstream the concept of Farmers' Rights in our areas of work?**



**Share your  
views...**

**Thank You**

