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Organización  
de las  
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Unidas  
para la  
Agricultura  
y la  
Alimentación

### Item 14 of the Provisional Agenda

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

### SECOND SESSION OF THE GOVERNING BODY

Rome, Italy, 29 October – 2 November 2007

### IMPLEMENTATION OF ARTICLE 9 OF THE FAO INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE: FARMERS' RIGHTS

1. The attached document, entitled *Implementation of Article 9 of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture: Farmers Rights*, has been circulated at the request of the Governments of Norway and Zambia, in the language in which it was received.

2. According to their request to the Secretariat:

*"This paper is developed by Zambia and Norway as an input to the discussion on the implementation of ITPGRFA article 9 on Farmers' Rights in the Second meeting of the Governing Body. The paper reflects outcomes from a co-hosted informal international consultation on Farmers' Rights in Lusaka, Zambia in September 2007. This is not a consensus document or a negotiated paper, but it contains important elements that were proposed and discussed during the consultation and that might be useful for further consideration of the Governing Body."*

*Annex I: Input paper submitted by Norway and Zambia, based on the outcome of an informal international consultation on Farmers' Rights held in Lusaka, Zambia, September 2007*

For reasons of economy, this document is produced in a limited number of copies. Delegates and observers are kindly requested to bring it to the meetings and to refrain from asking for additional copies, unless strictly indispensable.

Documents are available on Internet at <http://www.planttreaty.org>

**Annex I**

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**INPUT PAPER SUBMITTED BY NORWAY AND ZAMBIA, BASED ON THE  
OUTCOME OF AN INFORMAL INTERNATIONAL CONSULTATION ON FARMERS'  
RIGHTS HELD IN LUSAKA, ZAMBIA, SEPTEMBER 2007**

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**I. INTRODUCTION**

1. The realization of Farmers' Rights is critical to ensuring the conservation and sustainable use of plant genetic resources for food and agriculture. This diversity is particularly essential for traditional small-scale farming, on which large numbers of people all over the world and in particular in developing countries depend for their livelihood. According to Article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty), the implementation and realization of Farmers' Rights rests with the national governments. Measures for the realization of Farmers' Rights suggested under Article 9 include protection of traditional knowledge, equitable benefit-sharing, participation in decision-making, and the right to save, use, exchange and sell farm-saved seeds and propagating material. So far, studies and findings show that at the national level there has been only limited documented experience with, capacity regarding and understanding of the modalities for implementation of provisions regarding Farmers' Rights. Thus, at the international level there is a need for the Governing Body to offer advice or assistance regarding the implementation of Article 9, as well as other provisions of the Treaty where Farmers' Rights may play an important role.

2. An informal international consultation on Farmers' Rights was held in Lusaka, Zambia, from 18 to 20 September 2007, jointly organized and co-hosted by the Ministry of Agriculture and Food and the Fridtjof Nansen Institute, both from Norway; and the Zambia Agriculture Research Institute of the Ministry of Agriculture and Cooperatives. The main objective was to contribute towards preparing the agenda item on Farmers' Rights for the Second Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture, scheduled for October/November 2007 in Rome, Italy. Then intention was to achieve this by providing practical suggestions on what the Governing Body could do to support the implementation of Farmers' Rights at the national level, and by identifying shared views related to the understanding of Farmers' Rights, including actions required to raise awareness on the importance and relevance of Farmers' Rights.

3. A total of twenty-seven participants, invited in their personal capacities and drawn from governments, NGOs, international organizations, research institutions and other private and public institutions, from twenty countries of different regions and with various backgrounds and expertise, took part in the discussion.

4. The consultation dealt with a range of topics related to Farmers' Rights, including the following:

- i) The history of Farmers' Rights, and differing perceptions on their content, as well as the identification of elements of a common understanding of what Farmers' Rights entail and why they matter.
- ii) A better understanding of farmers' contribution to the conservation and sustainable use of crop genetic resources and farmers' roles in *in situ* and on-farm conservation, in plant development and improvement, as well as farmers' contribution to maintaining the global genetic pool, and the preconditions for current and future contributions from farmers.

- iii) The state of realization of Farmers' Rights, including protection of farmers' traditional knowledge related to plant genetic resources for food and agriculture, their participation in benefit-sharing and decision-making and the rights of farmers to save, use, exchange and sell seeds and propagating materials, as well as other key issues in these areas.
- iv) Pooling resources for realizing Farmers' Rights at the national level, highlighting the role of farmers' organizations, NGOs, breeders and researchers, as well as possibilities for networking and cooperation.
- v) Views on what the Governing Body can do to assist and guide countries in realizing Farmers' Rights in terms of key issues that can be addressed in the Governing Body, as well as possible measures to be initiated by the Governing Body, and how a fruitful process in the Governing Body could be ensured.

5. Discussions were facilitated through presentations made by several experts among the participants, drawing on their experiences and perceptions on relevant topics.

## **II. WHY FARMERS RIGHTS?**

6. The International Treaty on Plant Genetic Resources for Food and Agriculture ('The Treaty') recognizes the incalculable contributions – past, present and future – of farmers around the globe in conserving and developing plant genetic resources for food and agriculture as the basis of food and agriculture production in the world. This recognition constitutes the basic foundation of Farmers' Rights.

7. Examples abound of how farmers maintain and develop plant genetic diversity in traditional farming systems. In Nepal, farming communities have been improving the diversity of their crops by careful selection and breeding. In Peru, farmers have developed complex systems using crop diversity to adapt to climate change. The vast majority of farmers in developing countries still maintain and develop agricultural biodiversity as a part of their traditional practices, as do a small minority of farmers in industrial countries. Due in part to the enormous transformations of agricultural systems world-wide, the possibilities for farmers to maintain this role are increasingly reduced.

8. In the context of the Treaty, Farmers' Rights are basically about enabling farmers to maintain, develop, and utilize plant genetic diversity, and about recognizing and rewarding them for their contribution to the global genetic pool and food security. Thus, the realization of Farmers' Rights is a cornerstone in implementation of the Treaty.

9. Furthermore, since 75 per cent of the world's poorest 1.2 billion people live in rural areas and depend on farming, it is self-evident that enabling farming communities to maintain, develop, and utilize crop diversity to meet their daily needs is critical for the achievement of the UN Millennium Goal on poverty and hunger eradication. Thus, Farmers' Rights are also central to the fight against poverty.

10. Diversity between and among crops is a means to spread the risk of crop failure due to pests and diseases or adverse climatic conditions such as drought. This is vital for communities living in marginal environments, in order to have plants that can adapt to difficult and changing conditions. Thus, maintaining diversity contributes to better livelihood.

### **III. SUGGESTED MEASURES FOR THE IMPLEMENTATION OF FARMERS' RIGHTS**

11. The informal international consultation on Farmers' Rights discussed possible measures that the Governing Body could take. The result was the following list of potential actions, which had general support among the participants:

- a. In recognition of the crucial role of Farmers' Rights in contributing to the continued availability of plant genetic resources for food and agriculture and implementation of the Treaty, the Contracting Parties should give priority to promoting Farmers' Rights at both the national and the international levels. The Governing Body should give priority to the implementation of Article 9 as well as to other provisions of the Treaty where Farmers' Rights will play an important role for their implementation – and through which Farmers' Rights can be realized – such as Articles 5 and 6.
- b. The participation of farmers in the discussions and work of the Treaty is crucial for the realization of Farmers' Rights. Through its Secretariat, the Governing Body could facilitate the involvement of farmers' organizations in its work related to the realization of Farmers' Rights. This could be done through various measures, such as: (1) encourage parties to include representatives of farmers' organizations in their delegations and invite regional and international farmers' organizations to participate as observers; (2) encourage inputs prepared by farmers' organizations on their perspectives related to Farmers' Rights, to be compiled into working documents for the Governing Body; (3) organize consultations prior to sessions of the Governing Body to elicit farmers' perspectives on agenda items related to Farmers' Rights; (4) compile farmers' views on agenda items of Governing Body sessions through questionnaire surveys, to be made into working documents for the Governing Body; and (5) involve regional and international farmers' organizations in any working group on Farmers' Rights.
- c. The Governing Body may encourage the Contracting Parties to submit reports on the realization of Farmers' Rights in their countries. For this purpose it should request the Secretariat to develop a reporting format and to monitor the reporting process. The Governing Body may consider country reports on the realization of Farmers' Rights at its regular sessions.
- d. The Governing Body should guide and assist Contracting Parties in their implementation of Article 9 and related provisions.
- e. The Governing Body could develop guidelines on the realization of Farmers' Rights at the national level, with particular emphasis on how Farmers' Rights can be realized through relevant provisions of the Treaty. It is recommended that this be done through an *ad hoc* Working Group, which could be converted into a permanent Working Group to support the Governing Body in assisting Contracting Parties in their realization of Farmers' Rights. The process should be transparent, participatory and inclusive.
- f. The Governing Body should address the immediate importance of mobilizing funds within its funding strategy to facilitate implementation of the Treaty, with particular emphasis on the realization of Farmers' Rights. This could include the development of financial mechanisms to attract donors, and review of the voluntary payments system with a view to broadening the mandatory payment in the benefit-sharing mechanism in accordance with Article 13.2 d ii.
- g. The Governing Body could organize documentation, sharing of experiences and highlighting good practices and challenges through an agreed reporting framework. The framework for an information management system could also be developed.

- h. The Governing Body could organize a world forum on Farmers' Rights to create awareness on the importance of these rights and encourage the sharing of experiences on progress made and remaining challenges. Such a forum could be developed through a consultative process from the local, via the national and regional, and up to the international level.

#### **IV. OTHER ISSUES**

12. In addition, there was general consensus among participants on several additional important issues that could be addressed to realize Farmers' Rights:

- a. Promoting awareness on the importance of Farmers' Rights and related issues as provided under the Treaty. In this context there is a need for recognition of the importance of cultural traditions in the conservation and sustainable use of plant genetic resources for food and agriculture within the traditional farming sector.
- b. Taking measures to provide space for farmers' customary practices related to plant genetic resources for food and agriculture. In this context there is a need to consider how legal, commercial and technological measures that restrict customary use of plant genetic resources for food and agriculture can be assessed and amended in order to provide sufficient space for farmers' contributions to plant genetic diversity in agriculture.
- c. Linking the realization of Farmers' Rights to the implementation of related Articles of the Treaty dealing with the conservation and sustainable use of Plant Genetic Resources for Food and Agriculture (Articles 5 and 6), with the implementation of the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (Article 14), with national commitments, international co-operation and technical assistance (Articles 7 and 8), and with benefit-sharing and the funding strategy (Articles 13 and 18).
- d. Recognizing the diversity of seed production and distribution systems, ranging from very formal to very informal activities, in order to promote balanced policy and legal frameworks and cooperation between actors and activities: these are all important elements in the chain of seed production and supply.
- e. Requesting national public institutions, through the respective Contracting Parties, and international gene banks to report back on what material has been provided to farmers, and how these institutions work to create awareness among farmers on what is available to them.
- f. Collecting information on materials and associated knowledge obtained from farmers and used by private and public organizations in breeding processes, at the national and international levels.

## **V. SUGGESTED ACTIONS TO BE UNDERTAKEN BY THE GOVERNING BODY**

13. On the basis of the above, the Governing Body may wish to consider the following proposals on how it can assist countries in the realization of Farmers' Rights:

- The Governing Body may wish to ask the Secretary to collect information on national action plans, programmes and legislation related to Farmers' Rights as well as information on how international bodies and institutions could assist Contracting Parties in implementing Article 9 and the other provisions of the Treaty through which Farmers' Rights can be realized.
- The Governing Body may wish to consider how to guide and assist Contracting Parties in their implementation of Article 9 and related provisions. In this regard, the Governing Body may wish to consider developing guidelines for national implementation of Article 9 on Farmers' Rights. The guidelines should also take into account how the related provisions of the Treaty will assist in the implementation of Article 9 and how Farmers' Rights can be beneficial for implementation of these related articles. The guidelines could include practical and technical advice on steps and measures that Contracting Parties could take, in accordance with their needs and priorities.
- The Governing Body may wish to consider establishing an *ad hoc* working group mandated to develop the above draft guidelines through a transparent, participatory and inclusive process.