



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**

**SECOND MEETING OF THE *AD HOC* TECHNICAL EXPERTS GROUP ON
FARMERS' RIGHTS**

Rome, Italy, 20–23 May 2019

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

I. INTRODUCTION

1. 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.
2. At its first meeting, the Expert Group shared preliminary thoughts on the issue and agreed that full consideration would be given to its development at this meeting.¹
3. This document explores the possible meanings of “options” and provides information on examples derived from other international processes and fora that have developed similar documents.
4. The Expert Group may wish to use this document as a possible basis for discussion and as an input for developing options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty. The document, IT/GB-8/AHTEG-2/19/3, *Inventory of national measures, best practices and lessons learned* could provide additional possible basis for the discussions.

II. THE MEANING AND USAGE OF OPTIONS

a) Differentiating “Options” from “Guidelines”

5. The Expert Group requested the Secretariat to provide explanation on what could be understood by “options” and how they differ from “guidelines”.
6. The word “option” means “action of choosing,” originated from 16th century, from Latin (*optionem*), from the stem of *optio* means “choice, free choice, liberty to choose, “from root of *optare* to desire, choose”.² Several dictionaries expressed similar meaning of the word “option”, such as, the power, right, or opportunity to choose; choice; alternative; recourse; possibility;

¹ IT/GB-8/AHTEG-FR-1/18/Report, para. 18.

² <https://www.etymonline.com/word/option>

course of action; right to choose; freedom of choice; liberty; pick; preference; or can be described as one thing that can be chosen from a set of possibilities; or the freedom to make a choice.³

7. Several international organizations use the term “options” when they want to present courses of actions or a set of possible measures to meet or achieve desired objectives compared to the use of Guidelines, where it intended to provide guidance.

8. The term “guidelines” means information intended to advise people on how something should be done or what something should be;⁴ a general rule, piece of advice;⁵ It can be synonymous to “recommendation, advice, proposal, direction”, e.g., if an organization issues guidelines on something, it issues official advice about how to do it.⁶

b) Guidelines and similar documents within FAO – to assist countries to achieve objectives of international agreements or to assist countries to achieve specific objectives.

International Treaty on Plant Genetic Resources for Food and Agriculture

9. The International Treaty has limited experience in developing guidelines or similar documents to assist Contracting Parties in its implementation. However, it has developed training materials to assist Contracting Parties to promote and enhance understanding of the International Treaty. Training materials such as a series of educational modules,⁷ including on Farmers’ Rights, and a toolbox to support the implementation of the provisions on conservation and sustainable use of PGRFA.⁸

Commission on Genetic Resources for Food and Agriculture (CGRFA).

10. To address the main gaps and challenges identified in the global assessments, the Commission on Genetic Resources for Food and Agriculture may agree on policy responses and has endorsed several, such as Global Plans of Action, guidelines, standards or codes of conduct through which governments commit or are expected to take action to promote the conservation and sustainable use of genetic resources in the respective sectors.⁹

Committee on World Food Security (CFS)

11. To ensure food security and nutrition for all, the CFS develops and endorses policy recommendations and guidance, frameworks of action, and voluntary guidelines on a wide range of topics, aimed at improving food security and nutrition.¹⁰

³ Dictionaries: <https://www.merriam-webster.com/thesaurus/option>;
<https://ahdictionary.com/word/search.html?q=option>;
https://www.oxfordlearnersdictionaries.com/definition/english/option_1?q=option;
<https://en.oxforddictionaries.com/definition/option>; <https://en.oxforddictionaries.com/thesaurus/option>;
<https://www.merriam-webster.com/thesaurus/option>; <https://www.dictionary.com/browse/option>;
<https://dictionary.cambridge.org/it/dizionario/inglese/option>

⁴ Cambridge dictionary (<https://dictionary.cambridge.org/it/dizionario/inglese/guideline>)

⁵ <https://en.oxforddictionaries.com/definition/guideline>

⁶ Collins dictionary (<https://www.collinsdictionary.com/dictionary/english/guideline>)

⁷ <http://www.fao.org/plant-treaty/tools/training/educational-modules/en/>

⁸ <http://www.fao.org/plant-treaty/tools/toolbox-for-sustainable-use/overview/en/>

⁹ <http://www.fao.org/cgrfa/policies/global-instruments/codes-standards-and-guidelines/en/>

¹⁰ <http://www.fao.org/cgrfa/policies/global-instruments/codes-standards-and-guidelines/en/>

c) *Other intergovernmental organizations' documents to support countries to achieve the objectives of international agreements or to assist countries to achieve specific objectives.*

Convention on Biological Diversity (CBD).

12. To assist countries, international organizations and relevant sectors, the CBD develops guidelines, approaches, principles, tools and similar supporting documents, aimed to support and effectively implement the different provisions and agreements under the Convention.¹¹

International Union for the Protection of New Varieties of Plants (UPOV).

13. To provide and promote an effective system of plant variety protection, UPOV develops explanatory notes, e.g. *Explanatory Notes on the Exceptions to the Breeder's Right*¹² and guidelines, e.g. *General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants*.¹³

Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES).

14. To provide policy-relevant information, but not policy-prescriptive advice, mindful of the respective mandates of the multilateral environmental agreements, IPBES publishes a production assessment guide structured in four different stages, with detailed guidance at each stage.

III. SELECTED DOCUMENTS THAT MIGHT ASSIST IN THE DEVELOPMENT OF OPTIONS

15. Currently, several international organizations use the term "Guidelines". In FAO, almost all thematic areas/sectoral programmes have established Guidelines, some of them were presented during the first meeting of the AHTEG.¹⁴ In these documents, "Guidelines" were used to provide guidance to governments, policy advisors, decision-makers, practitioners, and other stakeholders seeking answers or solutions to various issues.

a) *FAO Guidelines and similar documents*

16. Examples from the International Treaty

- *Training materials.*¹⁵ The Secretariat has developed a series of educational modules in collaboration with international experts and stakeholders across the regions. To date, four modules have been produced, on: *The Introduction to International Treaty on Plant Genetic Resources for Food and Agriculture; Conservation and Sustainable Use of PGRFA; The Funding Strategy of the International Treaty; and Farmers' Rights*. Each module consists of several self-contained lessons that elaborate on the provisions of the International Treaty and provide best practices and concrete examples derived from several experiences. The educational modules could serve as a useful back up and accompanying information material for the Options, to better understand the relevant provisions under the International Treaty, and/or to link the course of actions with the other provisions.

¹¹ <https://www.cbd.int/guidelines/default.shtml>

¹² https://www.upov.int/edocs/expndocs/en/upov_exn_exc.pdf

¹³ https://www.upov.int/resource/en/dus_guidance.html

¹⁴ IT/GB-8/AHTEG-FR-1/18/5. Available at: http://www.fao.org/fileadmin/user_upload/faoweb/plant-treaty/AHTEG-FR-1/AHTEG-FR-1-5_Options_Implementation_FRs.pdf

¹⁵ <http://www.fao.org/plant-treaty/tools/training/en/>

- *Toolbox for Sustainable Use of PGRFA*.¹⁶ This is an online database aimed to facilitate access to information resources of relevance to promoting and enhancing the sustainable use of PGRFA. Resources are classified according to the relevant subject areas and specific subject categories as well as by the primary geographic area of relevance, language, publication date and format. Most of the resources are open access and freely available. The toolbox could offer possible search function for available guidance on policies, strategies and activities that can promote and enhance sustainable use of PGRFA and on the implementation of Farmers' Rights.

17. Examples from the Commission on Genetic Resources for Food and Agriculture

- *Guidelines for Developing a National Strategy for Plant Genetic Resources for Food and Agriculture*.¹⁷ The guidelines aim to assist countries to implement the Second Global Plan of Action through a national strategy, in harmony with other relevant national and international commitments. They stipulate that a country, according to its needs, capacities and constraints, should identify a national vision, goals and objectives, and the corresponding action, including resources.
- *Voluntary Guide for National Seed Policy Formulation*.¹⁸ The Guide was developed to assist governments in formulating policies which would help create an enabling environment for seed sector development, and to ensure farmers would have access to affordable quality seeds and planting materials of the most suitable crop varieties essential for improving their food and nutrition security and livelihoods.

18. The *Guidelines for Developing a National Strategy for Plant Genetic Resources for Food and Agriculture* and the *Voluntary Guide for the National Seed Policy Formulation* were endorsed by the Commission at its 15th Regular Session in January 2015, which highlights the importance of conservation and sustainable use of PGRFA and signals global agreement on the importance of an effective seed systems. They recognize that in many developing countries, there is a lack of adequate seed policies – i.e., principles that guide government action and define the roles of stakeholders. The absence of such policies weakens countries' capacity to provide smallholders with adequate access to quality seeds of the crops most suited to their farming systems, conditions and needs. Both of these guiding documents could provide additional non-prescriptive elements to developing the options for the national implementation of Farmers' Rights.

19. Examples from the Committee on World Food Security

- *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*.¹⁹ The Voluntary Guidelines represent the first attempt by governments to interpret an economic, social and cultural right and to recommend actions to be undertaken for its realization. The objective of the Voluntary Guidelines is to provide practical guidance to States in their implementation of the progressive realization of the right to adequate food in the context of national food security, in order to achieve the goals of the World Food Summit Plan of Action. Relevant stakeholders could also benefit from such guidance. The Voluntary Guidelines cover the full range of

¹⁶ <http://www.fao.org/plant-treaty/tools/toolbox-for-sustainable-use/overview/en/>

¹⁷ <http://www.fao.org/3/a-i4917e.pdf>

¹⁸ <http://www.fao.org/3/a-i4916e.pdf>

¹⁹ <http://www.fao.org/3/a-y7937e.pdf>

actions to be considered by governments at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so. The objectives and framework of actions of these guidance have direct relevance and bearing on Farmers' Rights, both in terms of policy and development action support. Some possible elements can be derived from these guidelines to better understand the possible options to implement Farmers' Rights.

- *Principles for Responsible Investment in Agriculture and Food System.*²⁰ This document outlines ten principles of responsible investment in agriculture and food systems, by addressing the four dimensions of food security and nutrition, availability, access, stability, and utilization. The document also outlines that responsible investment in agriculture and food systems, requires *respecting, protecting, and promoting human rights*, including the progressive realization of the right to adequate food in the context of national food security, in line with the Universal Declaration of Human Rights and other relevant international human rights instruments. Responsible investment can be undertaken by a wide range of stakeholders. Principle 7 directly promotes Article 9 of the International Treaty.
- *Policy Recommendations: Investing in Smallholder Agriculture.*²¹ In order to improve food security and nutrition, CFS encouraged governments, together with smallholder organizations and other national and international organizations to promote better investments with smallholder agriculture by endorsing a 20-point policy recommendations. Recommendation 11 notes farmers' and breeders contribution to conserving and developing PGRFA. It encourages smallholders, particularly women farmers' ability to access, breed, produce, conserve, purchase, sell and use the seeds they need, including local, indigenous and modern varieties, in accordance with applicable national and international law.

20. The guidelines, principles and policy recommendations endorsed by the CFS, are unique documents specifically targeted the smallholder farmers, through multi-stakeholder participatory and consultative processes, and stipulate principles and policy recommendations that are supportive to the implementation of Farmers' Rights.

Other Intergovernmental Organizations and Platform

21. Examples from the Convention on Biological Diversity
- *The Rutzolijirisaxik Voluntary Guidelines for the Repatriation of Traditional Knowledge of Indigenous Peoples and Local Communities Relevant for the Conservation and Sustainable Use of Biological Diversity.*²² The document is more detailed voluntary guidelines that take into account the various international bodies, instruments, programmes, strategies, standards, guidelines, reports and processes of relevance, which have the mandate to deal with intellectual property issues and the importance of their harmonization, complementarity and effective implementation, including the United Nations Declaration on the Rights of Indigenous Peoples. The guidelines are a guide to good practice which will need to be interpreted taking into account the prevailing political, legal, economic, environmental and cultural diversity, within a country.

²⁰ <http://www.fao.org/3/a-au866e.pdf>

²¹ <http://www.fao.org/3/a-av034e.pdf>

²² <https://www.cbd.int/doc/decisions/cop-14/cop-14-dec-12-en.pdf>

- *MO'OTZ KUXTAL Voluntary Guidelines*.²³ The guidelines are voluntary and are intended to provide guidance for the development of mechanisms, legislation, administrative and policy measures or other appropriate initiatives to ensure that potential users of knowledge, innovations and practices that are held by indigenous peoples and local communities, embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. This is to ensure that the “prior and informed consent”, “free, prior and informed consent” or “approval and involvement” are obtained, depending on national circumstances, where appropriate, from these indigenous peoples and local communities, in accordance with national legislation. The Guidelines also aim to ensure that these indigenous peoples and local communities obtain a fair and equitable share of benefits arising from the use and application of such traditional knowledge and for reporting and preventing unlawful appropriation of traditional knowledge relevant for the conservation and sustainable use of biological diversity.

22. The CBD guidelines are neither prescriptive nor definitive, but offer practical guidance to Parties of the Convention and may provide some framework to developing the options of the implementation of Farmers' Rights. The guidelines could offer possible support to strengthen options for protecting traditional knowledge related to PGRFA, for example, but it may also support the *in situ* and on farm conservation of traditional crops of global and local significance and, possibly, may strengthen coordination at national level.

23. Examples from the International Union for the Protection of New Varieties of Plants (UPOV).

- Explanatory Notes on the “Exceptions to the Breeder's Right” under the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV Convention).²⁴ The Explanatory Notes provide guidance on the exceptions as set forth in the 1991 Act.
- *DUS Guidance*.²⁵ *General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants* (General Introduction), and the associated series of documents specifying Test Guidelines' Procedures (TGP documents), are to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Conventions. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention.

24. Intergovernmental Platform for Biodiversity and Ecosystem Services (IPBES).

- The Intergovernmental Platform for Biodiversity and Ecosystem Services (IPBES) Guide on the Production of Assessments.²⁶ The guide aims to help address conceptual, procedural and practical aspects of the IPBES assessments at all scales, and to promote consistency across different scales. The guide serves as a roadmap and focuses on key elements that assessment practitioners may want to take into account when undertaking an assessment within the context of IPBES. The guide is explained in 4 different steps, including setting out the roles and responsibilities of the different actors involved in an assessment. The guide on production of assessments is supported with information resources (such as e-learning modules, webinars, etc.). The idea of adding information resources at each stage of action, could be useful when an option of measures and practices to implement Farmers' Rights is chosen, know-how and technical support may be required e.g. social media, educational modules, and other information resources and tools.

²³ <https://www.cbd.int/doc/decisions/cop-13/cop-13-dec-18-en.pdf>

²⁴ https://www.upov.int/edocs/expndocs/en/upov_exn_exc.pdf

²⁵ https://www.upov.int/resource/en/dus_guidance.html

²⁶ https://www.ipbes.net/system/tdf/180719_ipbes_assessment_guide_report_hi-res.pdf?file=1&type=node&id=28500

25. In the abovementioned examples, the difference between options and guidelines can be perceived. When options are used, they present several choices of actions to select from while guidelines provide guide to assist but without necessarily a list of possible options to choose from. Some of the guidelines are classified as “voluntary” to connote their *non-prescriptive* or *non-binding* nature.

26. The use of the words “models”, “guide”, “principles”, “handbook”, “recommendations”, “approaches” or “methodologies” can also be noted in these examples, though based on objective analysis and/or lessons learned, were used to propose an action/step by step procedure, without necessarily referring to possible alternative actions or choices of actions.

27. The documents listed above are only a set of documents which uses the word guidelines, options, and synonymous terms that the AHTEG could examine in its deliberations towards developing the Options.

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

28. On the basis of the mandate given to it, the Expert Group is invited to discuss and develop options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty. A possible outline that could be used by the *Ad Hoc* Technical Experts Group on Farmers’ Rights as basis for developing the options is presented in the *Annex I*.

29. The Expert Group, in developing options for encouraging, guiding and promoting the realization of Farmers’ Rights, may also consider the categories in *Annex 1* of IT/GB-8/AHTEG-FR-2/19/3. It may also wish to indicate any additional support it might require to finalize its report to the Eighth Session of the Governing Body.

This Annex contains possible elements that the *Ad Hoc* Technical Experts Group on Farmers' Rights (AHTEG) may consider as the basis for developing the *Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights*. An outline of the introductory sections to the Options is also provided.

OPTIONS FOR ENCOURAGING; GUIDING AND PROMOTING THE REALIZATION OF FARMERS' RIGHTS

I. Background and Objectives

(This section will introduce the scope and purpose of the document. It will also provide basic information on Farmers' Rights in accordance with the provisions of the International Treaty)

- i) About this document
- ii) Guide to the document
- iii) Understanding Farmers' Rights
 - a) Relevance of Farmers' Rights
 - b) Farmers' Rights in accordance with the International Treaty

II. Inventory, Types and Categories of Measures and Practices for the Implementation of Farmers' Rights

i) Inventory of measures and practices

(The subsection will refer to the inventory, as developed by the AHTEG. It will provide information on the process for developing the inventory, and clarify that, based on submissions received, the measures and practices are already established or are in the process of being implemented)

ii) Types of measures

Contracting Parties can opt for different types of measures:

1. **Technical:** initiatives, programmes, projects and activities with certain objectives and expected results and outcomes; the implementing practical actions on the ground are directly supporting or contributing to the implementation of Farmers' Rights.
2. **Administrative:** administrative instruments such as directives, ministerial and/or inter-ministerial memorandums/circulars, guidelines, rules which direct actions of an organization or group of organizations that are relevant to the realization of Farmers' Rights.
3. **Legal:** a Law, Act, Bill or other normative instruments relevant to the realization of Farmers' Rights.
4. **Others:** any other measures or practices that promote the realization of Farmers' Rights through enhancing understanding and awareness, such as studies, advocacy initiatives.

iii) Categories of measures and practices

The measures and practices, as derived from the submissions of Contracting Parties and other Stakeholders, are grouped in twelve (12) categories that could be considered as possible options for the realization of Farmers' Rights. These categories present various activities leading to the implementation of Farmers' Rights, as follows:

1. Recognition of farmers' contributions to the conservation and sustainable use of PGRFA, including awards
2. Contributions to benefit-sharing funds supporting farmers' contributions to conservation and sustainable use of PGRFA
3. Market-based approaches to support farmers' contributions to the conservation and sustainable use of PGRFA
4. Catalogues, registries and other forms of documentation of PGRFA and related traditional knowledge
5. *In situ*/on-farm conservation and management of PGRFA and related traditional knowledge, including community biodiversity management and conservation sites
6. Community seed banks, seed networks and farmer-managed seed enterprises that facilitate farmers' access to 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 international level
9. Training, capacity development and public awareness creation
10. Farmers' Rights in relation with intellectual property rights
11. Farmers' Rights in relation to the production and marketing of seed/propagating material
12. Other measures/practices

III. Options of Measures and Practices for the Implementation of Farmers' Rights

(Based on the Inventory and the above categories, this section of the document will introduce the actual options. In order to facilitate discussions, some indicative elements and formulations are provided below for the consideration of the AHTEG in developing the options, as requested by the Governing Body)

Option 1

Recognition of farmers' contributions to the conservation and sustainable use of PGRFA

Article 9.1 of the Treaty provides that "The Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world."

Contracting Parties could realise these provisions through certain measures or practices such as awards/prizes, special designation and other forms of recognition. Examples of recognition and awards being implemented by Contracting Parties, that could be considered include:

- General awards to individual farmers and institutions who contribute to the conservation and sustainable use of PGRFA;
- Special awards to farmers and farmers' groups, who maintain unique or diverse portfolios of traditional crop species and varieties, especially species and varieties adapted to local conditions;
- Variety registration under the name of a farmer who selected and/or developed a variety adapted to local conditions;
- Declaration of territories as cultural heritage for agrobiodiversity, combined with plans to promote agrobiodiversity conservation and research. This could include, for instance, the designation as Globally Important Agricultural Heritage System sites (i.e. a measure that promotes the recognition of the contribution of farmers and indigenous communities over the millennia, for dynamically conserving and sustaining their ingenious agricultural systems and the biodiversity for food and agriculture, traditional knowledge, associated landscapes and cultural diversity -e.g. Chile, Philippines, Iran, Tunisia, Japan, etc.).

Option 2

Contributions to benefit-sharing funds supporting farmers' contributions to the conservation and sustainable use of PGRFA

Article 9.2b provides for: "The right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture."

The Contracting Parties and relevant stakeholders have provided several examples of financial resources or funding support at different levels (international, national, local/community), for the conservation and sustainable use of PGRFA (e.g. Norway, Chile, Nepal, Peru). Based on those examples, specific measures or practices that could be considered include:

- Establishing *Community biodiversity management funds* or similar funds enabling communities to support crop conservation and livelihoods development; facilitated access to financial resources for members to start small enterprises, such as rearing of livestock, and generate additional cash income;
- Encouraging private sector, as part of their *social responsibility activity*, to make *contributions* to farmers and local communities who are maintaining native crop diversity;
- Establishing a *competitive fund* to support the initiatives of indigenous peoples' organizations that contribute to improving the livelihoods of farmers;
- Providing funding, through creating relevant mechanisms under regulatory frameworks (e.g. Benin's National Guidelines for Access and Benefit-Sharing from the Utilization of Genetic Resources and Traditional Knowledge);
- Paying and/or encouraging the payment of an annual contribution to the Treaty's Benefit-sharing Fund (such contribution could, for instance, be equal to a certain proportion of the seed sales in that Contracting Party or by a company, or a fixed amount decided by the donor).

Option 3

Market-based approaches to support farmers' contributions to conservation and sustainable use of PGRFA

This option consists of innovation programmes, economic incentives or farmer-to-market linkages. Specific programmes and linkages could include:

- Promoting or supporting value addition and market linkages of local crop products and assistance to marketing, with a view not only to contributing to on-farm conservation of local crop varieties but also to informing consumers about the nutritional and health values of local crop varieties (e.g. micro-value chain for a local variety of rye in Italy, local crop marketing in Nepal, traditional crop processing and marketing in Nepal, the Philippines);
- Creation of a protected 'Designations of Origin' or PDO; PDOs are also an option for sharing benefits arising from the utilization of PGRFA through regulations and directives (e.g. European Union);
- Promoting rural development strategies by using market and economic approaches, for instance, the mainstreaming of farmers' seeds procurement into relevant food security programmes (e.g. the Food Acquisition Program in Brazil; the Strategic Rural Development Strategy in Albania which caters for the diversification of agricultural activities and the economic development of agrobiodiversity areas, e.g. through the public procurement of farmers' seed varieties).

Option 4

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

This option relates to measures and practices to protect traditional knowledge relevant to plant genetic resources for food and agriculture, in accordance with Article 9.2a, at local and national levels.

Most of the existing measures and practices include some form of documentation that serve different purposes, such as: awareness raising and education (Albania); regulating access to genetic resources in the territories of local communities (Benin, Madagascar); serving as a source of knowledge for the agricultural research community, both public and private, as well as farmers and all other interested actors (Spain); placing the knowledge in public domain and thus preventing others from claiming property rights to the seeds (the Philippines, Nepal); generating baseline data of maintenance, cropping practices, and traditions to evaluate patterns of conservation, management, and loss over time (Peru).

The specific measures and practices, based on existing examples, could include:

- The documentation and/or registration of traditional knowledge, including knowledge on cultivation practices of locally adapted crops, positive mass selection and storage techniques as well as utilization and food preparation (Albania);
- The establishment of national *database* of farmers' varieties/landraces including information on agricultural and consumption-related traits, origin, traditional usage and current conditions of farmers' varieties/ landraces (e.g. Japan);
- The development of *Community (Biodiversity) Registers* of biodiversity and associated traditional knowledge (Nepal, Philippines, Benin, Madagascar) or developing *Farmers' Varietal Catalogues*, in which farmers and their communities document their varieties and associated knowledge (Nepal);

- Publication of *national inventory* of traditional knowledge related to PGRFA (Spain, Sweden) or documentation of traditional knowledge under *national programs* (Yemen, Sweden) or *rapid participatory characterisation of specific landrace diversity* (Peru).

Option 5

In situ/on-farm conservation and management of PGRFA and related traditional knowledge, including community biodiversity management and conservation sites

This option could encompass projects, programmes, national strategies/action plans for the conservation and sustainable use of PGRFA, *in situ* and on-farm, and related traditional knowledge.

Several specific instances of measures and practices provided could be considered in this regard:

- Capacity building and empowerment of farmers to manage their traditional agriculture (.e.g. Tunisia, Philippines);
- Special designation which calls for an integrated management of goods and services (agrobiodiversity, traditional knowledge, cultural diversity, landscapes) and to improve rural livelihoods of farmers (e.g. Globally Important Agricultural Heritage System sites – Chile, etc.);
- Collaboration to promote participatory plant breeding, biodiverse production systems, community seed banks (Italy, Nepal) and conservation of traditional crop varieties (Netherlands);
- Promotion of traditional seed exchange mechanisms between and among farmers who cultivate local and native varieties; (Peru);
- Provision of a legal or policy framework to support and finance different thematic areas in conservation and sustainable use of PGRFA through, for instance national plans and strategies on conservation and sustainable use of PGRFA (Switzerland);
- Promotion of farmers' access to genebank material (Norway, Sweden, Finland) or access to quality seeds (Yemen);
- Promotion of community agrobiodiversity management through Development Cooperation (funding support) that aims to strengthening local seed systems and enhancing the diversity of PGRFA to achieve food security among small scale farmers (Guatemala, Honduras, Nicaragua, Nepal, Ethiopia, Malawi, networks in Central America and South East Asia).

Option 6

Community seed banks, seed networks and farmer-managed seed enterprises that facilitate farmers' access to PGRFA

This option aims to strengthen farmers' seed systems, and access and availability of locally adapted, diverse seeds. Existing measures and practices to promote community-based agrobiodiversity management include:

- Different models of community seed banks (Ethiopia, Malawi, Nepal, Norway, South Africa, Sudan, Zimbabwe, Zambia) with the aim to promote access to local seeds, restoration local crop diversity, development and utilization of local agrobiodiversity in improving yield production and adapting to climate change, awareness raising, and capacity development and livelihood activities (Ethiopia, Malawi, Nepal, South Africa);
- Participatory exchange of seeds and planting material to strengthen seed flow and on-farm conservation of PGR (Nepal);

- Seed fairs and festivals, diversity fairs and food fair to raise public awareness on the value of conserving landraces, and to encourage farmers to share information and exchange seeds, giving them access to a wider choice of local seed and varieties (Nepal, Uganda, Malawi, South Africa, Zambia, Zimbabwe);
- Establishment and linking of community seed banks to national genebanks (Uganda, Norway, Ethiopia);
- Establishment of farmers' seed clubs to improve access to good quality seeds and empowering farmers as seed producers, and to strengthen farmers effective and efficient contribution to national seed security (Vietnam);
- Facilitation of access to and use of suitable material from the Multilateral System of the Treaty (CGIAR).

Option 7

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

Participatory approaches seek to promote collaboration between farmers, researchers and scientists as well as providing opportunities for the farmers to choose varieties suitable to their conditions and preferences. They also provide for the meaningful recognition of the role of farmers in the development, conservation and sustainable use of PGRFA, and promoting an equitable sharing of benefits arising from the use of PGRFA.

This option comprises several practices of participatory approaches to research and development, improvement and sustainable use of PGRFA with the common objective of promoting equitable participation and sharing of benefits arising from the use of PGRFA. Specific measures and practices include:

- Participatory varietal selection and multiplication of adaptable crops (Albania, Guatemala, India, Malawi) and participatory plant breeding (Lao PDR, Nepal, Sudan, Yemen);
- Farmer to farmer exchange of plant materials (Cameroon);
- Participatory research that provides physical space and practical capacity development activities relating to seed and agrobiodiversity management (Ecuador);
- Establishment of breeder-farmer groups to enhance knowledge and capacities related to plant breeding and to make communities be independent in seed production through training, awareness raising of the importance of local germplasm, and networking among members (Indonesia);
- The forging of stronger links with breeders and nutritionists to co-develop, test and promote new genetic material (Peru).

Option 8

Farmers' participation in decision-making at local, national and international level

In Article 9.2 (c), the Treaty provides that, in accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

Under this option, several means of supporting the rights of farmers to participate in decision making at the national level could be considered, such as:

- Acknowledging and embedding the right to participate in decision making processes in laws or the constitution (Bolivia);
- Including or inviting farmers in discussions of national strategic agendas (Chile);
- Embedding participation in national decision making in the ministerial policy processes, including through the general policy of engaging stakeholders in policy-making processes (Japan Netherlands, Norway, Spain, Sweden);
- Supporting the participation of farmers in dialogues and workshops on relevant policy discussion related to PGRFA (Malawi);
- Through development cooperation that support programs and policies that reflect the need and realities of smallholder farmers, including fostering democratic debate over legal frameworks and policy measures that have impact on food security, and supporting participation of civil society organizations in the policy dialogue concerning seed issues (various countries).

Option 9

Training, capacity development and public awareness creation

This option relates to measures, practices and approaches to promote context-specific technical trainings and awareness raising, targeting farming communities as beneficiaries and custodians of agrobiodiversity.

Measures and practices dealing with capacity improvement related to the conservation and sustainable use of PGRFA, as well as measures to promote public awareness to enhance social and institutional capacities, vary widely. These measures or a combination of these measures include:

- Technical training and capacity development in specific areas, such as: (i) improving crop production in relation to climate change adaptation (Benin); (ii) national level workshops to promote the implementation of the International Treaty (Costa Rica); (iii) capacity development for targeted agrobiodiversity conservation of importance to food security and well-being (Ecuador); (iv) addressing gender and crop production for rural and livelihoods development (Ethiopia); (v) capacity development on community agrobiodiversity management or community-based biodiversity and conservation management through various programmes, initiatives and projects implemented by civil society organizations (e.g. Seed Sovereignty Programme in Zimbabwe; Community Managed Seed Security Model in Uganda; Sowing Diversity=Harvesting Seed Security Programme in Guatemala, Laos, Nepal, Peru, Uganda, Zambia and Zimbabwe);
- Community seed banking and managing resiliency of local seed systems (Zimbabwe, Philippines, Cambodia) and extension field programmes to support farmers' managed seed systems and their role on conservation of local crop varieties (Libya);
- Capacity development and technical support to traditional agroecosystems in the conservation of local agrobiodiversity (Philippines) and helping farmers access the PGR materials from the Multilateral System of the Treaty for climate change adaptation(CGIAR);
- Policy advocacy and public awareness, such as the facilitation of development of agriculture code or protocols (e.g. Sustainable Agriculture Code of the Municipal Local Government in the Philippines); engagement of women in public awareness and policy advocacy campaign (Guatemala);

- Conduct of global/international consultation on Farmers' Rights involving various stakeholders and regions to raise awareness and enhance understanding on Farmers' Rights, (Norway);

Option 10

Farmers' Rights in relation with intellectual property rights

This option relates to the interlinkages between Farmers' Rights and intellectual property rights (IPRs), such as farmers' rights to save, use, exchange and sell farmed-saved seeds, farmers' rights to benefit sharing and the protection of traditional knowledge.

Based on the number of instances of existing measures and practices in regard to farmers' right to save, use, exchange and/or sell farm-saved seeds, Contracting Parties could consider:

- Including provisions in policies and regulations (i) defining exempted activities, particularly those of small farmers for their own needs (Indonesia), non-commercial purposes (Philippines); (ii) defining the maximum size or amount of annual production as the threshold for the exception (Sweden); (iii) providing that saving, using and exchanging certain varieties are *excluded from the scope of the breeders' right*, so that no royalties have to be paid to the IPR holder (Norway); (iv) including a provision on *farmers' privilege* and possibly also by determining the species to which such farmers' privilege should apply (Switzerland); (v) including a provision in patent laws that *any contractual agreement, which limit or revoke farmers' privilege in the area of food and feed production are null and void* (Switzerland); (vi) establishing *sui generis systems that combine PVP and Farmers' Rights* (India, Ethiopia, Malaysia, Philippines); and (vii) providing entitlements for farmers to register varieties which were bred and developed by them or the community in the same manner as a plant breeder, and to save, use, sow, re-sow, exchange, share or sell their farm produce, including seed of a registered variety, except for selling 'branded seeds' of a variety registered under the seed act.
- Other measures and practices provided as an option to recognise farmers as breeders are to allow farmers to submit applications for variety registration (Bangladesh);
- Possibilities to use IPRs instruments to protect traditional knowledge, for example: (i) by establishing *an inventory of locally bred varieties* as an option to protect these resources from appropriation (the Philippines) or to prevent others from claiming an IPR over them (Nepal); (ii) including a requirement of *disclosure of the use of any indigenous knowledge systems and practices* whenever an IPR application is filed (the Philippines) or including a requirement to *disclose the origin of genetic resources* that are included in the product when PVP or patent applications are filed (Egypt, India, Malaysia, Thailand, Norway, Switzerland); (iii) establishing a *specific IPR for protecting indigenous knowledge systems* (the Philippines); (iv) establishing *geographical indicators*, which could also add value to farmers' products (Switzerland).

Option 11

Farmers' Rights in relation to the production and marketing of seed/propagating material

This option relates to measures and practices, especially through policies and legislation, on the production and marketing of seed/propagating material to encourage the use of diverse PGRFA by establishing respective criteria for seeds allowed to enter the market, as well as criteria for who is allowed to register seeds for marketing.

Measures and practices providing legal space and practical opportunities to farmers and local communities to produce and market seeds include:

- Drafting or revision of national seed laws in such a manner to include exemptions or flexibilities in seed registration for farmers' varieties and in the amount of seeds that they can market, including through the development of official and national guidelines action plans and strategies on biodiversity and agrobiodiversity dealing with seed quality control, simplification of farmers' registration of their seeds, community seed banks, etc. (Nepal). This also includes options to facilitate the formal registration of conservation of amateur varieties, as well as populations, allowing local landraces and varieties that are naturally adapted to the local and regional conditions to enter the market (European Union, the Netherlands, Germany);
- Regulating niche varieties to complement the regulation on commercial varieties, subject to some limits regarding market access (Switzerland);
- Allowing farmers to save, use, exchange and sell farm-saved seeds of non-protected varieties (the Netherlands);
- Establishing public registers for farmers' varieties and related traditional knowledge (Peru).

Option 12

Other measures/practices

There are also a broad and diverse range of other measures and practices that, in one form or the other, promote or protect Farmers' Rights. These include examples of programmes/projects or initiatives that, among others, provide technical and financial support to the conservation and sustainable use of PGRFA in developing countries, and also relate to technology research and development, sustainable agriculture and rural livelihoods development, as well as financial support to institutions dealing with PGRFA.

Instances that could be considered include:

- Projects on genebank operations that is directed to conservation and sustainable use of PGRFA and includes farmers' varieties and landraces in the work programme (Japan);
- Private seed company support to regeneration of traditional crops and making them available to farmers, support to national PGR laboratories (Philippines);
- Establishing a Right to Public Access to Genetic Resources (Sweden);
- Providing access to Seed Index study in West and Central Africa geared towards determining viable solutions to access quality seeds in the regions;
- Collaborative research and development, crop improvement and building livelihood activities (e.g. projects in Tajikistan, Syria, Zimbabwe, South and South East Asia).

IV. Accompanying Documents and Information Resources

(This section will include: (1) the Inventory of Measures and Practices; (2) Links to training materials, educational modules, and relevant information resources).