



**Food and Agriculture
Organization of the
United Nations**



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

Item 12 of the Provisional Agenda

EIGHTH SESSION OF THE GOVERNING BODY

Rome, 11-16 November 2019

Report of the Ad Hoc Technical Expert Group on Farmers' Rights to the Eighth Session of the Governing Body

Note by the Secretary

At its Seventh Session, the Governing Body of the International Treaty, through Resolution 7/2017, decided to establish the Ad Hoc Technical Expert Group on Farmers' Rights (Expert Group) to:

- 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.

In establishing the Terms of Reference, the Governing Body agreed that the Expert Group could hold up to two meetings in the biennium 2018-2019, subject to the availability of financial resources.

The Expert Group held its first meeting from 11 to 14 September 2018 and its second meeting from 20 to 23 May 2019, both in Rome, Italy.

This document contains the report of the Expert Group to the Eighth Session of the Governing Body, describing the work undertaken by the Expert Group during the biennium pursuant to its Terms of Reference.

The document, IT/GB-8/19/12/Inf.1, contains the Draft Inventory of national measures, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty. The Report on the Implementation of Farmers' Rights is provided in the document, IT/GB-8/19/12, which also contains elements for a draft resolution on Farmers' Rights.

*This document can be accessed using the Quick Response Code on this page;
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Other documents can be consulted at <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1111365/>*



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**REPORT OF THE AD HOC TECHNICAL EXPERT GROUP ON
FARMERS' RIGHTS
TO THE EIGHTH SESSION OF THE GOVERNING BODY**

I. INTRODUCTION

1. The Ad Hoc Technical Expert Group on Farmers' Rights (Expert Group) was established by the Governing Body through Resolution 7/2017. Its mandate are to:
 - 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.
2. The terms of reference of the Expert Group, as contained in Resolution 7/2017, are provided in *Annex 1*.
3. In establishing the Terms of Reference, the Governing Body agreed that the Expert Group may hold up to two meetings in the biennium 2018-2019, subject to the availability of financial resources.
4. The Expert Group held its first meeting from 11 to 14 September 2018 in Rome, Italy. As it could not conclude all its tasks at that meeting, it held a second meeting from 20 to 23 May 2019 in Rome, Italy.
5. The Expert Group comprised 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, that were designated by the Bureau of the Eighth Session of the Governing Body. The list of members and stakeholders of the Expert Group is given in *Appendix 2*.
6. Pursuant to Resolution 7/2017, the Bureau of the Eighth Session of the Governing Body appointed Ms. Svanhild-Isabelle Batta Torheim (Norway) and Mr. Rakesh Chandra Agrawal (India) as the Co-chairs of the Expert Group. It also agreed to consider the membership of the Co-chairs of the Expert Group to be outside the regional membership quota. Consequently, the two concerned regions accordingly nominated new members to complete their regional nominations.
7. This report describes the work undertaken by the Expert Group during the biennium pursuant to its Terms of Reference.

**II. INVENTORY OF NATIONAL MEASURES, BEST PRACTICES AND
LESSONS LEARNED FROM THE REALIZATION OF FARMERS' RIGHTS
AS SET OUT IN ARTICLE 9 OF THE INTERNATIONAL TREATY**

8. The Expert Group recalled that the Governing Body, through Resolution 7/2017, invited Contracting Parties and all relevant stakeholders, especially farmers' organizations, to submit views, experiences and best practices as examples of possible options for national implementation of Article 9 of the International Treaty,

as appropriate and subject to national legislation. In the preparation of the Inventory, it requested the Secretary to compile and submit these inputs to the Expert Group on Farmers' Rights. The Expert Group noted the large number of Contracting Parties and stakeholders that made submissions in response to the Governing Body's invitation.

9. It agreed that the Inventory should contain a brief introductory part, explaining the nature of the Inventory, its purpose, and how it was developed. The Expert Group requested the Secretary to update this introductory part according to the inputs it provided at its second meeting.
10. The Expert Group agreed that the main purpose of the Inventory was to produce a catalogue of the range of measures/practices for the realization of Farmers' Rights that had been or were in the process of being implemented, so as to share, among the Contracting Parties and relevant stakeholders, experiences gained so far with the implementation of Article 9. The Inventory will include a disclaimer, clarifying that the Expert Group did not evaluate or assess the measures/practices contained in the Inventory as to whether or not any measure/practice contributes to the realization of Farmers' Rights.
11. The Inventory should be configured in a manner that would allow for the inclusion of new information and possible updating. Consequently, the Inventory shall be a rolling document. For this purpose, the Expert Group agreed on a template for collecting information on examples, as given in *Annex 2*, and requested the Secretary to put it on the website of the International Treaty as a suggested template for further submissions by Contracting Parties and stakeholders of national measures, best practices and lessons learned. The Expert Group agreed that only submissions containing the mandatory information in the template would be included in the Inventory.
12. The Expert Group agreed that the Inventory would only focus on measures and practices that had been or are in the process of being implemented.
13. The Expert Group recommended that the structure of the Inventory should be simple, concise, and accessible to possible users, while allowing for the relevant information to be included. The Expert Group accordingly agreed to utilize the structure as given in *Annex 3*.
14. The Expert Group agreed on the following categories to be used as rows in the structure, as a tool for assisting the user to navigate the Inventory based on similarity of submissions:

No.	Name of category
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
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge

5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ¹ , 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
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

15. Based on these agreements, the Expert Group accordingly developed the *Inventory of National Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights, as set out in Article 9 of the International Treaty*, based on the structure as provided in *Annex 3*. The Expert Group agreed that, having taken into account the huge volume and cost implications for translation into several languages, the draft Inventory will be contained in an information document to be made available to the Governing Body.
16. The Expert Group requested the Secretariat to update the draft Inventory in accordance with the agreed elements, structure and categories. The Expert Group further requested the Secretary to accept new submissions and that only submissions received by 31 July 2019 will be included in the updated version of the draft Inventory to be presented to the Governing Body at its Eighth Session as an information document.
17. It also agreed that it would be useful and expedient for an online electronic version of the Governing Body approved Inventory to be established by the Secretariat to enable ease of access, use, searching and updating.

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

18. The Expert Group considered that the Options should be a rolling document. The Expert Group agreed that the Options should have a concise and user-friendly structure, adopting the same categories as in the Inventory, with a reference to the relevant provision/s of Article 9 of the International Treaty. It agreed that under each

¹ This also includes Seed houses

category, options to encourage, guide and promote the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, should be listed.

19. The Expert Group also agreed on how to describe the options taking into account the name of the option, what the option is about, and what type(s) of measures may typically be involved (technical, administrative, legal, other).
20. The Expert Group agreed on elements to be covered in the introductory part, such as background and rationale, objective, nature and scope, intended users/target groups. Several proposals were made on how the introductory part could be enhanced; more time will be needed to finalize these discussions.
21. The report of the Expert Group to the Governing Body contained, as *Annex 4*, an outline for developing the Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty. The Expert Group is committed to continue its constructive work based on this outline.

IV. RECOMMENDATIONS AND POSSIBLE FUTURE WORK OF THE EXPERT GROUP

22. Based on its work and the progress in carrying out its tasks, the Expert Group recommends that the Governing Body welcome the draft Inventory, and endorse the structure and template for further updates of the rolling Inventory.
23. As the Expert Group was unable to finish its task due to the volume of work and time constraints, and considering the significant progress made so far, it further recommends that the Governing Body reconvene the Expert Group to enable it to finalize its tasks, as mandated by the Governing Body.
24. Should the Governing Body decide to reconvene the Expert Group, it should also request the Secretary to prepare relevant working documents to facilitate its work, including populating the template for Options for further considerations by the group.
25. The Expert Group further recommends that the Governing Body appeal to Contracting Parties and other donors to provide additional financial resources for the work of the Expert Group, including to cover costs of interpretation and translation of documents.
26. In this context, The Expert Group requested the Secretary to prepare elements of a possible draft Resolution for the consideration of the Governing Body at its Eighth Session, based on its work and incorporating the relevant recommendations and issues the Group had agreed on.

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 Eight Session of the Governing Body.
7. The Secretary will facilitate the process and assist the Ad Hoc Technical Expert Group in its work.

Template for collecting information on examples**Basic information**

- Title of measure/practice
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)
- Type of institution/organization (categories)
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples**Mandatory information:²**

- 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)
- 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)
- 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):

² This mandatory information is required in order for the measure/practice to be included in the Inventory.

No.	Category	Most relevant ³	Also relevant ⁴
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		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁵ , 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		
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 farmers⁶
 - Location(s) and geographical outreach
 - Resources used for implementation of the measure/practice
 - How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
 - Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)

³ Please select only one category that is most relevant, under which the measure will be listed.

⁴ Please select one or several categories that may also be relevant (if applicable).

⁵ Including seed houses.

⁶ Any classification, e.g. of the types of farmer addressed, may be country-specific.

- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- 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)

Further information

- Link(s) to further information about the measure/practice

Structure of the Inventory

Type				Title of measure/practice	Short description of measure/practice	Country/region	Link	Provision of Art. 9 addressed				
Technical	Administrative	Legal	Other					9.1	9.2a	9.2b	9.2.c	9.3
Category 1												
Category 2												
Category 3												

Etc.

OUTLINE

Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

Introduction

Background and rationale, objective, nature and scope, intended users/target groups, including:

- How the document was developed – based on the inventory of measures
- Explanation of categories and how they are used in the document
- Definition of option and explaining that these are possibilities to choose from and to combine
- Guide to the document: Explanation of the organization of the document and that under the categories there will be several options.

Template for introduction of each category:

- Reference to relevant provision/s of Article 9 of the International Treaty
- Explaining why measures under this category can be regarded as options to encourage, guide and promote the realization of Farmers' Rights

Template for information on each option:

- Explaining what this option is about
- Describing what type(s) of measures may typically be involved (technical, administrative, legal and/or other measures)

Category 1:

Recognition of local and indigenous communities' and farmers' contributions to the conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers

Option A:

Option B:

Option C:

(possibly more or less options)

Category 2:

Financial contributions to support farmers' conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds

Option A:

Option B:

Option C:

(possibly more or less options)

Category 3:

Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA

Option A:

Option B:

Option C:

(possibly more or less options)

Category 4:

Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge

Option A:

Option B:

Option C:

(possibly more or less options)

Category 5:

In situ on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites

Option A:

Option B:

Option C:

(possibly more or less options)

Category 6:

Facilitation of farmers' access to a diversity of PGRFA through community seed banks, seed networks and other measures improving farmers' choices of a wider diversity of PGRFA

Option A:

Option B:

Option C:

(possibly more or less options)

Category 7:

Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection

Option A:

Option B:

Option C:

(possibly more or less options)

Category 8:

Farmers' participation in decision-making at local, national and sub-regional, regional and international levels

Option A:

Option B:

Option C:

(possibly more or less options)

Category 9:

Training, capacity development and public awareness creation

Option A:

Option B:

Option C:

(possibly more or less options)

Category 10:

Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA

Option A:

Option B:

Option C:

(possibly more or less options)

Category 11:
Other measures / practices

Option A:

Option B:

Option C:

(possibly more or less options)