



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by Association for Plant Breeding for the Benefit of Society (APBREBES) on 16 July 2019.

The submission is presented in the form and language in which it was received.

Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice
Ways to implement the Farmers' Right to Participate in Decision-Making (Art. 9.2 (c) of the ITPGRFA)
- Date of submission
5.2.19
- Name(s) of country/countries in which the measure/practice is taking place
International
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)
Association for Plant Breeding for the Benefit of Society (APBREBES) ; www.apbrebes.org; Email: contact@apbrebes.org; contact person: François Meienberg, APBREBES Coordinator
- Type of institution/organization (categories)
Civil Society Organization
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))
www.utviklingsfondet.no; Public Eye, www.publiceye.ch; Searice, www.searice.org.ph; Third World Network, www.twn.my
With the support of: Swiss Agency for Development and Cooperation www.eda.admin.ch/sdc

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
In 2016, a network of five civil society organizations published a study entitled “Farmers’ Right to Participate in Decision-making – implementing Article 9.2 (c) of the International Treaty on Plant Genetic Resources” that gives an overview of how this right of farmers can best be implemented. The objective of the study was to support governments, farmer organizations, civil society organizations and other stakeholders in the implementation of Art. 9.2 (c). The study discusses the context and scope of Article 9.2(c) and its importance for the realization of Farmers’ Rights. Using examples and experiences gained, it reviews the status of farmers’ participation in decision-making processes and identifies some of the key issues and challenges. Drawing from norms, principles, good practices and mechanisms that already exist within the United Nations system, especially within the human rights framework, the study also presents key elements for the effective implementation of Article 9.2(c). For example, the right to participate in decision-making should have a solid legal basis and be

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.

enforceable by law; requires prompt, effective and practical access to information over process and substance in appropriate form and language; and should include the right to seek a review of a decision and redress/remedies.

- Brief history (including starting year), as appropriate

So far, to our knowledge, there was no overview of how the Right to participate (Art. 9.2 c) can be best implemented. That is why a network of CSOs commissioned a Study on the matter which was published in September 2016. The same month the report was presented during the Global Consultation on Farmers' Rights in Indonesia.

- Core components of the measure/practice (max 200 words)

The Study discusses the context and scope of Article 9.2(c), and its importance for the realization of the bundle of integrated Farmers' Rights, identifying some key elements that should underpin operationalization of Article 9.2(c) including:

- applies to all types of decision-making processes (e.g., administrative, legislative) and outcomes (e.g., policies, legislations, regulations, budgets, strategies etc.) related to the conservation and sustainable use of PGRFA.
- should have a solid legal basis, be enforceable by law and designed to engage farmers including from the community level, allowing sufficient time and opportunity to provide feedback and proposals.
- effective and meaningful participation in decision-making is about active participation, not only consultation.
- requires prompt, effective and practical access to information over process and substance in appropriate formats and languages.
- requires awareness- raising and capacity building of farmers in respect of their rights.
- requires financial support by relevant authorities to finance travel of farmer representatives to participate in meetings, etc.
- should include decision-making at the sub-national and local levels as well as regional, sub-regional, plurilateral and international decision-making processes, as such processes impact national decision- making.
- needs to extend to farmers' participation in decision-making related to the negotiating positions of national governments in supra-national processes that create commitments and obligations.
- should include decision-making on matters related to certification and trade of seeds; PVP and patent laws.

- 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)

Although the Treaty has been adopted in 2001, considerable challenges remain in the implementation of the right to participate in Article 9.2(c), as can be seen from the submissions made to the Treaty by some Contracting Parties, farmers' organisations and civil society organisations (CSOs) over the years and from experiences at the national, regional and international levels.

- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1

Art. 9.2a

Art. 9.2b

Art. 9.2c

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels	X	
9	Training, capacity development and public awareness creation		X

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.

10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		X
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
To support Governments, Farmer Organisations, CSOs and other stakeholders to implement Art. 9.2 (c) by :
 - identifying key issues and challenges that arise with respect to Article 9.2(c) implementation.
 - highlighting some existing principles, norms and standards expressed in the existing human rights framework, good practices as well as mechanisms that may be considered for enhancing implementation of Article 9.2(c).
 - defining elements that are essential for effective and meaningful implementation of Article 9.2(c), and providing recommendations for its implementation.
- Target group(s) and numbers of involved and affected farmers⁵
Governments, Farmer Organisation, CSOs, International and Regional Organisations
- Location(s) and geographical outreach
International
- Resources used for implementation of the measure/practice
Honorarium for research and writing, additional costs for translation, layout and printing
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
The paper identifies elements for the operationalization of Article 9.2(c), which in turn is crucial for the implementation of Article 6 of the Treaty.
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
Not applicable
- 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?
There are various international agreements, incl. from the human rights sector, that also recognize the right to participate:
 - The Universal Declaration of Human Rights (UDHR), recognises everyone's right to take part in the government of the country, while the International Covenant on Civil and Political Rights (ICCPR) recognises as a human right the right of public participation in the conduct of public affairs
 - The right to participation is also recognised and further developed in the context of the right to food,

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.

which is derived from the International Covenant on Economic, Social and Cultural Rights (ICESCR)

- Provisions on participation in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) are particularly relevant for the implementation of Article 9.2(c) of the Treaty. Participation norms and procedures can be distilled from, inter alia, Articles 5, 18, 19, 27 and 41 of UNDRIP, and should inform implementation of Treaty Article 9.2(c)
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) requires States to take measures to ensure women's participation in the formulation and implementation of government policy
- More examples could be found in the study mentioned.

- 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).

Operationalizing of Article 9.2(c) of the International Treaty is crucial to realizing farmers' rights. Farmers face considerable challenges in exercising their right to participate at all these levels, with the consequence that decisions including on policies and laws not only ignore their needs, but also adversely affect farmers' freedom to operate is evidenced for example by the formulation of seed laws, in particular plant variety protection, seed certification and marketing laws that restrict and in some cases criminalize farmers' right to freely use, save, exchange and sell farm saved seed/propagating material.

The challenges farmers face with regard to the right to participate include: the absence of legal recognition of the right to participate; the absence of appropriate mechanisms to facilitate farmers' participation; the lack of political will due to bias in favour of the corporate sector and/or various external pressures; and limited or no access to information and/or financial support.

The Study identified some key elements that should underpin operationalization of Article 9.2(c). For links to the Study see below under "Further Information")

- What challenges encountered along the way (if applicable) (max 200 words)
 - lack of political will and/or awareness with respect to operationalization of Article 9.2(c)
 - International, regional and other plurilateral negotiation processes and initiatives (e.g. UPOV, north-south trade agreements, regional intellectual property or economic entities) that are non-transparent and non-inclusive that formulate obligations that impact farmers' rights and interests at the national level.
- 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)
 - See lessons learned.

Further information

- Link(s) to further information about the measure/practice
The whole report «Farmers' Right to Participate in Decision-making – implementing Article 9.2 (c)

of the International Treaty on Plant Genetic Resources»

in english: http://www.apbrebes.org/files/seeds/files/PE_farmers%20right_9-16_def-high.pdf

in french: http://www.apbrebes.org/files/seeds/files/PE_farmers%20right_FR_4-17_def-web.pdf

in spanish: http://www.apbrebes.org/files/seeds/files/PE_farmers%20right_ES_3-17_def-web.pdf