Item 12 of the Provisional Agenda

EIGHTH SESSION OF THE GOVERNING BODY

Rome, 11–16 November 2019

Report of the first meeting of the Ad Hoc Technical Expert Group on Farmers' Rights

### Executive Summary

At its Seventh Session, the Governing Body established 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.

During the biennium, the Expert Group met twice in Rome, Italy, in September 2018 and in May 2019. The documents and Reports of both meetings are available on the website of the International Treaty.

This document contains the previously published Report of the First Meeting of the Expert Group for the information of the Governing Body.
ITEM 1. OPENING OF THE MEETING

1. The first meeting of the Ad Hoc Technical Expert Group on Farmers’ Rights (Expert Group) was opened by Mr. Kent Nnadozie, Secretary of the Treaty. He recalled Resolution 7/2017 by which the Governing Body decided to establish an Expert Group on Farmers’ Rights with specific Terms of Reference. He recalled the mandate and composition of the Expert Group as set out in its Terms of Reference and noted that establishment of the Expert Group was a reflection of the importance of safeguarding and promoting the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty.

2. The Secretary informed the Expert Group that the Bureau of the Eighth Session of the Governing Body had appointed Ms. Svanhild-Isabelle Batta Torheim (Norway) and Mr. Rakesh Chandra Agrawal (India) as its Co-Chairs.

3. The Co-Chairs welcomed the Experts and Observers to the first meeting of the Expert Group. They recalled that through the Terms of Reference the Governing Body had requested the Expert Group to 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, based on which it would develop options for encouraging, guiding and promoting the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty. They further noted that Farmers' Rights are a key element of the International Treaty, while expressing their confidence that the rich volume of expertise in the group will ensure a fruitful meeting. They, however, stressed that this was an expert group and not a negotiating group, meaning that the experts were called upon to share their knowledge, experiences and views on Farmers’ Rights in order to carry out the mandate of the Governing Body.

ITEM 2. ORGANIZATIONAL MATTERS

4. The Co-Chairs explained that the Expert Group, as decided by the Governing Body, comprises 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, and welcomed the presence of observers.

ITEM 3. ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

5. The Expert Group adopted its Agenda, as provided in Appendix 1. The list of participants of the meeting is contained in Appendix 2.
ITEM 4. UPDATES ON THE DISCUSSION OF FARMERS’ RIGHTS

6. The Secretary introduced the document *Overview of the Historical Developments and Discussion on Farmers’ Rights*, which provided a synopsis of the historical developments related to Farmers’ Rights and the importance of its realization. He gave a summary of the evolution of discussions, decisions and provisions related to Farmers’ Rights in the context of the International Treaty, noting that the establishment of the Expert Group and its mandate represents a key milestone for the Treaty.

7. Mr Godfrey Mwila made a presentation on historical perspective of the global efforts for the realization of Farmers’ Rights. This was followed by a presentation from Ms Regine Andersen on the importance and relevance of Farmers’ Rights as well as related consultations in the progressive development of Farmers’ Rights under the Treaty.

8. The Expert Group acknowledged that the responsibility for realising Farmers Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments and could be achieved through the adoption of national measures. It was noted that a variety of measures, including legal, financial, political and technical, could contribute towards this goal. It was recognized that while there has been some advancement in the discussions of Farmer’s Rights under the International Treaty, there was room for further progress in its implementation within the context of each Contracting Party. The Expert Group was informed about the Proceedings of the Symposium on possible interrelations between the ITPGRFA and the UPOV Convention, jointly organized by the Secretariat of the International Treaty and the UPOV Office, as mandated by their respective governing bodies. Members expressed their expectations for fruitful discussions and the fulfilment of the tasks assigned to the Group by the Governing Body.

ITEM 5. IMPLEMENTATION OF FARMERS’ RIGHTS

ITEM 5.1. 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


10. The Expert Group recalled Resolution 7/2017 through which the Governing Body invited Contracting Parties and all relevant stakeholders, especially farmers’ organizations, to submit views, experiences and best practices as an example of possible options for national implementation of Article 9 of the International Treaty, as appropriate and subject to national legislation, in preparation for the inventory, and requested the Secretary to compile and submit this input to the Expert Group on Farmers’ Rights. The Expert Group noted that several Contracting Parties and stakeholders made submissions in response to the Governing Body’s invitation.

11. The background paper provides a summary of the views and experiences, and best practices and lessons learned on the national implementation of Farmers’ Rights, based on the submissions of 32 Contracting Parties and stakeholders. It noted the need to include measures to address recognition of farmers’ contributions and highlighted some of the specific ideas put forward on how the realization of Farmers’ Rights might be achieved, despite the limited number of submissions received by the Secretariat. Contracting Parties and relevant stakeholders that
made submissions were invited to send to the Secretariat any corrections to the background paper that is of a factual nature.

12. Ms. Tammy Jonas provided information on the outcomes of Stakeholders’ Consultations on the implementation of Farmers’ Rights organized by the International Planning Committee for Food Sovereignty (IPC), held in Latin America and Caribbean, Asia and Pacific, and Africa regions in 2018, involving representatives of indigenous peoples’ organizations, farmers’ organizations, women organizations, NGOs and government representatives. The detailed information is contained in the document, IT/GB-8/AHTEG-FR-1/18/Inf.5: Reports from the Stakeholders’ Consultations.

13. A number of presentations were made by the Experts on national measures, best practices and lesson learned on the implementation of Farmers’ Rights as a means of sharing experience, initiating discussions and to generate relevant ideas. These presentations addressed different elements of the provisions of Article 9 of the Treaty, as given in Appendix 3.

14. The discussions covered the specific provisions of Article 9. Measures and practices were collated from the submissions made by Contracting Parties and relevant stakeholders and also from examples provided in presentations as well as discussions, leading to preliminary reflections on the possible structure for organizing and reflecting the information provided for the inventory. The Expert Group recommended that the structure should be simple, concise, and useful to possible users, while allowing for the relevant information to be included. It should also be configured in a manner that would allow for the inclusion of new information and possible updating.

15. The experts considered possible structures for the inventory based on a number of proposals made by members, and agreed to utilize the structure as given in Appendix 4. The Expert Group agreed that, in accordance with its Terms of Reference, the inventory would only focus on measures and practices that had been or are in the process of being implemented. It also agreed that there should be a brief introductory part, explaining the nature of the inventory, its purpose and how it was developed.

16. The Expert Group requested the Secretariat, to insert the information on national measures, practices and examples received so far into the structure given in Appendix 4 and using the Template for collecting information on examples as given in Appendix 5. In this process, the Secretariat may consider the need to use categories, taking the discussions of the Expert Group into account. The Expert Group also requested the Secretary to put the Template, as given in Appendix 5, on the Treaty’s website as a suggested template for further collection of submissions to be presented to the next meeting of the Expert Group.

ITEM 5.2. OPTIONS FOR ENCOURAGING, GUIDING AND PROMOTING THE REALIZATION OF FARMERS’ RIGHTS AS SET OUT IN ARTICLE 9 OF THE INTERNATIONAL TREATY

17. The Secretary introduced the document “Options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty” (IT/GB-8/AHTEG-FR-1/18/5), underlining that the Governing Body did not give any specific guidance on the structure, nature and format of the options it had mandated the Group to develop, and that it was up to the Expert Group to decide on how it may wish to proceed.

18. The experts shared preliminary thoughts on the issue, recalling that, according to their mandate, the Options should be developed based on the inventory, and agreed that full consideration would be given to its development at its next meeting. In this regard, the Expert Group requested that the Secretary prepare a working document, for its next meeting, on possible alternatives to developing options for encouraging, guiding and promoting the realization of Farmers’ Rights. The document would explain what could be understood by “options” and how
they differ from guidelines. The Group also requested the Secretary to provide additional examples of similar documents, other than guidelines, from other sources and international organizations than FAO, and indicate how they might be used as models to derive options for encouraging, guiding and promoting the realization of Farmers’ Rights.

ITEM 6.  ANY OTHER BUSINESS

19. The Expert Group thanked the Government of Italy for the financial support it had provided towards the organization of the meeting and provision of interpretation, and encouraged other donors to consider providing additional support towards its next meeting. In doing so, it advised the Secretary to follow up with interested donors to secure additional funding to facilitate the translation of working documents into other languages.

20. The Secretary informed the Expert Group that its next meeting is, tentatively, scheduled for the week of 20 May 2019, subject to the availability of financial resources.

ITEM 7.  ADOPTION OF THE REPORT

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

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

Rome, Italy, 11 – 14 September 2018

Agenda

1) Opening of the meeting

2) Organizational matters

3) Adoption of the agenda and timetable

4) Updates on the discussion of Farmers' Rights

5) Implementation of Farmers' Rights
   5.1 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
   5.2 Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

6) Any other business

7) Adoption of the Report
Appendix 2

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# Presentation of experts on national measures, best practices and lesson learned on the implementation of Farmers’ Rights

<table>
<thead>
<tr>
<th>Expert</th>
<th>Provisions of Article 9 covered</th>
<th>Title of presentation</th>
<th>Organization</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Stephen Smith</td>
<td>9.1</td>
<td>Comments on Article  9.1</td>
<td>Iowa State University</td>
<td>United States of America</td>
</tr>
<tr>
<td>Mr. Pitambar Shrestha</td>
<td>9.1</td>
<td>Policies and Practices Recognizing Farming Communities Managing Agricultural Biodiversity in Nepal</td>
<td>Li-Bird</td>
<td>Nepal</td>
</tr>
<tr>
<td>Mr. Riccardo Bocci</td>
<td>9.2a</td>
<td>Protection of traditional knowledge: some insights from Italy</td>
<td>Rete Semi Rurali</td>
<td>Italy</td>
</tr>
<tr>
<td>Ms Teresa Aguero</td>
<td>9.2a</td>
<td>Experiences and lessons learned on the implementation of Farmers’ Rights, Art. 9 ITPGRFA, in Chile</td>
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### Structure of the inventory

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Appendix 5

Template for collecting information on examples

Basic information:
- Title of measure/practice
- 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:
- Brief history (including starting year), as appropriate
- Core components of the measure/practice (max 200 words)
- Short 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)

Other information, if applicable:
- Objective
- Target group(s) and numbers of involved and affected farmer
- 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)
- 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 to further information about the measure/practice