ORGANIZATIONAL MATTERS

1. The first part of the fourth meeting of the Ad Hoc Technical Expert Group on Farmers’ Rights (Expert Group) had been convened from 4 to 7 May 2021.1 Due to the fact that the Expert Group, despite making significant progress, had been unable to complete its task within the available time and resources, it had agreed to reconvene and resume its fourth meeting to finalise its work.2

2. The second part of the fourth meeting of the Expert Group was accordingly held from 23 to 27 August 2021 by electronic means due to the ongoing global COVID-19 pandemic and the consequent national and international measures entailing restrictions to travel and gatherings.

3. The platform used for the meeting allowed for simultaneous interpretation and was customized to other needs and specifications of virtual meetings held by FAO.

OPENING OF THE MEETING

4. The second part of the fourth meeting of the Expert Group was opened by the Co-chairs of the Expert Group, Ms. Svanhild-Isabelle Batta Torheim and Mr. Rakesh Chandra Agrawal. They welcomed all participants to the meeting and reminded experts that this meeting was a continuation of the first part of the fourth meeting in May 2021. The Co-chairs recalled the progress made by the Expert Group at the first part of the fourth meeting and reiterated that the experts were requested to continue providing advice in their expert capacity rather than to negotiate any of the outputs.

5. Mr. Kent Nnadozie, Secretary of the International Treaty, expressed his appreciation to all participants for joining the meeting and invited all experts to continue their work in the same constructive spirit as during the first part of the fourth meeting. He reassured the Expert Group that the Secretariat team was at their disposal to provide full support and assistance.

6. The Expert Group noted the technical and other challenges of working virtually.

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ITEM 1. ADOPTION OF THE AGENDA

7. The Co-chairs recalled that the Expert Group had adopted its Agenda at the commencement of the fourth meeting. To further assist the Expert Group, an Addendum to the Annotated Provisional Agenda and Timetable had been prepared in the document, IT/GB-9/AHTEG-FR-4-R/21/1.1 Add., summarizing progress made so far and the further work needed, as reflected in the Report of the first part of the fourth meeting.3

8. The working documents prepared for the meeting were still before the Expert Group and continued to constitute the basis of its work. No additional substantive working documents had been prepared for the resumed meeting.

9. Translation of all working documents and the Report of the first part of the fourth meeting into Arabic, French and Spanish were available to the Expert Group, thanks to the generous financial support provided by the Governments of Italy and Norway.

10. The list of participants of the meeting is contained in Appendix 2.

ITEM 2. OPTIONS FOR ENCOURAGING, GUIDING AND PROMOTING THE REALIZATION OF FARMERS’ RIGHTS AS SET OUT IN ARTICLE 9 OF THE INTERNATIONAL TREATY

11. The Co-chairs gave an introductory presentation, recalling the mandate of the Expert Group and the main outcomes of its meetings held since its establishment by the Seventh Session of the Governing Body.

12. The Co-chairs reminded the Expert Group of the documents that were available under this agenda item, especially the document, IT/GB-9/AHTEG-4/21/2, Options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty (the Options) and the information document, IT/GB-9/AHTEG-FR-4/21/Inf.2, Options for encouraging, guiding and promoting the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty, reproducing the main working document of the third meeting of the Expert Group (IT/GB-9/AHTEG-FR-3/20/2). The Secretariat also recalled the main elements contained in the Report of the first part of the fourth meeting on this agenda item.

13. The Co-chairs further explained how they intended to structure the work of the Expert Group at this meeting to finalise the Options, continuing the work from where the Expert Group had stopped at the first part of its fourth meeting, based on the document, IT/GB-9/AHTEG-FR-4/21/2, Options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty.

14. In particular, the Expert Group was invited to:
   a. Finalise the introductory part of the Options, starting from paragraph 13;
   b. Finalise the remaining titles of some of the options in Category 10 (issue D1);
   c. Finalise the descriptions of the Options, as explained in Part D2 of the document, IT/GB-9/AHTEG-FR-4/21/2;
   d. Include the issue of how to highlight gender in the description of the Options.

15. The Expert Group accordingly continued its work on the Options on this basis and finalised the introductory part of the Options, with the exception of one sentence in its

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paragraph 22, as given in Annex 3 to Appendix 3, and the titles of all options, except those for Category 10, as given in Annex 4 to Appendix 3.

16. The Expert Group agreed that the Secretariat will highlight gender in relevant options, taking into consideration the range and diversity, and how gender is addressed in submissions to the Inventory, as well as FAO’s gender policy.

17. The Expert Group worked extensively on titles for options under Category 10. Based on the range of views and inputs received from members at this and previous meetings, the Co-chairs presented their proposal of possible options under Category 10. However, the Expert Group was not able to finalise its work on options under Category 10. The Co-chairs’ proposal, as given in Annex 5 to Appendix 3, will be presented to the Ninth Session of the Governing Body for its further consideration.

18. The Expert Group also discussed and provided its inputs to the draft descriptions of the options, except those for options under Category 10, and requested the Secretary, with the guidance of the Co-chairs, to update the draft Options based on the discussions at this meeting, ensuring coherency among options and with the submissions forming the basis of the Options.

19. The draft Options, updated by the Secretary, will be presented to the Ninth Session of the Governing Body in a separate document, for its consideration.

ITEM 3. ANY OTHER BUSINESS

20. The Expert Group requested the Secretary to update the Inventory, by undertaking quality checks, such as ensuring that submitted examples are included under the correct categories and including new submissions, to be presented as an information document to the Ninth Session of the Governing Body.

21. The Expert Group held discussions on the possibility of requesting a legal opinion on the legally binding nature of and on the obligations that Contracting Parties have under Article 9 of the International Treaty, with no agreement on this issue.

22. The Expert Group thanked the Governments of Italy and Norway for their financial support that enabled the translation of the working documents and provision of interpretation services.

ITEM 4. ADOPTION OF THE REPORT

23. The Expert Group adopted this Report and its Appendices, containing the proceedings of the meeting and its report to the Ninth Session of the Governing Body.
Appendix 1

AGENDA

1. Adoption of the agenda
2. Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty
3. Any other business
4. Adoption of the Report
LIST OF PARTICIPANTS

CO-CHAIRS

Ms Svanhild Isabelle BATTA TORHEIM
National Focal Point for the ITPGRFA
Senior Adviser
Ministry of Agriculture and Food
Postboks 8007 Dep
0030 Oslo, Norway
Phone: +47 41123404
Email: sto@lmd.dep.no

Mr R. C. AGRAWAL
Deputy Director General (Agril. Education)
Indian Council of Agricultural Research
Krishi Anusandhan Bhavan -II,
New Delhi-110 012
India
Phone: +91 (11) 25848772
Email: nd.nahep@icar.gov.in; ddg.edu@icar.gov.in

EXPERTS

Ms Michelle ANDRIAMAHAZO
Ingénieur Agro-Environnementaliste
Service Environnement, Climat et Réponses aux Urgences
Ministère de l’Agriculture, de l’Elevage et de la Pêche
B. P. 301 Anosy, Antananarivo Madagascar
Phone: +261 340561031
Email: michelle.andriamahazo@gmail.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

Mr Mourtala ISSA ZAKARI
Point focal national pour le TIRPAA
Chercheur spécialisé en génétique et amélioration des plantes
Institut National de la Recherche Agronomique du Niger (INRAN)
BP 429 Niamey, Niger
Ms Amparo AMPIL
Chief Food Agriculture and Fisheries
Policy Division, Policy Research Service
Department of Agriculture
Quezon City, Philippines
Phone: +63 29267939
Email: acascolan@yahoo.com

Mr Mastur MASTUR
Director of ICABIOGRAD
Centre for Biotechnology and Genetic Resources
Ministry of Agriculture
JL. Tentara Pelajar no. 3a
Bogor 16114, Indonesia
Phone: +62 833820 - 8333440 - 8327975
Mobile: +62 81385245544
E-mail: mastur.icabiograd@gmail.com

Mr Satoshi NAKANO
Section Chief
Environment Policy Office, Policy Planning Division
Ministry of Agriculture, Forestry and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950 Japan
Phone: +81 3 6744 2017
Email: satoshi_nakano870@maff.go.jp

Mr Muhammad SHAFIE
Senior Researcher
Agrobiodiversity & Environment Research Centre, MyGeneBank Complex
Malaysian Agricultural Research and Development Institute (MARDI)
43400 Serdang, Selangor, Malaysia
Phone: +603-89537329
Email: shafiems@mardi.gov.my
siduapatnam@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
E-mail: pitambar@libird.org
Ms Regine ANDERSEN  
Research Professor  
Fridtjof Nansen Institute  
P.O. Box 326, 1326 Lysaker, Norway  
Phone: + 47 95118037  
Email: randersen@fni.no

Mr Riccardo BOCCI  
Executive Managing Director  
Rete Semi Rurali  
Via di Casignano, 25  
50018 Scandicci, Firenze, Italy  
Phone: +39 328 3876663  
Email: r.bocci@semirurali.it

Mr Bruce CAMPBELL  
Programme Officer  
Global Programme on Food Security  
Swiss Development Agency (SDC)  
Freiburgstrasse 130  
3003 Berne, Switzerland  
Email: bruce.campbell@eda.admin.ch

Ms Inge TENNIGLO  
Policy Officer  
European Agriculture and Fisheries Policy and Food Security Division  
Department for Agriculture and Nature  
Ministry of Agriculture, Nature and Food Quality  
The Hague, The Netherlands  
Email: i.e.m.tenniglo@minlnv.nl  
i.e.m.tenniglo@minez.nl

Ms 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

Mr 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
Ms Lianne FERNÁNDEZ GRANDA
Coordinadora Técnica de Recursos Fitogenéticos
Dpto Recursos Fitogenéticos y Mejoramiento Vegetal
Instituto de Investigaciones Fundamentales en Agricultura Tropical (INIFAT)
Ministerio de la Agricultura Dirección institucional
Calle 188 N. 38754 e/397 y Linderos
Santiago de las Vegas CP 17 200, La Habana, Cuba
Phone: +53 7683 0098
Email: lfernandez@inifat.co.cu; lfdezgranda@gmail.com

Mr Marco Aurélio PAVARINO
Coordenador de Cooperativismo – SEAD
Secretaria de agricultura familiar e Desenvolvimento Agrário
Ministério do Desenvolvimento Agrário
Brasilia, Brazil
Phone: +5561 996279097
Email: marco.pavarino@agricultura.gov.br

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
Email: kabulaila@gmail.com; Khaled.Abulaila@narc.gov.jo

Mr Maeen Ali Ahmed AL JARMOUZI
Director General
Yemen National Genetic Resources Center
P.O. Box 87148, Dhamar, Yemen
Phone: + 967 06423917
Fax: +967 6423914
Email: maeen1@yahoo.com

Ms Samia Gaafar Mohamed BITIK
Director of Administration of Quality Control and Export Development
Ministry of Agriculture and Forestry
Khartoum, Sudan
Phone: +249 912246197
Email: samiabitik@yahoo.com
Ms Laila SASI YOUNES  
Director, Research and Studies Department  
Agricultural Research Center  
Ministry of Agriculture, Livestock and Marine Wealth  
Tripoli, Libya  
Email: laila_younes69@yahoo.com

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  
Email: nancy.gardner@agr.gc.ca

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

Mr Anthony PARKER  
Commissioner  
Canadian Food Inspection Agency  
Plant Breeders Rights Office  
59 Camelot Drive, Floor 2  
Ottawa, Ontario K1A 0Y9, Canada  
Phone: 613-773-7188  
Fax: 613-773-7261  
Email: anthony.parker@inspection.gc.ca

Ms Mara SANDERS  
Plant Variety Examiner  
Plant Variety Protection Office  
U.S. Department of Agriculture  
1400 Independence Ave. SW, Washington, DC 20520 USA  
Phone: +1 (202) 720-0859  
Email: mara.sanders@usda.gov

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 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 David OTIENO
Policy Chief
Kenyan Peasants League (La Via Campesina) Nairobi, Kenya
Phone: +254721609699
Email: oticdesq@gmail.com

Mr Ali RAZMKHAH
CEO and Legal Advisor
Centre for Sustainable Development and Environment (CENESTA)
No. 108, Azerbaijan Ave., 13169, Tehran, Iran
Phone: +989382244908
Email: ali@cenesta.org

Mr Joshi Sunanda TANMAY
Karnataka Rajya Raitha Sangha (KRRS)
N-4, B-12 Cidco, Aurangabad Maharashtra, 431003 India
Email: tanmay_sj@yahoo.com

Ms Alimata TRAORÉ
Coordination Nationale des Organisations Paysannes (CNOP)
Bamako, Mali
Phone: + 76 03 07 67
E-mail: alimaatou@yahoo.fr

Ms Georgina CATACORA VARGAS
Research Associate, Academic Peasant Unit "Tiahanacu"
Bolivian Catholic University (UAC-UCB)
Vice-president, Latin American Scientific Society of Agroecology (SOCLA)
La Paz, Bolivia
Email: g.catacora@gmail.com

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 Dan LESKIEN
Senior Officer
Commission on Genetic Resources for Food and Agriculture (CGRFA)
FAO, Rome, Italy
Email: dan.leskien@fao.org; cgrfa@fao.org

Ms Begoña VENERO
Senior Counsellor, Traditional Knowledge Division
Global Issues Sector
World Intellectual Property Organization (WIPO)
Email: begona.venero@wipo.int

Mr Rodrigo ESTRELA DE CARVALHO
Alternate Permanent Representative of Brazil to FAO, IFAD and WFP
Permanent Delegation of Brazil, 00186 Rome, Italy
Email: rodrigo.estrela@itamaraty.gov.br

Ms Puji LESTARI
Molecular Biology Div.
Indonesian Center for Agricultural Biotechnology and Genetic Resources Research and Development
Jl. Tentara Pelajar 3A Bogor 16111, Indonesia
Email: plestari129@yahoo.com

Ms Nuning NUGRAHANI
Secretariat, IAARD
Email: inahargun@yahoo.com
kslitbang@gmail.com

Ms Surya DIANTINA
ICABIOGRAD-IAARD
Email: deandra_nie@yahoo.com

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

Mr Rutendo ZENDAH-CHIRAPE
Research and advocacy officer
African Centre for Biodiversity (Acbio)
Phone: +27 836987819
Email: rutendo@acbio.org.za

Ms Grace GITU
Technical Officer
African Seed Trade Association
Email: gitu@afsta.org

Mr Justin RAKOTOARISAONA
Secretary General
African Seed Trade Association
Email: justin@afsta.org

Mr Mario SCHINDLER
Gerente Ejecutivo
Asociación Chilena de Productores de Semillas
Email: mschindler@anpros.cl

Mr Emmanuel IBARRA ESTRADA
Coordinador de Pymes
Asociación Mexicana de Semilleros
Email: emmanuel@amsac.org.mx

Mr Francois MEIENBERG
APBREBES Coordinator
Association for Plant Breeding for the Benefit of Society
Ackersteinstrasse 72, 8049 Zürich, Switzerland
Tel: +41 444224759
Email: contact@apbrebes.org

Mr Francois BURGAUD
Conseiller du Président
Responsable Affaires Publiques
Groupement National Interprofessionnel des Semences et plantes
France
Email: francois.burgaud@gnis.fr
Ms Anne BERSON DENA  
BEDE - Biodiversité Echanges et Diffusion d'Expériences  
Email: anne@bede-asso.org

Ms Mariapaola BOSELLI  
Centro Internazionale Crocevia  
Rome, Italy  
Email: m.boselli@croceviaterra.it

Mr Guy KASTLER  
Via Campesina  
France  
Email: guy.kastler@wanadoo.fr

Mr Philip SEUFERT  
FIAN International  
Email: seufert@fian.org

Mr Yannick TAHON  
intern.crocevia@gmail.com

Ms Hélène KHAN NIAZI  
International Agricultural Manager  
International Seed Federation  
reposoir 7, 1260, Nyon Switzerland  
Phone: +41 223654420  
Email: h.khanniazi@worldseed.org

Ms Anke VAN DEN HURK  
Deputy Director  
Plantum  
The Netherlands  
Email: a.vandenhurk@plantum.nl

Ms Normita IGNACIO  
Executive Director  
Southeast Asia Regional Initiatives for Community Empowerment (SEARICE)  
Diliman, Quezon City, Philippines  
Email: nori_ignacio@searice.org.ph

Mr Diego RISSO  
Executive Director  
Seed Association of the Americas  
USA and Uruguay  
Email: drisso@saaseed.org
Ms Mrinalini KOCHUPILLAI  
Technical University of Munich  
Munich, Germany  
Email: m.kochupillai@tum.de

Ms Kanokwan CHODCHOEY  
Executive Director  
100 Peck Seah Street, The Asia and Pacific Seed Association (APSA)  
#08-14 PS100, Singapore (079333)  
Email: may@apsaseed.org

Ms Elin Cecilie RANUM  
Head of Programme  
The Development Fund  
Mariboes gate 8, 0183 Oslo, Norway  
Phone: +47 9622 9600 (mobile) +47 2310 9600 (s.bord)  
Email: elin@utviklingsfondet.no

Ms Sangeeta SHASHIKANT  
Third World Network  
Phone: +41 78 757 2331  
Email: sangeeta@twnetwork.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 0657053441  
Fax: +39 0657056347  
E-mail: kent.nnadozie@fao.org

Mr Mario MARINO  
Technical Officer  
Phone: +39 0657045084  
Email: mario.marino@fao.org

Ms MaryJane RAMOS DELA CRUZ  
Technical Officer  
Phone: +39 0657045273  
Email: maryjane.ramosdelacruz@fao.org
Mr Tobias KIENE  
Technical Officer  
Phone: +39 0657045  
Email: tobias.kiene@fao.org

Ms Anja CHRISTINCK  
Consultant  
Gichenbach 34, 36129 Gersfeld, Germany  
Phone: +49-6656-911516  
Internet: www.seed4change.de  
E-mail: mail@seed4change.de

Ms Laura LANELLOTTI  
Intern  
Email: Laura.Lancellotti@fao.org

Ms Rispah NGANGA  
Intern  
Email: Rispah.Nganga@fao.org
I. INTRODUCTION

1. The Ad Hoc Technical Expert Group on Farmers’ Rights (Expert Group) was established by the Governing Body through Resolution 7/2017. Its mandate is to:
   i. Produce an inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty; and
   ii. Based on the inventory, develop options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty.

2. At its Eighth Session, through Resolution 6/2019, the Governing Body decided to reconvene the Expert Group for the 2020-2021 biennium in order to complete its tasks based on the Terms of Reference established at the Seventh Session of the Governing Body and the provisions of Resolution 6/2019.

3. The terms of reference of the Expert Group, as contained in Resolution 7/2017, are provided in Annex 1.

4. In reconvening the Expert Group, the Governing Body decided that, subject to the availability of financial resources, the Expert Group may hold up to two meetings in the biennium 2020-2021.

5. The Governing Body, through Resolution 6/2019, decided to expand the Expert Group with two more representatives of farmers’ organizations particularly from centres of origin and crop diversity.

6. The Expert Group accordingly comprised up to five members designated by each FAO region, up to five representatives of farmer organizations, particularly from the centers of origin and crop diversity, and up to three other stakeholders, including the seed sector, that were designated by the Bureau of the Governing Body. The list of experts is given in Annex 2.

7. The Expert Group held its third meeting from 25 to 28 August 2020 and its fourth meeting from 4 to 7 May 2021 and from 23 to 27 August 2021, all by virtual means.

8. Pursuant to Resolution 7/2017, the Bureau of the Eighth Session of the Governing Body appointed Ms. Svanhild-Isabelle Batta Torheim and Mr. Rakesh Chandra Agrawal as the Co-chairs of the Expert Group. It further appointed Ms Modester Kachapila-Milinyu as interim Co-Chair for the first part of the fourth meeting, in the absence of Mr. Agrawal.

9. This report describes the work undertaken by the Expert Group during the biennium pursuant to its Terms of Reference.

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

10. The Expert Group recalled that the Governing Body welcomed the Inventory of National Measures, Best Practices and Lessons Learned on the Realization of Farmers’ Rights (the Inventory), recognizing that it will be periodically reviewed and updated, as necessary, and that it took note of the outline of the Options for Encouraging, Guiding and Promoting the Realization
of Farmers’ Rights, as set out in Article 9 of the International Treaty (the Options), which would form the basis for the completion of the task of the Expert Group.

11. It also recalled its work during the last biennium and its agreement on the structure and elements of the Options, as given in the report of its second meeting.

12. The Expert Group agreed to continue its work during this biennium on the basis of a first draft Options document prepared by the Secretary,\(^4\) in accordance with its Terms of Reference. It reviewed all elements of the Options and developed several revisions.

13. The Expert Group noted the relevance of other international agreements to the Options and advised to keep references to such agreements at a general level, in line with the language of the International Treaty.

14. The Expert Group recalled that the Inventory is a rolling document, and agreed to recommend to the Governing Body that the Options be reviewed periodically.

15. The Expert Group agreed that the Secretariat will include examples of measures for each option that would reflect the diversity of submitted measures.

16. The Expert Group finalised the introductory part of the Options, with the exception of one sentence in its paragraph 22, as given in Annex 3, and the titles of all options, except those for Category 10, as given in Annex 4.

17. The Expert Group worked extensively on titles for options under Category 10. Based on the range of views and inputs received from members at this and previous meetings, the Co-chairs presented their proposal of possible options under Category 10. However, the Expert Group was not able to finalise its work on options under Category 10. The Co-chairs’ proposal, as given in Annex 5, will be presented to the Governing Body for its further consideration.

18. The Expert Group also discussed and provided its inputs to the draft descriptions of the options, except those for options under Category 10, and requested the Secretary, with the guidance of the Co-chairs, to update the draft Options based on the discussions at this meeting, ensuring coherency among options and with the submissions forming the basis of the options.

19. The draft Options, updated by the Secretary, will be presented to the Ninth Session of the Governing Body, for its consideration.

20. The Expert Group requested the Secretary to update the Inventory, by undertaking quality checks, such as ensuring that submitted examples are included under the correct categories and including new submissions. The updated Inventory is provided in the documentation to the Ninth Session of the Governing Body.

III. RECOMMENDATIONS AND POSSIBLE FUTURE WORK

21. The Expert Group recommends that the Governing Body welcome the updated Inventory, and consider the draft Options for its further decision.

22. The Expert Group requested the Secretary to prepare elements of a possible draft Resolution for the consideration of the Governing Body at its Ninth Session, based on its work and incorporating the relevant recommendations and issues the Expert Group had agreed on. It invited the Secretary to consider the following possible elements:

   a. The Expert Group recommends that the Governing Body welcome the updated Inventory;

\(^4\) IT/GB-9/AHTEG-3/20/2, Options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty.
b. The Expert Group recommends that the Governing Body request the Secretary to translate the Inventory in the official languages;

c. The Expert Group recommends that the Governing Body consider the draft Options for its further decision; and

d. The Expert Group encourages Contracting Parties and other stakeholders to consider using the Options, as may be adopted, in encouraging, guiding and promoting the realization of Farmers' Rights.
Annex 1

Terms of reference for the Ad Hoc Technical Expert Group on Farmers’ Rights

1. The Ad Hoc Technical Expert Group on Farmers’ Rights will:
   i) Produce an inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty;
   ii) Based on the inventory, develop options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty.

2. In the development of its work, the Ad Hoc Technical Expert Group may consider the proceedings from the Global Consultation on Farmers’ Rights held in Bali, Indonesia, in 2016, as well as other relevant consultations.

3. The Ad Hoc Technical Expert Group will comprise 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.

4. The Bureau of the Eighth Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country.

5. The Ad Hoc Technical Expert Group may hold up to two meetings in the biennium 2018-2019, subject to the availability of financial resources.


7. The Secretary will facilitate the process and assist the Ad Hoc Technical Expert Group in its work.
ANNEX 2

List of experts

CO-CHAIRS

Ms Svanhild Isabelle Batta Torheim
National Focal Point for the ITPGRFA
Senior Adviser
Ministry of Agriculture and Food
Postboks 8007 Dep
0030 Oslo, Norway
Phone: +47 41123404
Email: sto@lmd.dep.no

Mr R. C. Agrawal
Deputy Director General (Agril. Education)
Indian Council of Agricultural Research
Krishi Anusandhan Bhavan -II,
New Delhi-110 012, India
Phone: +91 (11) 25848772
Email: nd.nahep@icar.gov.in; ddg.edu@icar.gov.in

EXPERTS

Ms Michelle Andriamahazo
Ingénieur Agro-Environnementaliste
Service Environnement, Climat et Réponses aux Urgences
Ministère de l’Agriculture, de l’Elevage et de la Pêche
B.P. 301 Anosy
Antananarivo Madagascar
Phone: +261 340561031
Email: michelle.andriamahazo@gmail.com

Mr Mourtala Issa Zakari
Chercheur spécialisé en génétique et amélioration des plantes
Institut National de la Recherche Agronomique du Niger (INRAN)
BP 429 Niamey, Niger
Phone: + 22796498520
E-mail: issazakarym@yahoo.fr

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
Ms Amparo AMPIL
Chief Food Agriculture and Fisheries
Policy Division, Policy Research Service
Department of Agriculture
Quezon City, Philippines
Phone: +63 29267939
Email: acascolan@yahoo.com

Mr Mastur MASTUR
Director of ICABIOGRAD
Centre for Biotechnology and Genetic Resources
Ministry of Agriculture
JL. Tentara Pelajar no. 3a, Bogor 16114, Indonesia
Phone: +62 833820 - 8333440 - 8327975
Mobile: +62 81385245544
E-mail: mastur.icabiograd@gmail.com

Mr Satoshi NAKANO
Section Chief
Environment Policy Office, Policy Planning Division
Ministry of Agriculture, Forestry and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950 Japan
Phone: +81 3 6744 2017
Email: satoshi_nakano870@maff.go.jp

Mr Muhammad SHAFFIE
Senior Researcher
Agrobiodiversity & Environment Research Centre, MyGeneBank Complex
Malaysian Agricultural Research and Development Institute (MARDI)
43400 Serdang, Selangor, Malaysia
Phone : +603-89537329
Email : shafiems@mardi.gov.my
siduapatnam@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
E-mail: pitambar@libird.org

Ms Regine ANDERSEN
Research Professor
Fridtjof Nansen Institute
P.O. Box 326, 1326 Lysaker, Norway
Mr Riccardo BOCCI  
Executive Managing Director  
Rete Semi Rurali  
Via di Casignano, 25, Scandicci 50018, Firenze, Italy  
Phone: +39 328 3876663  
Email: r.bocci@semirurali.it

Mr Bruce CAMPBELL  
Programme Officer  
Global Programme on Food Security  
Swiss Development Agency (SDC)  
Freiburgstrasse 130  
3003 Berne, Switzerland  
Email: bruce.campbell@eda.admin.ch

Ms Inge TENNIGLO  
Policy Officer  
European Agriculture and Fisheries Policy and Food Security Division  
Department for Agriculture and Nature  
Ministry of Agriculture, Nature and Food Quality  
The Hague, The Netherlands  
Email: i.e.m.tenniglo@minlnv.nl  
i.e.m.tenniglo@minez.nl

Ms Mariem OMRANI  
Bureau des semences et de la protection intégrée des cultures (C562) (BSPIC)  
Direction générale de l’alimentation (DGAL)  
Ministère de l’agriculture et de l’alimentation  
251 rue Vaugirard, 75732 Paris cedex 15, France  
Phone: +33 149555457  
Email: mariem.omrani@agriculture.gouv.fr

Ms 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

5 Replaced Ms Christina Blank
Mr 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

Ms Lianne FERNÁNDEZ GRANDA
Coordinadora Técnica de Recursos Fitogenéticos
Dpto Recursos Fitogenéticos y Mejoramiento Vegetal
Instituto de Investigaciones Fundamentales en Agricultura Tropical (INIFAT)
Ministerio de la Agricultura Dirección institucional
Calle 188 N. 38754 e/397 y Linderos, Santiago de las Vegas CP 17 200, La Habana, Cuba
Phone: +53 7683 0098
Email: lfernandez@inifat.co.cu; lfdzgranda@gmail.com

Mr Marco Aurélio PAVARINO
Coordenador de Cooperativismo – SEAD
Secretaria de agricultura familiar e Desenvolvimento Agrário
Ministério do Desenvolvimento Agrário
Brasilia, Brazil
Phone: +5561 996279097
Email: marco.pavarino@agricultura.gov.br

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
Email: kabulaila@gmail.com
Khaled.Abulaila@narc.gov.jo

Mr Maeen Ali Ahmed AL JARMOUZI
Director General
Yemen National Genetic Resources Center
P.O. Box 87148, Dhamar, Yemen
Phone: + 967 06423917
Fax: +967 6423914
Email: maeen1@yahoo.com

Ms Samia Gaafar Mohamed BITIK
Director of Administration of Quality Control and Export Development
Ministry of Agriculture and Forestry
Khartum, Sudan  
Phone: +249 912246197  
Email: samiabitik@yahoo.com

Ms Laila SASI YOUNES  
Director, Research and Studies Department  
Agricultural Research Center  
Ministry of Agriculture, Livestock and Marine Wealth  
Tripoli, Libya  
Email: laila_younes69@yahoo.com

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  
Email: nancy.gardner@agr.gc.ca

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

Ms Mara SANDERS  
Plant Variety Examiner  
Plant Variety Protection Office, U.S. Department of Agriculture  
1400 Independence Ave. SW, Washington, DC 20520 USA  
Phone: +1 (202) 720-0859  
Email: mara.sanders@usda.gov

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 Sergio ALONZO  
Manager of Technical Activities  
Asociación de Organizaciones de los Cuchumatanes (ASOCUCH)

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6 Replaced Mr Paul Zankowski
9Av. 7-82 Zona 1 Chiantla, Huehuetenango, Guatemala
Phone: +502 50069165
E-mail: alonzo.sergio@gmail.com

Mr David OTIENO
Policy Chief
Kenyan Peasants League (La Via Campesina) Nairobi, Kenya
Phone: +254721609699
Email: oticdesq@gmail.com

Mr Ali RAZMKHAH
CEO and Legal Advisor
Centre for Sustainable Development and Environment (CENESTA)
No. 108, Azerbaijan Ave., 13169, Tehran, Iran
Phone: +989382244908
Email: ali@cenesta.org

Mr Joshi Sunanda TANMAY
Karnataka Rajya Raitha Sangha (KRRS)
N-4, B-12 Cidco, Aurangabad Maharashtra, 431003 India
Email: tanmay_si@yahoo.com

Ms Alimata TRAORÉ
Coordination Nationale des Organisations Paysannes (CNOP)
Bamako, Mali
Phone : + 76 03 07 67
E-mail : alimaatou@yahoo.fr

Ms Georgina CATACORA VARGAS
Research Associate, Academic Peasant Unit "Tiahanacu"
Bolivian Catholic University (UAC-UCB)
Vice-president
Latin American Scientific Society of Agroecology (SOCLA)
La Paz, Bolivia
Email: g.catacora@gmail.com

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

Options for encouraging, guiding and promoting the realization of Farmers’ Rights as set out in Article 9 of the International Treaty

I. Background and rationale

1. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or International Treaty) acknowledges that plant genetic resources for food and agriculture (PGRFA) constitute the basis for food and agricultural production throughout the world. It highlights their importance for developing sustainable and diverse farming and seed systems and plant varieties that are adapted to specific social, economic and ecological conditions, environmental changes, cultures, and future human needs.

2. The International Treaty affirms that the past, present and future contributions of farmers in all regions of the world, particularly those in centres of origin and crop diversity, in conserving, improving and making available these resources, is the basis of Farmers’ Rights. Its preambular text further affirms that rights recognized in the International Treaty to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in the fair and equitable sharing of the benefits arising from, the use of PGRFA, are fundamental to the realization of Farmers’ Rights, as well as their promotion at national and international levels. Farmers acknowledged in the International Treaty are also the carriers of traditional knowledge related to PGRFA, and their contributions are based, at their core, on traditional systems of seed exchange.

3. The realization of Farmers’ Rights is thus of paramount importance for sustainable agriculture and resilient food and seed systems worldwide but also for farmers themselves to sustain and improve their livelihoods and increase their resilience to external shocks. The Covid-19 pandemic, for example, has affected people around the world and hit farmers hard as their livelihoods and farming activities depend on functioning food systems, markets, transportation and other services.

4. Farmers in all regions of the world contribute to the conservation, development and sustainable use of PGRFA. In many countries, particularly in the centres of origin and crop diversity, small-scale farmers, and among them specifically women, have a prominent role in this regard. It is, therefore, particularly important that women who engage in the conservation, development and sustainable use of PGRFA are recognised in their crucial role as custodians of crop diversity and that their needs are addressed equally when it comes to the realisation of Farmers’ Rights.

5. According to Article 9.2 of the ITPGRFA, the responsibility for realizing Farmers’ Rights, as they relate to PGRFA, rests with national governments. 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 protection of traditional knowledge relevant to PGRFA (Article 9.2.a); the right to equitably participate in sharing benefits arising from the utilization of PGRFA (Article 9.2.b); and the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA (Article 9.2.c). Furthermore, it is stated in Article 9.3 that “nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.”

6. There are many examples of measures and practices being implemented for the realization of Farmers’ Rights, for example at the local level and by civil society organisations. To assist Contracting Parties in developing and implementing national measures, and to draw from the
experiences that have been attained so far, the Governing Body continually invites Contracting Parties and relevant Stakeholders, especially farmers’ organizations, to submit views, experiences and best practices as examples of possible options for the national implementation of Farmers’ Rights, as set out in Article 9 of the International Treaty. Nevertheless, such experiences and practices should be shared on a larger scale, and the further implementation of Farmers’ Rights should be promoted.

7. In this context, at its Seventh Session in 2017, the Governing Body established the Ad hoc Technical Expert Group on Farmers’ Rights (AHTEG-FR or Expert Group) with the mandate 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 (the Inventory); and based on the Inventory, to develop Options for encouraging, guiding and promoting the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty (the Options).7

8. The Options are based on measures or practices that have been shared by Contracting Parties and Stakeholders as examples of possible options and that are compiled in the Inventory.8

II. Objective

9. The purpose of the Options is to encourage, guide and promote the realization of Farmers’ Rights as set out in Article 9 of the International Treaty.

III. Nature and scope

10. The word “options” means the act or opportunity of choosing, or a thing that can be or is chosen. It implies that there is a discretion or right to choose, and that several alternatives exist from which a choice can be made.9

11. Options are thus understood in this document as examples of actions or measures that may be taken to achieve an anticipated objective. This non-prescriptive and discretionary character of the Options distinguishes them from guidelines that are intended to advise on how something should be done.

12. Contracting Parties of the International Treaty have committed themselves to take measures to protect and promote Farmers’ Rights, in accordance with their needs and priorities, as appropriate and subject to national legislation. The measures taken by each Contracting Party may differ from one another, given the fact that different countries’ needs, priorities, legal frameworks and general conditions vary, including to which other international agreements they have adhered to. The International Treaty affirms, in its Preamble, that nothing in it shall be interpreted as implying in any way a change in the rights and obligations of the Contracting Parties under other international agreements.

13. The Options may thus serve as a source of inspiration and guidance for Contracting Parties to promote the realization of Farmers’ Rights in their own specific contexts.

14. Several options may be related to one another and could be combined to create synergies and develop stronger impact with respect to realization of Farmers’ Rights. Examples of such combined measures/practices can be found in the Inventory. Farmers’ Rights may thus be promoted as a bundle of measures, practices and policies that are mutually supportive. Furthermore, the careful consideration of synergies between options, and how they relate to other rights and

obligations that concern rights of farmers, women and men, as well as local and indigenous communities, could be considered a major factor of success.

IV. Intended users/target groups

15. Contracting Parties of the International Treaty are the primary target group of the Options, based on the obligation they have to implement the International Treaty and comply with its provisions, including Article 9.

16. Farmers, indigenous and local communities are rightsholders that can make legitimate claims for the implementation of their rights. Farmers and their organizations may thus want to use the Options as a source of information in pursuit of their cause.

17. Other Stakeholders aiming to support the realization of Farmers’ Rights, including NGOs, civil society and the private sector operating at various levels and scales, as well as international organizations, research and academia, may also find inspiration for possible partnerships, programmes or initiatives.

18. A further target group includes donors, such as governments, foundations and international financial organizations, who may be inclined to support the realization of Farmers’ Rights as set out in Article 9 of the International Treaty, for example by providing financial and/or non-monetary resources.

19. Furthermore, Non-Contracting Parties and all other types of organizations working towards the realization of Farmers’ Rights could also use the Options as a source of inspiration and guidance.

V. Guide to the document

Categories

20. A set of eleven categories was used to structure the Options, so that several options are presented under each category. The same categories were also used in the Inventory.\textsuperscript{10}

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\textsuperscript{11}, 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;

9. Training, capacity development and public awareness creation;

\textsuperscript{10} See IT/GB-8/AHTEG-FR-2/19/Report

\textsuperscript{11} Including seed houses
10. Legal measures for the implementation of Farmers’ Rights, such as legislative measures related to PGRFA;
11. Other measures/practices.

21. For each category, the reference to relevant provisions of Article 9 of the International Treaty is provided, with explanation of why measures under this category can be regarded as options to encourage, guide and promote the realization of Farmers’ Rights. An overview table is also provided at the end of the document. However, any references that are made to sub-articles of Article 9 in the Options are not meant to provide any specific interpretation of their legal content.

Options
22. The presentation of each option follows a uniform pattern. An explanation is given of what the option is about, and what types of measures may typically be involved. Gender is likely to be relevant for some options; in such cases, a brief explanation is included in the description to support a gender-responsive approach. Some examples from the Inventory are given for each option.  

Type(s) of measures
23. The description of each option includes information on type(s) of measures that may be involved. Measures are classified here into “technical”, “legal”, “administrative” and “other” types of measures, based on the following criteria:

- Technical measures refer to initiatives/programmes/project activities that strengthen individual farmers’ or farming communities’ contributions to on farm, in situ and ex situ conservation and/or sustainable use of PGRFA (e.g., documentation of PGRFA and related traditional knowledge, training and capacity development, community seed banks, seed-saver networks and seed fairs, participatory plant breeding and variety selection, farmer field schools);
- Administrative measures refer to executive orders, ministerial, inter-ministerial, departmental instructions/circulars/memoranda, awards/recognition, establishment of protocols, codes, guidelines, etc.;
- Legal measures refer to national/regional laws, policies and any other legal instruments (act, law, bill etc.);
- Other measures refer to all other measures or practices, including studies, advocacy work, and financial instruments.

The same criteria were also used to classify the type(s) of measures in the Inventory.

Relation with the Submissions and the Inventory
24. The submissions of Contracting Parties and Stakeholders, through which they have shared their experiences from the realization of Farmers’ Rights in various countries, form the basis of both the Inventory and the Options.

25. In the Inventory, measures/practices that have been proposed by Contracting Parties and Stakeholders as examples of possible options are listed, each with a link to the original submission, where they are described in detail, including with specific information on history and context, core components, key outcomes, and lessons learned. The Expert Group did not evaluate or assess these measures and practices as to whether or not any specific measure and practice contributes to the realization of Farmers’ Rights.

26. The Options present this information in a more general and summarized form, based on the examples from the Inventory. For empirical experiences related to each option, the reader is encouraged to consult the Inventory.

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12 This sentence is highlighted in grey colour because it was not finalized by the Expert Group (see Paragraph 16 of this Report).
Use of the Options

27. Article 9 of the International Treaty states that the responsibility for realizing Farmers’ Rights rests with national governments. Contracting Parties are thus invited to consider the full range of options for the implementation of Farmers’ Rights at the national level, in accordance with their needs and priorities and as appropriate; however, no particular option should be understood as being specifically required under Article 9 of the International Treaty.
Annex 4

List of titles of options

Category 1: Recognition of local and indigenous communities' and farmers' contributions to the conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers

Option 1A: Establish prizes and awards to honour custodian/guardian farmers, farming communities and their organizations who contribute to the conservation and sustainable use of PGRFA in an outstanding manner

Option 1B: Highlight the role and expertise of farmers, farming communities and their organizations in the conservation and/or development of PGRFA by mentioning their names and further details in official records

Option 1C: Designate locally, nationally or Globally Important Agricultural Heritage Systems sites for the conservation and sustainable use of PGRFA and support farmers and their organizations in the sustainable management and governance of such sites

Category 2: Financial contributions to support farmers’ conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds

Option 2A: Provide funds for farmers, farming communities and their organizations who conserve, develop and sustainably use PGRFA, including to capacity development

Option 2B: Contribute voluntarily to the Benefit-sharing Fund (BSF) of the International Treaty

Category 3: Approaches to encourage income-generating activities to support farmers’ conservation and sustainable use of PGRFA

Option 3A: Conduct and/or support promotional activities to strengthen sustainable consumption for products derived from the conservation and sustainable use of PGRFA

Option 3B: Develop value-chains for local crops, varieties and evolutionary populations with specific adaptation, nutritional value, uses or other benefits

Option 3C: Create and support markets for products issued from farmers’ varieties/farmers’ seed systems

Category 4: Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge

Option 4A: Recognize, collect and document traditional knowledge on PGRFA, including knowledge relating to cultivation and use

Option 4B: Conduct and/or support activities for conserving, sharing and disseminating traditional knowledge relating to PGRFA

Option 4C: Support farmers and farming communities to develop instruments to govern access to PGRFA over which they have established rights and traditional knowledge associated with PGRFA based on their local practices, procedures and community protocols
Category 5: In situ on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites

Option 5A: Support and safeguard community biodiversity management and/or other practical activities of farmers and farming communities for in situ/on-farm management of PGRFA

Option 5B: Strengthen the role and identity of custodian/guardian farmers and communities through social and cultural activities

Option 5C: Conduct and disseminate studies on the participation of farmers and communities in in situ/on-farm conservation, management and sustainable use of PGRFA, including technological, ecological, socioeconomic and cultural aspects

Category 6: Facilitation of farmers’ access to a diversity of PGRFA through community seed banks, seed networks and other measures improving farmers’ choices of a wider diversity of PGRFA

Option 6A: Establish and/or support community seed banks, seed clubs, seed houses, seed-saver networks or similar approaches

Option 6B: Organize and/or support farmers’ seed festivals and fairs

Option 6C: Facilitate farmers’ access to material from genebanks, research institutes, universities and the private sector

Option 6D: Support farmers’ seed systems and innovation

Category 7: Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection

Option 7A: Involve farmers in the characterization, evaluation and selection of PGRFA, including landraces/farmers’ varieties, and/or new varieties, populations and genebank accessions

Option 7B: Develop participatory plant breeding programmes or projects

Option 7C: Conduct participatory research on other aspects of PGRFA

Category 8: Farmers’ participation in decision-making at local, national and sub-regional, regional and international levels

Option 8A: Ensure representation and effective participation of farmers and/or their organizations in national advisory committees, commissions, councils or working groups addressing issues relating to the conservation, management and sustainable use of PGRFA

Option 8B: Organize policy dialogue processes with participation of farmers and/or their representative organizations

Category 9: Training, capacity development and public awareness creation

Option 9A: Promote understanding and raise awareness of the importance of Farmers’ Rights

Option 9B: Strengthen farmers’ and their organizations’ capacities to effectively participate in policy dialogue and decision-making processes

Option 9C: Enhance farmers’ and their organizations’ technical and/or organizational capacities, systems of knowledge and management that foster biodiverse systems, conservation and sustainable use of PGRFA
Category 10: Legal measures for the implementation of Farmers’ Rights, such as legislative measures related to PGRFA\textsuperscript{13}

Category 11: Other measures/practices

Option 11A: Support farmers’ conservation, management and sustainable use of PGRFA through targeted emergency assistance

\textsuperscript{13} The Co-Chairs’ proposal on options under Category 10 is presented in Annex 5 (see Paragraph 17 of this Report).
Annex 5

Co-chairs’ proposal for options under Category 10

Category 10: Legal measures for the implementation of Farmers’ Rights, such as legislative measures related to PGRFA

Reference to relevant provision/s of Article 9 of the International Treaty

- Art. 9.1 ✔️
- Art. 9.2a ✔️
- Art. 9.2b ✔️
- Art. 9.2c ✔️
- Art. 9.3 ✔️

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers’ Rights?

Contracting Parties to the International Treaty have agreed that the responsibility for realizing Farmers’ Rights, as they relate to PGRFA, rests with national governments. Each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers’ Rights (Art. 9.2). Several measures of Farmers’ Rights are suggested, including the protection of traditional knowledge relevant to PGRFA, the fair and equitable sharing of benefits arising from their utilization, and the right to participate in making decisions, at the national level, on related matters (Art. 9.2a-c). Rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material are referred to in Art. 9.3.

To implement the commitments they have made under international agreements, governments of Contracting Parties may consider reviewing and, as appropriate, adjusting existing national law, or creating new law, in accordance with their priorities and needs. In that process, Contracting Parties may want to assess and consider needs of rightsholders, including farmers, indigenous and local communities, in cases where they are directly affected by such legal measures.

Option 10A: Realize Farmers’ Rights within the national legislation, administrative and policy framework relevant for the conservation and sustainable use of PGRFA

Laws and policies pertaining to PGRFA, agriculture and the environment, as well as their related procedures, may be created or amended to support the realization of Farmers’ Rights. Such policies and laws may cover issues such as, for example, national legislation on biodiversity conservation, GMOs, PGRFA, seeds, plant variety protection, rights of peasants, local and indigenous communities. They may address Farmers’ Rights in a holistic manner and/or focus on specific aspects that are deemed particularly relevant in certain situations.

This may include laws and procedures for recognizing the efforts made by custodian/guardian farmers, local and indigenous communities, regarding the conservation and sustainable use of PGRFA; for the protection of traditional knowledge related to the conservation and sustainable use of PGRFA; or for the representation of farmers, local and indigenous communities in decision-making bodies and/or advisory boards of government institutions working on matters that are related to PGRFA. Such laws and related procedures may further protect and safeguard farmers’ seed systems and related practices.

Type(s) of measures that may typically be involved

- Technical
- Administrative ✔️
- Legal ✔️
- Other
**Option 10B: Realize Farmers’ Rights through reviewing and, as appropriate, adjusting, intellectual property law and/or related procedures**

Intellectual property laws, including those relating to PGRFA, typically define the item, product or process for which protection may be sought, requirements or conditions for granting protection as well as scope and duration of the right. They may also establish rights or conditions for users of the protected item or product, for example conditions under which farmers may save, use, exchange and/or sell seed of protected varieties.

Contracting Parties may consider reviewing and, as appropriate, adjusting intellectual property laws and related procedures, for example by including provisions to safeguard rights that farmers have to save, use, exchange and/or sell farm-saved seed.

They may also include requirements in intellectual property laws and related procedures for disclosure of origin to enable fair and equitable sharing of benefits arising from the use of PGRFA; or by adjusting the scope of protection, thereby defining conditions under which farmers may save, use, exchange and/or sell seed of protected varieties, subject to national law and as appropriate.

*Type(s) of measures that may typically be involved*
- Technical
- Administrative ✓
- Legal ✓
- Other

**Option 10C: Realize Farmers’ Rights through reviewing and, as appropriate, adjusting seed laws and/or related procedures**

Contracting Parties may consider reviewing and, as appropriate, adjusting seed laws and related procedures in order to create legal space for farmers to save, use, exchange and/or sell farm-saved seed in general, or farmers’ varieties and/or varieties and populations with specific adaptation and uses in particular.

In this context, farmers, local and indigenous communities may also be encouraged and supported in registering varieties they conserve and/or develop and use, e.g. in registers held by the community and/or deposited with local authorities, or in national variety catalogues, should they wish to do so. This may also involve reviewing and, as appropriate, adjusting the necessary procedures and/or requirements for the registration of such varieties or populations, as well as for the quality management and/or marketing of seed. For example, simplified procedures and/or criteria for the registration of such varieties may be established, fees may be reduced or active support provided to farmers, local and indigenous communities to register varieties.

Seed laws that aim to protect and promote Farmers’ Rights may also explicitly acknowledge rights that farmers have to save, use, exchange or sell seed, subject to national law and as appropriate, e.g. by providing for special possibilities for quality control of farmers’ seed, including in cases of non-commercial seed dissemination and use, based on traditional practices.

*Type(s) of measures that may typically be involved*
- Technical
- Administrative ✓
- Legal ✓
- Other
Option 10D: Realize Farmers’ Rights through reviewing and, as appropriate, adjusting national laws for access and benefit-sharing and/or related procedures

Possibilities to address Farmers’ Rights to equitably participate in sharing benefits arising from the utilization of PGRFA include determining rules for governing access to PGRFA, especially those managed on-farm or in situ by farmers and local and indigenous communities. Such rules may rely on internationally agreed procedures, such as Prior Informed Consent (PIC) or use tools such as community biodiversity registries and biocultural community protocols.

Since national measures and procedures for access and benefit-sharing may be required under several international agreements, requirements of all relevant agreements may be reviewed and implemented in a harmonious manner, for example by establishing ‘single window’ systems for access and benefit-sharing.

Furthermore, laws and procedures for the protection of traditional knowledge may include consent requirements in cases where traditional knowledge is documented, explored or used otherwise. The protection of traditional knowledge may also extend to seed of varieties that were developed based on traditional knowledge, practices or skills as well as related processes, and to products derived from them. Priority may also be given to the legal protection of farmers’ seed systems, e.g. to govern access to PGRFA held by farmers and local and indigenous communities and establishing national mechanisms that enable the fair and equitable sharing of benefits arising from their use.

Type(s) of measures that may typically be involved

- Technical ✔
- Administrative ✔
- Legal ✔
- Other

Option 10E: Study national and international policies and laws regarding their contributions to the realization of Farmers’ Rights

Studying national and international policies and legal frameworks may help identify specific strengths and weaknesses of current legislations and propose solutions to address possible gaps. They may also include comparative studies, e.g. on approaches that are taken in different countries or regions. A further focus may be on the coherence of international commitments, regional, national and sub-national legislations and related policies and programmes.

Such studies may provide lawmakers with the necessary evidence for better targeting and/or designing measures that support the realization of Farmers’ Rights and can also contribute to raising awareness of broader audiences.

Type(s) of measures that may typically be involved

- Technical
- Administrative
- Legal
- Other ✔