



**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**

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

Rome, Italy, 11 – 14 September 2018

REPORT

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 this 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

9. The Secretariat introduced the Agenda item 5.1 and the document, *Realization of Farmers' Rights: experiences, lessons learned and best practices* (IT/GB-8/AHTEG-FR-1/18/4). The Secretariat also introduced the background paper, *Farmers' Rights: views, experiences, lessons learned and proposed national measures for the implementation of Article 9*, annexed to the document, and the relevant information documents made available for the first meeting of the Expert Group.

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

21. The Expert Group adopted this Report and its appendixes.

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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

List of Participants**EXPERTS****Mr Godfrey MWILA**

National Focal Point for ITPGRFA

Chief Agricultural Research Officer, Crop Improvement and Agronomy

Mount Makilu Central Research Station, Chilanga, **Zambia**

Phone: +260 966745604- +260 966745604 Email: godfrey.mwila@gmail.com

Ms Michelle ANDRIAMHAZO

Point Focal National du TIRPAA

Chef de Service de l'Environnement et du Changement Climatique

Ministère auprès de la Présidence en charge de l'Agriculture et de l'Elevage

B.P. 301 Anosy, Antananarivo **Madagascar**

Phone: +261 340561031 Email: michelle.andriamahazo@gamil.com

Ms Modester KACHAPILA MILINYU

Malawi Plant Genetic Resources Centre

Chitedze Research Station, P.O. Box 158, Lilongwe, **Malawi**

Phone: +265 884707346 Email: mauldyka83@gmail.com; mauldyka@yahoo.com

Mme. Yasmina EL BAHLOUL

Amélioration Génétique et Biotechnologies, Végétales, Coordinatrice UR Amélioration des Plantes Conservation et Valorisation des Ressources Phytogénétiques

Centre Régional de la Recherche Agronomique, B.P 6570, Rabat-Instituts 10101, **Morocco**

Phone: +212 660 157 231 Email: yas_ba@yahoo.fr

Mr Toussaint MIKPON

Centre de recherches agricoles Sud Bénin, Institut national de recherches agricoles

Niaouli, **Benin**

Phone: +229 97 24 43 81 Fax: +229 95 40 74 20 Email: owoyori@yahoo.fr

Mr R. C. AGRAWAL (CO-CHAIR)

Registrar General, Protection of Plant Varieties and Farmers' Rights Authority

Ministry of Agriculture, Department of Agriculture and Co-operation

S-2, A Block, NASC Complex 110012 DPS Marg, New Delhi, **India**

Phone: +91 (11) 25843316 Email: rg-ppvfra@nic.in

Mr Erizal JAMAL

Indonesian Center for Agricultural Socio-Economic Policy Studies (ICASEPS)

Indonesian Agency for Agricultural Research and Development (IAARD)

Jalan Ahmad Yani No. 70, Bogor, **Indonesia**

Phone: +62-251-8325177 Fax: +62-251-8314496 Email: erizal_jamal@yahoo.com

Ms Kazuho MASE

National Focal Point for the ITPGRFA

Deputy Director, Environment Policy Office, Policy Planning Division

Ministry of Agriculture, Forestry and Fisheries

Tokyo, **Japan**

E-mail: kazuho_nagata480@maff.go.jp

Mr Muhammad SHAFIE

Senior Researcher, Genebank and Seed Centre
Malaysian Agricultural Research and Development Institute (MARDI)
Serendah, **Malaysia**
Phone : +609-8384282 / 4332 / 5490 Email : shafiems@mardi.gov.my; siduapatnam@gmail.com

Ms Amparo AMPIL

Development Management Officer, Chief of Food, Agriculture and Fisheries Policy Division
Department of Agriculture
Elliptical Road, Diliman, Quezon City **Philippines**
Phone: +63 29267939 Fax: +63 29280590 Email: acascolan@yahoo.com

Ms Christina BLANK

Division Programme global sécurité alimentaire
Direction du développement et de la coopération
Freiburgstrasse 130
3003 Berne, **Switzerland**
Email: christina.blank@eda.admin.ch

Ms Inge TENNIGLO

Policy officer food security, European Agricultural and Fisheries Policy and Food Security
Department, Ministry of Agriculture, Nature and Food Quality
Utrecht, the Netherlands
Email: i.e.m.tenniglo@minez.nl

Ms Svanhild Isabelle BATTA TORHEIM (CO-CHAIR)

Senior Advisor, Ministry of Agriculture and Food
Postboks 8007 Dep 0030 Oslo, **Norway**
Phone: +47 41123404 Email: Svanhild-Isabelle-Batta.Torheim@lmd.dep.no

Mr Riccardo BOCCI

Rete Semi Rurali
Via di Casignano, 25
50018 Scandicci Firenze, **Italy**
Phone: +39 328 3876663 Email: r.bocci@semirurali.it

Ms Regine ANDERSEN

Senior Research Fellow, Fridtjof Nansen Institute
P.O. Box 326, 326 Lysaker, **Norway**
Phone: + 47 95118037 Email: regine.andersen@fni.no

Sr. José CAMPERO MARAÑÓN

Responsable de la Unidad de Recursos Genéticos
Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF)
La Paz, Estado Plurinacional de Bolivia
Phone: +591 77700041 Email: jrcampero@hotmail.com

Sra. Teresa AGÜERO TEARE

Encargada asuntos ambientales, recursos genéticos y bioseguridad
Oficina de Estudios y Políticas Agrarias, Ministerio de Agricultura
Teatinos 40 - Piso 8 Santiago, **Chile**
Phone: +56 223973039 Email: taguero@odepa.gob.cl

Ms Lianne FERNÁNDEZ GRANDA

Dpto Recursos Fitogenéticos y Mejoramiento Vegetal-INIFAT
Coordinadora Técnica de Recursos Fitogenéticos-MINAG - INIFAT
Calle 188 N. 38754 e/397 y Linderos Santiago de las Vegas CP 17 200
La Habana, **Cuba**
Phone: +53 7683 0098 Email: genetical1@inifat.co.cu; lfernandez@inifat.co.cu

Sr. Roger Alberto BECERRA GALLARDO

Coordinador del Área de Acceso a Recursos Genéticos
Instituto Nacional de Innovación Agraria - INIA
Av. La Molina N° 1981, Distrito La Molina, Lima, **Perú**
Phone: + 511 240-2100, Anexo 355 Celular: 939269910
Email: rbecerra@inia.gob.pe

Sr. César TAPIA BASTIDAS

Coordinador Científico, Instituto Nacional Autónomo de Investigaciones Agropecuarias
Panamericana Sur Km. 1 vía Tambillo, Cantón Mejía, Quito, **Ecuador**
Phone: +593 23006089 Fax: +593 2504240 Email: denareg@yahoo.com
cesar.tapia@iniap.gob.ec

Mr Khaled ABULAILA

Botanist, Conservation Biologist, Director/Directorate of Plant Diversity
National Center for Agricultural Research & Extension (NCARE)
PO Box 639, Baqa'a, 19381, **Jordan**
Phone: +962 64725071 Mobile: +962 796602987 Fax: +962 64726099
Email : kabulaila@gmail.com; Khaled.Abulaila@narc.gov.jo

Ms Samia Gaafar Mohamed BITIK

National Focal Point of the ITPGRFA
Director of Administration of Quality Control and Export Development
Ministry of Agriculture and Forestry
Khartum, **Sudan**
Phone: +249 912246197 Email: samiabitik@yahoo.com

Maeen Ali Ahmed AL JARMOUZI

National Focal Point for ITPGRFA
Director General, Yemen National Genetic Resources Center
P.O. Box 87148 Dhamar, **Yemen**
Phone: + 967 06423917 Fax: +967 6423914 Email: maeen1@yahoo.com

Mr Parviz KOOHAFKAN

President, World Agricultural Heritage Foundation
c/o Agricultural Research Council of Italy, CREA, Via della Navicella 2-4, 00184, Rome Italy
Phone:+39 3911368821 Email: Koohafkan@worldagriculturalheritage.org

Ms Nancy GARDNER

Director, Office of Intellectual Property and Commercialization, Floor 1, Room 140
3600 Casavant Boulevard West, Saint Hyacinthe qc j2s 8e3 **Canada**
Phone: +1 450 768-9659 Fax: +1 450 768-7851
Email: nancy.gardner@agr.gc.ca

Mr Chris HANNON

Attorney Advisor, Office of Policy and International Affairs
U.S. Patent and Trademark Office
600 Dulany Street, Alexandria, VA, USA 22314
Phone: +1-571-272-7385 Email: Christian.Hannon@uspto.gov

Mr Anthony PARKER

Commissioner, Plant Breeders' Rights Office
Canadian Food Inspection Agency, 59 Camelot Drive Ottawa, Ontario, Canada K1A 0Y9
Phone: +1 613-773-7188 E-mail: Anthony.Parker@inspection.gc.ca

Mr Stephen SMITH

Affiliate Professor, Iowa State University, Department of Agronomy
716 Farm House Lane, 2104 Agronomy Hall, Ames, IA,
USA 50011
Email: stephen.smith@mchsi.com

Mr Paul ZANKOWSKI

Senior Advisor, Office of the Chief Scientist (OCS)
U.S. Department of Agriculture, 1400 Independence Avenue, S.W.
Washington, DC, USA 20250-0116 Phone: 202-692-0204
Email: Paul.Zankowski@osec.usda.gov

Mr John Paul KENDIGA

Director, Economic Research, Policy Planning and Coordination Branch
Department of Agriculture and Livestock, P. O. Box 2033 PORT MORESBY 211
National Capital District **Papua New Guinea**
Phone: + 67 5 300 7846 Fax: + 67 5 325 8511 E-mail: jpkendiga@gmail.com

Mr Charles LAWSON

Griffith Law School
Gold Coast campus, Griffith University qld 4222
Australia
Phone +61 7 5552 7249 F - +61 07 5552 8667 E-mail: c.lawson@griffith.edu.au

Mr Saena Tialino PENAIA

President, Samoa Farmers Federation Inc
Apia, **Samoa**
E-mail: melzi.plantation@gmail.com

Ms Alimata TRAORÉ

Coordination Nationale des Organisations Paysannes-CNOP
Bamako, **Mali**
Phone : + 76 03 07 67 E-mail : alimatou@yahoo.fr

Mr Sergio ALONZO

Manager of Technical Activities, Asociación de Organizaciones de los Cuchumatanes
(ASOCUCH) 9Av. 7-82 Zona 1 Chiantla, Huehuetenango, **Guatemala**
Phone: +502 50069165 E-mail: alonzo.sergio@gmail.com

Mr Pitambar SHRESTHA

Senior Programme Officer, Local Initiative for Biodiversity, Research and Development (LI-BIRD), PO Box 324, Pokhara, Nepal
Phone: +977 61 526834, 535357 Fax: +977 61 539956 E-mail: pitambar@libird.org

Ms Yolanda HUERTA

Legal Counsel and Director of Training and Assistance
International Union for the Protection of New Varieties of Plants
34, chemin des Colombettes 1211 Geneva 20, Switzerland
Phone: +41 22 3389111 Email: yolanda.huerta@upov.int

Ms Szonja CSÖRGÖ

Director IP & Legal Affairs, European Seed Association
23, Rue du Luxembourg 1000 Brussels, Belgium
Phone: +32 2 743 28 60 Email: szonjacsorgo@euroseeds.eu

OBSERVERS**Mr Michael HALEWOOD**

Head of Policy Unit, Bioversity International
Via dei Tre Denari, 472/a 00054 Maccaresse (Fiumicino), Italy
Phone: +39 06 61181 Fax : +39 06 6118402 Email: m.halewood@cgiar.org

Ms Begoña VENERO AGUIRRE

Senior Counsellor, Traditional Knowledge Division, World Intellectual Property Organization
34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland
Email: begona.venero@wipo.int

Ms Jennifer RUBIS

Programme Specialist, Section on Small Islands and Indigenous Knowledge
UNESCO
7 place Fontenoy 75007 Paris, France
Phone: +33 145681161 Email: j.rubis@unesco.org

Mr Frédéric MALTERRE

Adjoint au chef de bureau des semences et de la protection intégrée des cultures
Ministère de l'agriculture et de l'alimentation, Direction générale de l'alimentation
Service des actions sanitaires en production primaire Sous-Direction de la qualité, de la santé et
de la protection des végétaux
251 rue de Vaugirard, 75732 Paris, France
Phone : +33 149 55 49 55 Email : frederic.malterre@agriculture.gouv.fr

Mr Satoshi NAKANO

Section chief, Ministry of Agriculture, Forestry and Fisheries
Tokyo, Japan Email: satoshi_nakano870@maff.go.jp

Mr Julian B. JAFTHA

Chief Director, Plant Production & Health
Department of Agriculture, Forestry and Fisheries
Harvest House Room 234, Hamilton Street Arcadia, 0001 Pretoria, South Africa
Phone: +27 12 319 6536 Fax: +27 12 319 6347 Email : JulianJ@daff.gov.za

Mr Thomas WEBER

Policy Officer - Plant Health, Directorate General for Health and Food Safety (SANTE)
European Commission, Rue de la Loi, 2000
Brussels, Belgium Email: Thomas.Weber@ec.europa.eu

Mrs. Saadia ELMUBARAK AHMED DAAK

Agricultural Counsellor, Embassy of the Republic of the Sudan
Via Panama 48, Rome 00198, Italy
Phone: +39 06 33222138 Fax: +39 06 3340841
E-Mail: permrepoffice_sudanembassyrome@yahoo.it

M. François BURGAUD

Directeur des Relations Extérieures, Groupement national interprofessionnel des semences et plants
44 rue du Louvre, 75001 Paris, France
Phone: +33 142337694 Email: francois.burgaud@gnis.fr

Ms Normita IGNACIO

Executive Director, Southeast Asia Regional Initiatives for Community Empowerment
14-D Maalalahanin St., Teachers Village West, Diliman, Quezon City, Philippines
Phone: +63 29226710 Email: nori_ignacio@searice.org.ph

Ms Mariam MAYET

Executive director, African Centre for Biodiversity
Johannesburg, South Africa
Phone: +27 (0)83 2694309 Email: mariam@acbio.org.za

Ms Sangeeta SHASHIKANT

Third World Network
36, rue de Lausanne, Geneva 120, Switzerland
Email: ssangeetash@gmail.com; sangeeta@twnetwork.org

Ms Elin Cecilie RANUM

Head of the Programme, The Development Fund
Mariboegate 8, 0183 Oslo, Norway
Phone: +47 96009600 Email: elin@utviklingsfondet.no

Ms Grace WAITHIRA GITU

African Seed Trade Association, Commodore Office Suites
7-D, 7th Floor, Kindaruma Road, P.O. Box 2428 – 00202
Nairobi, Kenya Email: gitu@afsta.org

Mr Michael KELLER

Secretary General, International Seed Federation
Chemin du Reposoir 7, 1260 Nyon, Switzerland
Email: m.keller@worldseed.org

Ms Anke VAN DEN HURK

Deputy Director, Plantum
Vossenburchkade 68, 2805 PC Gouda, The Netherlands
Phone: +31 182 688668 Email: a.vandenhurk@plantum.nl

Mr Antonio GONZALEZ

Movimento Agroecológico da América Latina e do Caribe (MAELA)
Guatemala
Email: atunkuljay@gmail.com

Mr Guy KASTLER

Confédération Paysanne, France
Email : guy.kastler@wanadoo.fr

Mr Muhammad QAMARUN NAJMI

Serikat Petani Indonesia, Indonesia

Email: mqomarunnajmi@gmail.com

Ms Tammi JONAS

Australian Food Sovereignty Alliance (AFSA)

Australia Email: tammois@gmail.com

Mr Stefano MORI

Centro Internazionale Crocevia, Rome, Italy

Email: s.mori@croceviaterra.it

Giulia SIMULA

Centro Internazionale Crocevia, Rome, Italy

Email: g.simula@croceviaterra.it

Mr Antonio ONORATI

Centro Internazionale Crocevia, Rome, Italy

Email: antonio.onorati48@gmail.com

Mr Mauro CONTI

Centro Internazionale Crocevia, Roma, Italy

Email: m.conti@croceviaterra.it

Mr Philip SEUFERT

FIAN International, Germany

Email: seufert@fian.org

Ms Mariapaola BOSELLI

Centro Internazionale Crocevia

Roma, Italy

Email: mariapaola.boselli@gmail.com

Ms Sofia MONSALVE

FIAN International, Germany

Email: monsalve@fian.org

Mr Ruaraidh SACKVILLE HAMILTON

Genebank Manager IRRI

Co-coordinator CGIAR Genebank Platform Policy Module

Los Baños, Philippines

Email: r.hamilton@irri.org

Ms Devra JARVIS

Principle Scientist, Genetic Diversity, Productivity and Resilience

Bioversity International

Via dei Tre Denari, 472/a, 00054 Maccarese (Fiumicino), Italy

Email: d.jarvis@cgiar.org

*Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture***Mr Kent NNADOZIE**

Secretary

International Treaty on Plant Genetic Resources for Food and Agriculture

Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla 1

00153 Rome, Italy

Phone: +39 06570 53441 Fax: +39 0657056347

E-mail: kent.nnadozie@fao.org**Mr Mario MARINO**

Technical Officer

International Treaty on Plant Genetic Resources for Food and Agriculture

Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla 1

00153 Rome, Italy

Phone: +39 06570 55084

Email: mario.marino@fao.org**Ms Mary Jane RAMOS DELACRUZ**

Technical Officer

International Treaty on Plant Genetic Resources for Food and Agriculture

Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla 1

00153 Rome, Italy

Phone: +39 06570 54273

Email: maryjane.ramosdelacruz@fao.org**Mr Tobias KIENE**

Technical Officer

International Treaty on Plant Genetic Resources for Food and Agriculture

Food and Agriculture Organization of the United Nations

Viale delle Terme di Caracalla 1

00153 Rome, Italy

Phone: +39 06570 55586

Email: tobias.kiene@fao.org**Ms Titilayo ADEBOLA**

Consultant

Associate Fellow, Higher Education Academy

Tutor, School of Law

The University of Warwick

CV4 7AL, United Kingdom

Email: T.A.Adebola@warwick.ac.uk**Ms Anja CHRISTINCK**

Consultant

Gichenbach 34, 36129 Gersfeld, Germany

Phone: +49-6656-911516

Internet: www.seed4change.deE-mail: mail@seed4change.de

*Appendix 3***Presentation of experts on national measures, best practices and lesson learned on the implementation of Farmers' Rights**

Expert	Provisions of Article 9 covered	Title of presentation	Organization	Country
Mr. Stephen Smith	9.1	Comments on Article 9.1	Iowa State University	United States of America
Mr. Pitambar Shrestha	9.1	Policies and Practices Recognizing Farming Communities Managing Agricultural Biodiversity in Nepal	Li-Bird	Nepal
Mr. Riccardo Bocci	9.2a	Protection of traditional knowledge: some insights from Italy	Rete Semi Rurali	Italy
Ms Teresa Aguero	9.2a	Experiences and lessons learned on the implementation of Farmers' Rights, Art. 9 ITPGRFA, in Chile	Ministry of Agriculture	Chile
Ms. Szonja Csörgö	9.2b	Perspectives on Farmers' Rights	International Seed Federation	
Mr. Michael Halewood	9.2b	CGIAR contributions to Article 9.2.b: farmers' right to benefit from PGRFA use	CGIAR	
Ms. Svanhild Isabelle Batta Torheim	9.2b	National measure in support of farmers' rights to benefit sharing	Ministry of Agriculture and Food	Norway
Mr. Sergio Alonzo	9.2c	Caso Práctico de Implementación de Derechos de los Agricultores en la Sierra de los Cuchumatanes, Guatemala	ASOCUCH	Guatemala
Mr. Parviz Koohafkan	9.2c	Innovative approaches and tools for the implementation of Farmers' Right in the Near East Region	World Agricultural Heritage Foundation	Iran

Ms Alimata Traoré	9.3	Systèmes semenciers paysans et mise en œuvre des droits des agriculteurs dans la cadre juridique national –Cas du Mali	COFERSA – COASP-Mali –CNOP -CIP	Mali
Mr Anthony Parker	9.3	Sharing Canada’s Experience: ITPGRFA Article 9	Canadian Food Inspection Agency	Canada
Mr. R.C. Agrawal	9.3	Indian experience in implementation of Article 9 of Treaty and lessons learnt	Protection of Plant Varieties and Farmers’ Rights Authority	India

Structure of the inventory

Type			Title of measure/practice	Short description of measure/practice	Country	Links
Technical	Administrative	Legal, etc				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

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