



Food and Agriculture  
Organization of the  
United Nations



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 information on best practices and measures of implementing Article 9 of the International Treaty submitted jointly by the Geneva Academy of International Humanitarian Law and Human Rights on 13 November 2023.*

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



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### 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

Publication — “The Right to Seeds in Africa. The United Nations Declaration on the Rights of Peasants and other people working in rural areas and the Right to Seeds in Africa”, Academy Briefing N° 22, February 2023.

- Date of submission

November 13, 2023

- Name(s) of country/countries in which the measure/practice is taking place

The 55 member states of the African Union.

- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

The Geneva Academy of International Humanitarian Law and Human Rights

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- Type of institution/organization (categories)

Academic and research institution

- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

1. Swissaid | <http://swissaid.ch>

2. Crops4HD | <https://crops4hd.org>

3. South Centre | <https://www.southcentre.int>

## Description of the examples

### Mandatory information:<sup>1</sup>

- Short summary to be put in the inventory (max. 200 words) including:
  - Implementing entity and partners
  - Start year
  - Objective(s)
  - Summary of core components
  - Key outcomes
  - Lessons learned (if applicable)

This Briefing, entitled “UNDROP and the Right to Seeds in Africa”, is a publication of the Geneva Academy of International Humanitarian Law and Human Rights, with the support of Swissaid, Crops4HD and South Centre. Research was conducted from March to December 2022, and the Briefing was published in February 2023. The objective is to raise awareness of the Declaration and to promote its implementation in African countries. The Briefing 1) gives an overview of the right to seeds and intellectual property in international law; 2) introduces UNDROP and outlines its definition of the right to seeds and states’ obligations; 3) presents the challenges to the protection of the right to seeds in Africa; and 4) develops proposals and makes recommendations to better protect the right to seeds in the AU and African states. The Briefing has been presented in several forums, including seed policy workshops with African governments and civil society representatives. The publication fills an important gap in providing civil society and government actors with the tools to move toward the implementation of UNDROP, and the right to seeds in national and regional laws and policies.

- Brief history (including starting year), as appropriate

This publication is part of a series of briefings prepared by the Geneva Academy of International Humanitarian Law and Human Rights to raise awareness of the UN Declaration on the Rights of Peasants (UNDROP) and to promote its implementation. Each briefing focuses on the specific challenges to the realization of the right to seeds in a specific region of the world. The first briefing entitled “The Right to Seeds in Europe” was published in February 2021. Research for the second briefing on “The Right to Seeds in Africa” was conducted in the course of 2022. The full briefing was published in February 2023, followed by the publications of shorter research briefs in English and French in June 2023.

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

This publication focuses on the steps that the African Union and African states shall take to better protect the right to seeds. Following the introduction (Part 1), it provides an overview of the right to seeds in international law prior to UNDROP’s adoption, and explains the inherent conflicts with intellectual property and marketing laws (Part 2). It then introduces UNDROP, outlines its definition of the right to seeds and states’ obligations, and explains why international human rights instruments, including UNDROP, must prevail over international and national instruments governing intellectual property and seed marketing (Part 3). The following section presents the challenges to the protection of the right to

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

seeds in Africa (Part 4). The last section of the publication develops proposals and makes recommendations to better protect the right to seeds in the AU and African states based on states' obligations as defined in UNDROP (Part 5).

- 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)

Ever since the ITPGRFA was adopted in 2001, the global policy community has been seeking ways to effectively implement farmers' rights, including their rights to seeds, whose essential role in the conservation and development of agrobiodiversity in a context of climate change is increasingly acknowledged. The adoption UNDROP in 2018 marked an important step in that process by enshrining the right to seeds in international human rights law. UNDROP complements the ITPGRFA 1) by recognizing the right to seed as an individual and collective right that can be transformed into legal entitlements in national and regional laws, and that can become enforceable before judicial or quasi-judicial bodies at national, regional or international levels; 2) by defining state obligations in a more elaborate way than other international instruments; and, 3) by establishing that human rights prevail over other types of legal norms such as intellectual property or marketing laws. The UN General Assembly has called on all governments to disseminate UNDROP and to promote universal respect and understanding thereof. It is with this objective in mind that the Briefing aims to raise awareness of the Declaration and to promote its implementation in African countries.

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

Art. 9.1 X

Art. 9.2a X

Art. 9.2b X

Art. 9.2c X

Art. 9.3 X

### 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 <sup>2</sup>	Also relevant <sup>3</sup>
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		

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

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

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 <sup>4</sup> , 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	
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)

The objective of the publication is to raise awareness and understanding of the UN Declaration on the Rights of Peasants, in particular its article 19, and to provide tools to African civil society and governments to implement its provisions on the right to seeds.

- Target group(s) and numbers of involved and affected farmers<sup>5</sup>

The publication is aimed at African governments and civil society, including regional organisations, peasants'/farmers' organisations, and NGOs.

- Location(s) and geographical outreach

The publication is relevant for all 55 African countries.

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<sup>4</sup> Including seed houses.

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

- Resources used for implementation of the measure/practice

Approximately 30'000 CHF, to cover the salary of the researchers/authors and the production costs (translation, layout, printing and distribution).

- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?

The Briefing makes the case for realizing peasant's right to seeds as enshrined in UNDROP. It formulates detailed recommendations to governments on how to implement UNDROP provisions related to the right to seeds and agrobiodiversity in African national, regional and continental policies, laws and regulations. It is widely acknowledged that protecting and promoting peasants' right to seeds and peasant seed systems is an essential dimension of the conservation and sustainable use of PGRFA.

- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)

The publication is the first of its kind and it has garnered significant interest from African actors. It has been presented on several occasions, including:

- At a publication launch event co-organized by Swissaid and the Geneva Academy in June 2023;
- At a workshop on "Seed laws for Africa", co-organized by APBREBES, the African Centre for Biodiversity (ACB) and Community Technology Development Organisation (CTDO) in Durban (South Africa), in July 2023. The workshop was attended by over 30 government and civil society representatives from Southern and East Africa.
- At a workshop co-organized on the occasion of the visit to Geneva of the Southern African Rural Women's Assembly in October 2023.

- Other national level instruments that are linked to the measure/practice

This publication is directly relevant for national laws on plant variety protection (or plant breeders' rights), patents, seed marketing, biosafety, plant health, farmers' rights, access to genetic resources and benefit sharing, community knowledge, community rights, and digital sequence information – as well as their respective regulations.

- Are you aware of any other international agreements or programs that are relevant for this measure/practice?

UNDROP builds on a number of legally binding international instruments related to farmers' rights and the right to food, including the FAO International Treaty on Plant Genetic Resources for Food and Agriculture, in particular its article 9, the CBD and its Protocols, and the FAO Right to Food Guidelines.

UNDROP also builds on international human rights law, namely the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention), and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Finally, it builds on a number of reports presented by UN Special Rapporteurs on the right to food, primarily the report on seed policies presented by Olivier De Schutter in 2009 (A/64/170), and the report on the right to food presented by Michael Fakhri in 2020 (UN doc A/HRC/46/33).

- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

N/A

### **Lessons learned**

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

For such a publication to be effective, it is important to write in an accessible language and avoid legal jargon, to include concrete examples and case studies, and to develop the publication in collaboration with actors in the region.

- What challenges encountered along the way (if applicable) (max 200 words)

N/A

- 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 answer to first question above.

### **Further information**

- Link(s) to further information about the measure/practice
  - Link to the full briefing: [Academy Briefing N°22 – The Right to Seeds in Africa](#)
  - Link to a summary of the briefing, in English: [Research Brief](#)
  - Link to a summary of the briefing, in French: [Research Brief](#)
  - [News Release](#)