



Food and Agriculture  
Organization of the  
United Nations



**The International Treaty**  
ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE

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### **Item 13 of the Provisional Agenda**

#### **NINTH SESSION OF THE GOVERNING BODY**

**New Delhi, India, 19–24 September 2022**

#### **Implementation of Farmers' Rights**

#### **Executive Summary**

This report provides an overview of activities related to the implementation of Article 9, Farmers' Rights, undertaken or facilitated by the Secretary, during the current biennium. These include support to the Ad Hoc Technical Expert Group on Farmers' Rights, capacity building and outreach activities, partnerships and collaboration, and recent developments and discussions within other relevant fora and processes.

This document also provides draft elements for a possible Resolution on Farmers' Rights, for the consideration of the Governing Body.

#### **Guidance Sought**

The Governing Body is invited to consider the information contained in this document, including the proposed future activities in Part VI, and to adopt its Resolution on Farmers' Rights, taking into account the elements provided in the *Appendix* to this document.

FAO-ITPGRFA documents can be consulted at: [www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/](http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/)

## I. INTRODUCTION

1. This report provides an overview of activities related to the implementation of Article 9, Farmers' Rights, undertaken or facilitated by the Secretary, during the current biennium. These include support to the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG-FR or Expert Group), capacity building and outreach activities, partnerships and collaboration, and recent developments and discussions within other relevant fora and processes.
2. This report should be considered in conjunction with the document, IT/GB-9/22/13.2, *Report of the Ad Hoc Technical Expert Group on Farmers' Rights to the Ninth Session of the Governing Body*.
3. In addition, the documents IT/GB-9/22/13.3, *Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty* and IT/GB-9/22/13/Inf.1, *Updated inventory of national measures, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty*, have also been prepared for the consideration of the Governing Body under this agenda item.
4. This document further seeks guidance from the Governing Body on possible future activities for the effective implementation of Farmers' Rights, as set out in Article 9 of the International Treaty, and provides elements for a possible Resolution on Farmers' Rights, for the consideration of the Governing Body.

## II. THE AD HOC TECHNICAL EXPERT GROUP ON FARMERS' RIGHTS

5. At its Seventh Session, the Governing Body adopted Resolution 7/2017 on the implementation of Article 9, Farmers' Rights, through which it established the Expert Group 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”*; and

*“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”*.<sup>1</sup>

6. In the first biennium of its work (2019–2020), the Expert Group established the inventory of national measures that may be adopted, as well as best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty (*the Inventory*), which was endorsed by the Governing Body at its Eighth Session. The Governing Body also decided to reconvene the Expert Group to complete its tasks and requested the Secretary to prepare the necessary documentation and facilitate the work of the Expert Group.<sup>2</sup>

7. The Governing Body welcomed the establishment of an online electronic version of *the Inventory*. This online version became available on the website of the International Treaty in August 2020 and is being updated by the Secretariat on a regular basis, as requested by the Governing Body.<sup>3</sup>

8. The Secretariat also provided support to Contracting Parties and stakeholders regarding submissions on experiences, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, based on guidance from the Expert Group. This included use of the template for collecting information developed by the Expert Group and endorsed by the Governing Body.

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<sup>1</sup> See Resolution 7/2017.

<sup>2</sup> See Resolution 6/2019.

<sup>3</sup> See [www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/](http://www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/)

9. The Governing Body, at its Eighth Session, endorsed the basic structure 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*), as developed by the Expert Group.

10. The Expert Group held two meetings in the current biennium in virtual modality due the COVID-19 global pandemic. The third meeting of the AHTEG-FR was held from 25–28 August 2020. The fourth meeting was held from 4–7 May 2021 and resumed from 23–27 August 2021.

11. Details of the work of the Expert Group are provided in the documents, IT/GB-9/22/13.2, *Report of the Ad Hoc Technical Expert Group on Farmers' Rights to the Ninth Session of the Governing Body*. The draft *Options* are contained in the document, IT/GB-9/22/13.3, and includes the proposal by the Co-chairs for the options under Category 10, which could not be finalized by Expert Group by the end of its meetings.

### III. CAPACITY DEVELOPMENT AND OUTREACH ACTIVITIES

12. The Secretariat continued to communicate with Contracting Parties and stakeholders to encourage submissions of examples of measures, best practices and lessons learned from the implementation of Farmers' Rights. It also expanded and updated the section on Farmers' Rights on the website of the International Treaty, including information on the work of the AHTEG-FR and the submissions that were received.<sup>4</sup>

13. Furthermore, *the Inventory* was established as a new information resource on the website of the International Treaty.<sup>5</sup>

14. An updated version of the *Educational Module on Farmers' Rights* was published in 2021.<sup>6</sup> It is part of a series of educational modules on the International Treaty, which the Secretariat has been developing since 2011.

15. In April 2021, the Secretariat organized a virtual workshop in the framework of the project, "Foundations for Rebuilding Seed Systems Post Cyclone Idai: Zimbabwe, Mozambique and Malawi". The workshop comprised a large segment on Farmers' Rights. The Secretariat also published an episode of the podcast, "Treaty Talks", on Farmers' Rights in the context of disaster relief, based on experiences from this project.<sup>7</sup>

16. In the period between 25 January and 3 February 2022, the Secretariat convened a series of five regional webinars on the Benefit-sharing Fund, Conservation and Sustainable Use of PGRFA and Farmers' Rights. During these webinars, *the Inventory* was presented as a useful new tool for capacity development that is based on the experiences, best practices and lessons learned from the implementation of Article 9, Farmers' Rights, shared by Contracting Parties and stakeholders.

17. Further contributions were made by the Secretariat to conferences, webinars and training courses etc., which were organized by various Contracting Parties, partners and stakeholders.

### IV. PARTNERSHIPS AND COLLABORATION

18. During the intersessional period, the Secretariat collaborated with a broad range of partners and stakeholders to promote the implementation of Farmers' Rights through capacity building,

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<sup>4</sup> Submissions received were uploaded on the Farmers' Rights webpage: [www.fao.org/plant-treaty/areas-of-work/farmers-rights/farmers-rights-submissions/en/](http://www.fao.org/plant-treaty/areas-of-work/farmers-rights/farmers-rights-submissions/en/)

<sup>5</sup> Contributions to the Inventory are available at: [www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/](http://www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/)

<sup>6</sup> See [www.fao.org/3/cb5497en/cb5497en.pdf](http://www.fao.org/3/cb5497en/cb5497en.pdf)

<sup>7</sup> Available at <https://app.box.com/s/5d0njld7t2bft8t8avi3m7f4xbh8mt23>

awareness-raising and dissemination of the educational module on Farmers' Rights and the catalogue of measures contained in *the Inventory*.

19. The Secretariat also collaborated and liaised with other units of FAO on a broad range of relevant activities and initiatives, for instance, with the Partnership Division in the publication of the *White/Whiphala paper on indigenous peoples' food systems*.<sup>8</sup> The Secretariat also contributed to actions and processes initiated by FAO on relevant pillars of the Global Plan of Action and the UN Decade of Family Farming.

20. The Secretariat further co-organized webinars and collaborated with FAO decentralized offices to provide technical inputs and support national projects with activity components requiring information on measures and practices to promote the implementation and realization of Farmers' Rights, for instance, the FAO-GEF-funded project "Dynamic Conservation and Sustainable Use of Agro-Biodiversity in Traditional Agro-ecosystems of the Philippines."

21. The Secretariat also collaborated with other stakeholders on capacity building, awareness-raising and dissemination of information. These included the CGIAR Centers, academia, civil society organizations and other relevant stakeholders, to disseminate information, and gather and collect best practices and experiences on promoting the implementation of Farmers' Rights.

## V. DEVELOPMENTS AND DISCUSSIONS IN OTHER FORA OF RELEVANCE TO FARMERS' RIGHTS

22. Developments and discussions in other fora of relevance to Farmers' Rights were followed by the Secretariat during the current biennium.

23. In his report to the United Nations Human Rights Council, dated December 2021, the Special Rapporteur on the right to food, Michael Fakhri, provided a framework for the advancement of farmers', indigenous peoples' and workers' rights, offering guidance to ensure that the world's seed systems are biodiverse and safe, and fulfil human rights obligations.

24. The International Union for the Protection of New Varieties of Plants (UPOV) established a "Working Group on guidance concerning Smallholder Farmers in relation to private and non-commercial use". The purpose of the working group is to develop guidance concerning smallholder farmers in relation to private and non-commercial use, which would be the basis for a revision of the *Explanatory notes on exceptions to the breeder's right under the 1991 Act of the UPOV Convention* and a revision of the *Frequently Asked Questions (FAQs) on exceptions to the breeder's right*.<sup>9</sup> The second meeting will take place on 7 September 2022.

25. In July 2021, the United Nations Food Systems Summit took place in Rome. In the run-up to the summit, a call for "game-changing solutions" for food system transformation was launched. One such solution, titled "*Put farmers' access to crop diversity first in seed policy and practice*" was proposed by Norway.<sup>10</sup> During the pre-summit, several sessions took place that were related to farmer empowerment, conservation and sustainable use of crop diversity and seeds.<sup>11</sup>

26. In the academic field, several papers were published in the current biennium that focused on the relationship between Farmers' Rights as set out in Article 9 of the International Treaty and the United Nations Declaration on the Rights of Peasants and Other People Working in rural areas. These developments are being closely followed by the Secretariat.

<sup>8</sup> Available at [www.fao.org/3/cb4932en/cb4932en.pdf](http://www.fao.org/3/cb4932en/cb4932en.pdf)

<sup>9</sup> See [www.upov.int/meetings/en/details.jsp?meeting\\_id=67775](http://www.upov.int/meetings/en/details.jsp?meeting_id=67775) for further information.

<sup>10</sup> See [www.gmonettverket.no/wp-content/uploads/2021/07/Norway-SeedGameChanger\\_ENG.pdf](http://www.gmonettverket.no/wp-content/uploads/2021/07/Norway-SeedGameChanger_ENG.pdf) for a detailed description.

<sup>11</sup> See [www.seednl.nl/blog/seed-at-the-un-2021-food-systems-pre-summit](http://www.seednl.nl/blog/seed-at-the-un-2021-food-systems-pre-summit) for further information.

## **VI. POSSIBLE FUTURE ACTIVITIES TO ENHANCE THE IMPLEMENTATION OF ARTICLE 9 OF THE INTERNATIONAL TREATY ON FARMERS' RIGHTS**

27. Possible future activities to enhance the implementation of Article 9 of the International Treaty on Farmers' Rights, may include:

- strengthening coordination and collaboration among the International Treaty partners and stakeholders;
- support to and facilitation of initiatives of Contracting Parties and relevant organizations on the promotion and realization of Farmers' Rights, such as seminars, workshops and consultations;
- support to Contracting Parties and relevant stakeholders for the promotion and realization of Farmers' Rights;
- conduct of a background study on the state of implementation of Farmers' Rights; and
- organization of a Global Symposium to share experiences and discuss possible future work on Farmers' Rights.

## **VII. GUIDANCE SOUGHT**

28. The Governing Body is invited to take note the information contained in this document, including the proposed future activities, and to adopt its Resolution on Farmers' Rights, considering the draft elements provided in the *Appendix*.

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*Appendix*

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**DRAFT ELEMENTS FOR RESOLUTION \*\*/2022**  
**IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS**

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**THE GOVERNING BODY,**

**Recalling** the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made, and will continue to make, to the conservation, development and use of plant genetic resources as the basis of food and agriculture production throughout the world;

**Recalling** its Resolutions 2/2007, 6/2009, 6/2011, 8/2013, 5/2015, 7/2017 and 6/2019;

1. **Welcomes** the Report of the Ad Hoc Technical Expert Group on Farmers' Rights, and thanks the Ad Hoc Technical Expert Group for the significant progress made by it in fulfilling its tasks;
2. **Welcomes** the updated *Inventory of National Measures, Best Practices and Lessons Learned on the Realization of Farmers' Rights* (the Inventory) and its online version on the website of the International Treaty, recognizing that it will continue to be reviewed periodically and updated, as necessary;
3. **Invites** Contracting Parties and all relevant stakeholders, especially farmers' organizations, to submit to the Secretary, for inclusion in the Inventory, or update, views, experiences and best practices for national implementation of Article 9 of the International Treaty, as appropriate and subject to national legislation;
4. **Requests** the Secretary to translate the Inventory into the official languages of the International Treaty, subject to the availability of resources;
5. **Endorses** the *Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights as set out in Article 9 of the International Treaty* (the Options), as contained in Annex to this Resolution;
6. **Encourages** Contracting Parties and other stakeholders to consider using the Options in encouraging, guiding and promoting the realization of Farmers' Rights;
7. **Invites** Contracting Parties and relevant organizations to take initiatives to convene regional workshops and other consultations with a broad range of stakeholders, including with farmers' organizations, particularly those in the centres of origin and crop diversity, for the exchange of knowledge, views and experiences on the realization of Farmers' Rights, as set out in Article 9 of the International Treaty;
8. **Requests** the Secretary to facilitate such initiatives upon request and subject to the availability of financial and human resources;
9. **Requests** the Secretary to continue to disseminate and promote the use of the Educational Module on Farmers' Rights and to update it as necessary, and **invites** Contracting Parties and other relevant stakeholders to use it;
10. **Requests** the Secretary, subject to the availability of financial resources, to continue outreach and communication on Farmers' Rights, including capacity development workshops, to relevant stakeholders as an important measure to advance the realization of Farmers' Rights, as set out in Article 9 of the International Treaty;

11. **Requests** the Secretary, subject to the availability of human and financial resources, to provide support for Contracting Parties and relevant stakeholders on the promotion and realization of Farmers' Rights;
12. **Requests** the Secretary, subject to the availability of financial resources, to commission a background study on the state of implementation of Article 9 of the International Treaty;
13. **Requests** the Secretary, subject to the availability of financial resources, to organize a Global Symposium to share experiences and discuss possible future work on Farmers' Rights;
14. **Requests** the Secretary to strengthen, to the extent feasible, coordination and collaboration between the International Treaty and other units and partners within and outside FAO and to follow processes of relevance to Article 9 of the International Treaty, in order to promote the consideration of Farmers' Rights;
15. **Invites** Contracting Parties that have not already done so, to consider reviewing, and, if necessary, adjusting national measures that affect the realization of Farmers' Rights, in particular legislation concerning variety release and seed distribution, to protect and promote Farmers' Rights, as set out in Article 9 of the International Treaty, as appropriate and subject to national legislation;
16. **Invites** Contracting Parties to engage farmers' organizations and relevant stakeholders in matters related to the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, the conservation and sustainable use of plant genetic resources for food and agriculture, and to promote awareness-raising and capacity-building towards this aim;
17. **Invites** Contracting Parties to promote sustainable biodiverse production systems and facilitate participatory approaches such as community seed banks, community biodiversity registries, participatory plant breeding and seed fairs as tools for realizing Farmer's Rights, as set out in Article 9 of the International Treaty, as appropriate;
18. **Appreciates** the participation of farmers' organizations in activities to support the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, and **invites** them to continue to actively participate in Sessions of the Governing Body and in relevant intersessional meetings of relevant subsidiary bodies established by the Governing Body, as appropriate and according to the Rules of Procedure of the International Treaty, and giving due consideration to the FAO Strategy for Partnerships with Civil Society;
19. **Thanks** the Governments of Italy and Norway for their generous financial support to the work and meetings of the Ad Hoc Technical Expert Group;
20. **Urges** Contracting Parties and other donors to continue providing financial resources to support the work on Farmers' Rights under the International Treaty and **calls upon** Contracting Parties to support the activities outlined in this Resolution;
21. **Requests** the Secretary to report to the Governing Body, at its Tenth Session, on the implementation of this Resolution.

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[ANNEX: Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights as set out in Article 9 of the International Treaty]