



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

**FOURTH MEETING OF THE AD HOC TECHNICAL EXPERT GROUP ON
FARMERS' RIGHTS**

4 – 7 May 2021

ANNOTATED PROVISIONAL AGENDA AND TIMETABLE

INTRODUCTION

1. At its Eighth Session, the Governing Body, through Resolution 6/2019,¹ welcomed the *Inventory of National Measures, Best Practices and Lessons Learned on the Realization of Farmers' Rights (the Inventory)* and endorsed its structure as well as the template for collecting information, as developed by the Expert Group during the previous biennium.
2. The Governing Body took note of the outline of the *Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights, as set out in Article 9 of the International Treaty (the Options)*, which will form the basis for the completion of the task of the Expert Group.
3. It also decided to reconvene the Expert Group for the 2020-2021 biennium in order to complete its tasks based on the Terms of Reference established at the Seventh Session of the Governing Body and the provisions of Resolution 6/2019.²
4. In developing *the Options*, the Expert Group will be guided by the existing terms of reference established by Governing Body at its Seventh Sessions, provided in *Appendix 2* to this document, and further reaffirmed through Resolution 6/2019, excerpts of which are provided in *Appendix 3* to this document.
5. The Expert Group held its third meeting virtually from 25 – 28 August 2020.³

OPENING OF THE MEETING

6. The fourth meeting of the Expert Group will begin at 14:00 Rome Time zone (CEST), on Tuesday, 4 May 2021. Precise time zone conversions based on the location of each of the participants will be made available with the information note

¹ [Resolution 6/2019](#), *Implementation of Article 9, Farmers' Rights*.

² [Resolution 7/2017](#), *Implementation of Article 9, Farmers' Rights*.

³ [IT/GB-9/AHTEG-3/20/Report](#).

ORGANIZATIONAL MATTERS

7. As noted at the third meeting of the Expert Group, the Governing Body established this group as an expert group and not as a negotiating group.⁴ In this regard, the Co-Chairs wish to, again, recall that members should only provide their expert views and inputs that respond to the tasks assigned to the Expert Group by the Governing Body and not express regional, national or sectoral positions. Consequently, discussions and modalities of work of the Expert Group are arranged accordingly.

8. Given that the outputs of the work of the Expert Group will consist in advice and recommendations to the Governing Body for its consideration, members of the Expert Group are called upon to share their knowledge, expertise and experience on Farmers' Rights in order to carry out the mandate given to them by the Governing Body. This reflects the understanding that they were appointed in their expert capacity, through their regions or stakeholder groups, and that they are expected to contribute in this capacity to finalizing the options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, rather than to negotiate any of the outputs requested by the Governing Body.

9. The Eighth Session of the Governing Body had decided that the Expert Group may hold up to two meetings in the biennium 2020-2021, subject to the availability of financial resources. However, due to the ongoing global COVID-19 pandemic and the consequent national and international measures entailing restrictions to travel and gatherings, a physical meeting of the Expert Group will not be feasible in May 2021, as planned, and is not foreseeable in the near future. In the current circumstances, different options were considered on how best to proceed, taking into account the volume of work that the Expert Group would need to undertake to fulfil its tasks.

10. Accordingly, the Bureau of the Ninth Session of the Governing Body noted that the fourth meeting of the Expert Group will be held virtually by electronics means.

11. FAO uses the Zoom platform for organizing virtual meetings, which has been customized to its needs and specifications, including the capability for simultaneous interpretations. A detailed information note on the precise schedule and how to remotely access the virtual meeting or any related online forum will be sent separately to the members and observers, closer to the date of the meeting.

12. The fourth meeting of the Expert Group will therefore be held virtually, from 4 to 7 May 2021, using the Zoom platform. Given some of the specific challenges of virtual meetings, it is proposed that the meeting will have only one session each day of the meeting. Attempts will be made to minimize, to the extent possible, the unavoidable inconveniences that will arise because of time zone differences.

13. Thanks to the generous extra-budgetary contribution by the Governments of Italy and Norway, the meeting will be conducted in English with simultaneous interpretation into Arabic, French and Spanish. The working documents are also made available in all four languages.

14. Given the availability of interpretations services, and taking into account the time differences, the meeting has been organized in blocks of 3 hours each day from 4 to 7 March 2021. A draft indicative timetable is contained in *Appendix 1*, for the consideration of the Expert Group, so that it could organize its work for this meeting.

ITEM 1. ADOPTION OF THE AGENDA

⁴ See also: [IT/GB-8/AHTEG-FR-2/19/Report](#), para. 2; [IT/GB-8/AHTEG-FR-1/18/Report](#), para. 3.

15. This document was prepared by the Secretary under the guidance of the Co-Chairs and annotates the document, IT/GB-9/AHTEG-4/21/1, *Provisional Agenda*, for the consideration of the Expert Group, so that it could adopt its Agenda.

16. The list of documents for this meeting is contained in the document, IT/GB-9/AHTEG-4/21/Inf.1, *List of Documents*. The substantive agenda items have corresponding working documents, in addition to information documents, where relevant.

**ITEM 2. OPTIONS FOR ENCOURAGING, GUIDING AND PROMOTING THE
REALIZATION OF FARMERS' RIGHTS AS SET OUT IN ARTICLE 9 OF THE
INTERNATIONAL TREATY**

17. Pursuant to its Terms of Reference, the Expert Group is mandated to develop options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, based on the *Inventory*.

18. At its third meeting, the Expert Group asked the Secretariat to prepare a working document which would include

- a. the *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty* (IT/GB-9/AHTEG-FR-3/20/2), which the Expert Group used as a basis for its work at the third meeting;
- b. the issues that may need further discussion, based on the exchange of views held during the third meeting; and
- c. proposals on possible ways to address those issues.

19. The Expert Group agreed to use this working document as basis for work at its fourth meeting, in accordance with its Terms of Reference.⁵

20. Consequently, the Secretariat prepared, under guidance of the Co-Chairs, the document, IT/GB-9/AHTEG-FR-4/21/2, *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*.

21. The document consists of:

- a. a reproduction of the document, IT/GB-9/AHTEG-FR-3/20/2, *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*; and
- b. comprehensive annotations, providing issues that may need to be further discussed based on the exchange of views held during the third meeting of the Expert Group, considering all the interventions made by the experts, and indications on possible ways how those issues might be addressed.

22. In order to facilitate consideration and discussion of the issues and the possible ways of addressing them, the document is kept concise, while considering all interventions made at the third meeting of the Expert Group.

23. The document is structured as follows:

- a. Section A: Introduction;
- b. Section B: Issues concerning the overall approach and the document as a whole;
- c. Section C: Issues concerning the introductory part; and
- d. Section D: Issues concerning specific options.

⁵ [IT/GB-9/AHTEG-FR-3/20/Report](#), para. 11.

24. Each section is subdivided further to facilitate the discussion. The document contains a table of contents so that it will be easier for members of the Expert Group to navigate through the document.

25. For each of the issues, a summary is given, followed by indications on how they might be addressed and by an illustrative text example, where possible. These examples are washed in light grey to distinguish them from the rest of the document.

26. The Expert Group is invited to work on the basis of this document in finalizing *the Options*.

27. When opening the agenda item, the Co-Chairs will present their proposal on how best to structure the discussions, in order to make best use of the limited time available and the challenges posed by a virtual meeting.

ITEM 3. ANY OTHER BUSINESS

28. Under this agenda item, the Expert Group may wish to discuss how to finalize its work during the biennium as well as any other relevant matters that may be raised by its members and experts.

ITEM 4. ADOPTION OF THE REPORT

29. Pursuant to Resolution 6/2019, the Expert Group is to report to the Ninth Session of the Governing Body on its work for further consideration.⁶

30. Under this agenda item, the Expert Group is invited to adopt its report of this meeting and its report to the Ninth Session of the Governing Body.

31. Due to limitations in financial resources, the draft report will be available in English only, while interpretation into the other languages will be provided during the report adoption session.

32. The draft report will be shared with participants electronically and adopted as orally amended under this agenda item.

33. It is expected that the meeting will be closed at 17:00 CEST on 7 May 2021 .

⁶ [Resolution 6/2019](#), paras. 9 and 12.

PROVISIONAL TIMETABLE

Time	Agenda Item	Title	Relevant documents
Tuesday, 4 May 2021			
14:00-17:00 Rome Time zone (CEST),		Opening of the meeting and Organizational matters	Resolution 7/2017 Resolution 6/2019
	1	Adoption of the Agenda and Timetable	IT/GB-9/AHTEG-FR-4/21/1 IT/GB-9/AHTEG-FR-4/21/1.1
	2	Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty	IT/GB-9/AHTEG-FR-4/21/2 IT/GB-9/AHTEG-FR-4/21/Inf.2
Wednesday, 5 May 2021			
14:00-17:00 Rome Time zone (CEST),	2 <i>(cont'd)</i>	Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty <i>(cont'd)</i>	IT/GB-9/AHTEG-FR-4/21/2 IT/GB-9/AHTEG-FR-4/21/Inf.2
Thursday, 6 May 2021			
14:00-16:50 Rome Time zone (CEST),	2 <i>(cont'd)</i>	Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty <i>(cont'd)</i>	IT/GB-9/AHTEG-FR-4/21/2 IT/GB-9/AHTEG-FR-4/21/Inf.2
16:50-17:00	3	Any other business	
Friday, 7 May 2021			
14:00-17:00 Rome Time zone (CEST),	4	Adoption of the Report, including the report to the Ninth Session of the Governing Body	

Appendix 2

Terms of reference for the Ad Hoc Technical Expert Group on Farmers' Rights

1. The Ad Hoc Technical Expert Group on Farmers' Rights will:
 - 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;
 - 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.
2. In the development of its work, the Ad Hoc Technical Expert Group may consider the proceedings from the Global Consultation on Farmers' Rights held in Bali, Indonesia, in 2016, as well as other relevant consultations.
3. The Ad Hoc Technical Expert Group will comprise up to five members designated by each FAO region, up to three representatives of farmer organizations, particularly from the centers of origin and crop diversity, and up to three other stakeholders, including the seed sector, designated by the Bureau of the Eighth Session of the Governing Body.
4. The Bureau of the Eighth Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country.
5. The Ad Hoc Technical Expert Group may hold up to two meetings in the biennium 2018-2019, subject to the availability of financial resources.
6. The Ad Hoc Technical Expert Group will report back to the Governing Body on its work for further consideration at the Eighth Session of the Governing Body.
7. The Secretary will facilitate the process and assist the Ad Hoc Technical Expert Group in its work.

RESOLUTION 6/2019

IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS

THE GOVERNING BODY,

Recalling the recognition, in the International Treaty, of the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made, and will continue to make, to the conservation, development and use of plant genetic resources as the basis of food and agriculture production throughout the world;

Recalling its Resolutions 2/2007, 6/2009, 6/2011, 8/2013, 5/2015 and 7/2017;

1. **Welcomes** the Report of the Ad Hoc Technical Expert Group on Farmers' Rights, and **thanks**

the Ad Hoc Technical Expert Group for the significant progress so far made by it in fulfilling its tasks;

2. **Takes note** of the officials and members of the Ad Hoc Technical Expert Group appointed or designated by the Bureau of the Eighth Session of the Governing Body;

3. **Welcomes** the *Inventory of National Measures, Best Practices and Lessons Learned on the Realization of Farmers' Rights* (the Inventory), recognizing that it will be periodically reviewed and updated, as necessary;

4. **Endorses** the structure of the Inventory and the template for collecting information, as developed by the Ad Hoc Technical Expert Group for inclusion or for further updating of the information in the Inventory;

5. **Welcomes** the establishment of an online electronic version of the Inventory, and **requests** the Secretary to continue soliciting more information to be included or to update existing information in the Inventory;

6. **Takes note** of the outline of the *Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights, as set out in Article 9 of the International Treaty*, which will form the basis for the completion of the task of the Ad Hoc Technical Expert Group in this regard;

7. **Decides** to reconvene the Ad Hoc Technical Expert Group for the 2020–2021 biennium in order to complete its tasks based on the Terms of Reference established at the Seventh Session of the Governing Body and the provisions of this Resolution;

8. **Decides** to expand the Ad Hoc Technical Expert Group with two more representatives of farmers' organizations particularly from centres of origin and crop diversity;

9. **Decides** that, subject to the availability of financial resources, the Ad Hoc Technical Expert Group may hold up to two meetings in the biennium 2020–2021, as currently constituted, and report to the Ninth Session of Governing Body on its work for further consideration;

10. **Requests** the Secretary to prepare the relevant documentation to facilitate the work of the Ad Hoc Technical Expert Group;

11. **Requests** the Bureau of the Ninth Session of the Governing Body, working with the relevant region or stakeholder group, to fill any vacant positions that may arise in the membership of the Ad Hoc Technical Expert Group;

12. **Requests** the Ad Hoc Technical Expert Group to present the results of its work at the Ninth Session of the Governing Body for its consideration;

[...]