



Item 13 of the Provisional Agenda

TENTH SESSION OF THE GOVERNING BODY

Rome, Italy, 20–24 November 2023

Report on the Implementation of Farmers' Rights

Executive Summary

This document 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 capacity building and outreach activities, partnerships and collaboration, recent developments and discussions within other relevant fora and processes, as well as the indicative outline and criteria for the assessment of the state of implementation of Article 9 of the International Treaty, and the outcomes of the Global Symposium on Farmers' Rights.

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 take note of the information contained in this document, and to

- consider the draft annotated criteria and outline of the assessment of the state of implementation of Article 9 of the International Treaty, as contained in Annex 1 to this document, and provide any further guidance for undertaking the assessment;
- provide guidance on possible future activities for the implementation of Farmers' Rights; and
- adopt a Resolution, taking into account the draft elements provided in the Annex 2 to this document.

I. INTRODUCTION

1. This document provides an overview of activities related to the implementation of Article 9, Farmers' Rights, undertaken or facilitated by the Secretary, in response to the requests made by the Governing Body at its Ninth Session, and in accordance with available resources. It covers capacity development and outreach activities, partnerships and collaboration, recent developments and discussions within other relevant fora and processes, as well as the indicative outline and criteria for the assessment of the state of implementation of Article 9 of the International Treaty, and the outcomes of the Global Symposium on Farmers' Rights.

2. Based on the inputs and information derived from relevant activities, this document also proposes 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, for the consideration of the Governing Body.

II. CAPACITY DEVELOPMENT AND OUTREACH ACTIVITIES

- 3. The Secretariat continued to undertake outreach activities to communicate the importance of implementing Article 9 of the International Treaty as an effective means to advance the realization of Farmers' Rights. The Secretariat co-organized and/or participated in meetings, workshops, trainings and other events, to promote the understanding of Farmers' Rights, as well as the use and dissemination of (i) the Inventory of National Measures, Best Practices, Experiences and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty (the Inventory), (ii) the Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights, as set out in Article 9 of the International Treaty (the Options), (iii) the Educational Module on Farmers' Rights, and (iv) other relevant information resources that can facilitate the promotion, protection and realization of Farmers' Rights.²
- 4. Following the request of the Ninth Session of the Governing Body, the Secretary published the Options online and in printed format and made them available in different languages.
- 5. The Secretariat updated the Farmers' Rights section on the website, populating the Inventory with the submissions received,³ and providing information on some of the main questions regarding its implementation.⁴ Additionally, the Secretariat has also published a brochure on Farmers' Rights.⁵
- 6. The Secretariat further made contributions in conferences, webinars, training courses, etc, which various Contracting Parties, partners, and stakeholders organized.⁶

III. PARTNERSHIPS AND COLLABORATION

- 7. 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, awareness-raising, and dissemination of the Inventory, the Options, and the educational module on Farmers' Rights.
- 8. 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 FAO's Work on

¹ Resolution 7/2022, Implementation of Article 9, Farmers' Rights, available at: www.fao.org/3/nk242en/nk242en.pdf

² For example, the side event on "Strengthening Seed Systems through Realizing Farmers' Rights", held at FAO HQ during the Nineteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-19), and co-organised with the Governments of Norway and India.

³ Submissions received were uploaded on the Farmers' Rights website (<u>www.fao.org/plant-treaty/areas-of-work/farmers-rights/submissions/en/</u>) and into the corresponding category of the Inventory (www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/).

⁴ See www.fao.org/plant-treaty/areas-of-work/farmers-rights/faqs/en/.

⁵ See www.fao.org/3/cc6768en/cc6768en.pdf

⁶ See IT/GB-10/23/16.4, Report on Cooperation with Other International Bodies and Organizations, www.fao.org/3/nn178en/nn178en.pdf .

the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

9. The Secretariat collaborated with FAO decentralized offices to provide technical inputs and support the regional and national events or projects with activity components requiring information on measures and practices to promote the implementation and realization of Farmers' Rights.

10. The Secretariat also collaborated with other stakeholders on capacity building, awareness-raising, and dissemination of information. These included the CGIAR Centres, academia, civil society organizations, and other relevant stakeholders to use and disseminate the Inventory, the Options, and other information resources, and to gather and collect best practices and experiences on promoting the implementation of Farmers' Rights.⁹

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

- 11. The Secretariat followed developments in other forums of relevance to Farmers' Rights during the current biennium.
- 12. In the Convention of Biological Diversity, the Secretariat is participating as an observer in the Ad Hoc Technical Expert Group on the programme of work and institutional arrangements on Article 8(j) and other provisions of the Convention related to Indigenous Peoples and Local Communities (IPLCs).
- 13. The Secretariat also participated in sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (WIPO-IGC), held during this biennium.¹⁰

V. OUTLINE OF THE ASSESSMENT OF THE STATE OF IMPLEMENTATION OF FARMERS' RIGHTS

- 14. The Ninth Session of the Governing Body, through Resolution 7/2022, "request[ed] the Secretary, subject to the availability of financial resources, to make an assessment of the state of implementation of Article 9 of the International Treaty and to present criteria and an outline of the assessment at its Tenth Session and the full report at its Eleventh Session; such assessment should be based on the compliance reports and submissions in the Inventory as well as on other relevant information".
- 15. The annotated draft outline for the assessment of Article 9 is presented in Appendix to this document for the consideration of the Governing Body.

• Seed Knowledge Initiative, a multi-country project working with farmers in Malawi, South Africa, Zambia and Zimbabwe.

⁷ For example, FAO Regional webinar for the European Region "Farmers' Rights to seeds for food and livelihood security: building more resilient agri-food system", June 2023.

⁸ For example:

[•] FAO-GEF-funded project "Dynamic Conservation and Sustainable Use of Agro-Biodiversity in Traditional Agroecosystems of the Philippines."

[•] International Year of Millets celebration, Zambia, March 2023;

[•] International Year of Millets, in Biodiversity Festival in Florence, Italy, April 2023

[•] World Farmers Market Coalition, Rome, May 2023

[•] Webinar on how to contribute to the Inventory "Measure, best practices, and lessons learned from the realization of Farmers' Rights, University of Cape Town, August 2023

⁹ See Section III of document IT/GB-10/23/16.4, Report on Cooperation with Other International Bodies and Organizations. ¹⁰ Also reported in Section II of document IT/GB-10/23/16.4, Report on Cooperation with Other International Bodies and Organizations.

VI. GLOBAL SYMPOSIUM ON FARMERS' RIGHTS

16. Through Resolution 8/2022, the Governing Body requested 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 and welcomed the offer of the Government of India to host it.

- 17. In response to the request of the Ninth Session of the Governing Body, the Secretary organized the Global Symposium on Farmers' Rights from 12 to 15 September 2023, in New Delhi, India, generously hosted by the Government of India.
- 18. The Global Symposium aimed to provide a forum to share knowledge and experiences regarding innovative approaches, effective policies, best practices, and lessons learned in the implementation of Farmers' Rights, as set out in Article 9 of the International Treaty. It was designed to contribute to a better understanding, by Contracting Parties and interested stakeholders, of the challenges and opportunities for the effective implementation of Farmers' Rights and to gather insights and ideas for future work to promote the implementation of Farmers' Rights, as provided in the International Treaty.
- 19. About 700 participants from over 50 countries attended the event, comprising policymakers, farmers and farmers' organizations, non-government organizations, civil society organizations, and intergovernmental organizations, as well as dignitaries, senior government officials and a large number of farmers from India.
- 20. The Global Symposium was inaugurated by the Honourable President of India, Droupadi Murmu, who expressed her appreciation to the International Treaty for organising the event on Farmers' Rights in India and observed that "the International Treaty on Plant Genetic Resources for Food and Agriculture signed in 2001 was one of the most important international agreements among member countries to conserve, use, and manage plant genetic resources for food and agriculture. For the first time it talked about guaranteeing food security through conservation, exchange and sustainable use of the world's plant genetic resources for food and agriculture". She further noted that "...farmers since, the beginning of civilisation, are the real engineers and scientists. They have harnessed the energies and bounties of nature for the benefit of humanity."
- 21. The Programme of the Global Symposium was scheduled around five thematic sessions: (i) options for realizing Farmers' Rights as set out in Article 9 of the International Treaty; (ii) legal and other measures supporting the realization of Farmers' Rights; (iii) international processes and other issues of relevance to Farmers' Rights; (iv) state of implementation of Article 9 of the International Treaty; and (v) future work on Farmers' Rights. In addition to the thematic sessions, three special events took place covering: (a) farmers' forum, (b) south-south cooperation on Farmers' Rights, and (c) community genebanks and value chain, organised by the Government of India.
- 22. The summary of the discussions of the Global Symposium are presented in the document, IT/GB-10/23/13/Inf.1, *Report from the Global Symposium on the implementation of Farmers' Rights*.

VII. POSSIBLE FUTURE WORK

- 23. At its Ninth Session, the Governing Body requested the Secretary "to organize a Global Symposium to share experiences and discuss possible future work on Farmers' Rights…". Accordingly, the Secretary prepared the Programme of the Global Symposium on Farmers' Rights to facilitate sharing experiences and lessons learned from various participants and to gather ideas and inputs for possible future work on Farmers' Rights.
- 24. In the course of the discussions and exchanges during Global Symposium, several suggestions and recommendations were received by the Secretary for possible future work on Farmers' Rights:
 - (i) International Level
 - promote continuous sharing of experiences, best practices, and lessons learned from the realization of Farmers' Rights;

• empower farmers, especially women and youth, and promote their participation in international processes and discussions related to PGRFA;

- carry out inter-sessional work to develop voluntary guidelines for the implementation of Farmers' Rights and promote the use of *the Inventory* and *the Options*;
- promote regional and south-south cooperation;
- strengthen farmers' capacity, e.g., through capacity building and awareness-raising activities on Farmers' Rights and providing required technical and institutional support to farmers at national and regional levels;
- develop mechanisms to support farmers to produce their own seeds, and to save, sell, share, and exchange seeds;
- promote links between the International Treaty and human rights and other relevant bodies, and international cooperation to strengthen the implementation of Farmers' Rights;
- conduct work on how farmer-managed seed systems and the formal seed system can complement each other and serve the needs of farmers;
- conduct studies to understand the impact of DSI/GSD on farmers and to revisit the notion of stewardship and open access; in this context, to consider the ongoing processes and discussions to enhance the functioning of the Multilateral System and at the Open-Ended Working Group of the Convention on Biological Diversity, and to assess the possible impact of their work on Farmers' Rights; and
- strengthen the benefit-sharing mechanism to support farmers more directly.

(ii) National Level

- promote national implementation of Farmers' Rights;
- enhance the realisation of Farmers' Rights by drawing from the experiences contained in *the Options*;
- continue sharing experiences by submitting more measures to the Inventory and be inspired by other experiences as captured in the Inventory;
- develop measures to institutionalise farmer-managed seed systems, or guarantee the support and recognition of farmer/peasant seed systems;
- boost outreach activities and capacity building; and
- take measures to safeguard Farmers' Rights.

VIII. GUIDANCE SOUGHT

- 25. The Governing Body is invited to take note of the information contained in this document and to:
 - consider the draft annotated criteria and outline of the assessment of the state of implementation of Article 9 as contained in Annex 1 to this document;
 - provide guidance on possible future activities for the implementation of Farmers' Rights;
 - adopt a Resolution, taking into account the draft elements provided in the Annex 2 to this document.

Annex 1

Draft Outline of the Assessment of the State of Implementation of Article 9 of the International Treaty

Section 1: Executive Summary

This section will present the summary results of the assessment. It will have key findings/key messages and recommendations.

It will provide a brief summary of the assessment of the state of implementation by region.

Section 2: Background and Introduction

This section will provide a brief summary of the origin, the conceptual foundation of Farmers' Rights, developments, and the resolutions adopted by the Governing Body, and this may include noting the developments or considerations on Farmers' Rights from other relevant fora.

This section will also provide the introduction, purpose, scope, and limitations or uncertainties associated with the assessment.

Section 3: Methodology and Approach

This section will present the assessment methodology and approach. It will include the following:

A. Methodology and timeframe

General description of the methodology. The detailed methodology and timeframe are provided in Table 1.

B. Criteria

Base criteria: Questions 19, 19A and B of the Compliance Report, and the additional information, as provided by the Contracting Parties.

Scope of assessment: focus on Article 9 of the International Treaty

The assessment shall use the general guiding and supplementary questionnaire criteria, such as:

1. General guiding questionnaire

In conducting the assessment of the state of implementation of Farmers' Rights, it will be guided by the following questionnaire criteria:

- o Have Contracting Parties taken any measures to protect and promote Farmers' Rights?
- o How many countries have fully implemented it?
- o How many countries have partially implemented it?
- O How many countries have adopted policies and legal measures to implement Farmers' Rights?
- o How many countries have implemented or linked the implementation of Farmers' Rights to broader national development agenda, action plans or programmes?

2. Supplementary questionnaire:

- What are the efforts/ways/means/modes of protecting and promoting the implementation of Farmers' Rights undertaken by the Contracting Parties and stakeholders? The information shall be summarized and presented following the existing typologies in the Inventory. 11
- What are the most frequently cited measures and practices of protecting and promoting Farmers' Rights?
- O What are the lessons learned from the implementation of Farmers' Rights?

 $^{^{11}\} Such\ as:\ Technical,\ Administrative,\ Legal,\ Others.\ See\ the\ Inventory,\ available\ at:\ www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/$

O What are the challenges and difficulties encountered in implementing the provisions of Article 9?

• Any other supplemental or relevant information from the national reports, shall be included in the summary.

C. Source of Information

This section will explain what information sources were used for the assessment and describe each of them briefly.

The assessment of the state of implementation of Farmers' Rights will utilize the available information resources, such as the:

- o Compliance Reports (Article 9, Questions 19 and other relevant information provided in the National Reports.
- The 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, shall also be used as a data source for the assessment, taking into account the details and information presented by the Contracting Parties and stakeholders.
- o other relevant sources of information, as appropriate

Section 4: The State of Implementation of Farmers' Rights

This section will present the state of implementation of Farmers' Rights by region resulting from the analysis. It will summarize the work and initiatives of the Contracting Parties and stakeholders, such as legal and policy measures, technical programmes and other means undertaken to protect and promote the realization of Farmers' Rights.

Lessons learned from the realization of Farmers' Rights, and the challenges encountered by the Contracting Parties and stakeholders in protecting and promoting the realization of Farmers' Rights shall also be summarized.

To complement the analysis, the work of different international organizations and bodies in support of the realization of Farmers' Rights, such as UN bodies, CGIAR centers, civil society organizations, and public and private sectors, operating at different levels, shall also be included in this section.

This section will be structured by region, accompanied by data and figures, and thematic studies, as appropriate:

- Africa
- Asia
- Europe
- Latin America and the Caribbean
- Near East
- North America
- South West Pacific

Section 5. Summary and Recommendations

This section will present the summary and recommendations.

Appendices

Glossary of Terms and Definitions Used in this document

Thematic Studies (case studies), produced during the assessment, as appropriate.

Table 1. Indicative methodology and timeframe for the preparation of the Assessment of the State of Implementation of Farmers' Rights to be presented at the Eleventh Session of the Governing Body

INFORMATION GATHERING, COLLECTION AND DOCUMENT ANALYSIS	
1: Organizing, gathering information resources and reviewing all the available information.	January to April 2024
Gathering and assessing information 12 contained in the: National Compliance Report 13 Inventory 14 Global Plan of Action, and Other relevant documents	
In this phase, the established criteria will help to identify, consolidate and organize the information on the implementation of Farmers' Rights, such as the different measures ¹⁵ and practices implemented, challenges, and other issues confronting the implementation of Farmers' Rights, at the national level.	
Any relevant and useful information indicated in the Reports, shall be included as appropriate.	
2: Information and data analysis, drafting of the first assessment	May to July 2024
 Reviewing the submission by country, and by region¹⁶ Preparation of Case/thematic studies based on Farmers' Rights' provisions (i.e., Article 9.1; 9.2a to c and 9.3) while drafting, writing the state of implementation by region. 	
REGIONAL PRESENTATION	
3: Presentation and validation of the assessment reports, by region ¹⁷	September to November 2024
 Regional presentation will be organized through webinars, or hybrid meetings, for each region to present and validate the preliminary regional assessment, and gather any additional inputs, if there is. 	
Consolidation and integration of all the feedback gathered by region.	
 Finalize the assessment of the state of implementation of Farmers' Rights, by region. 	
SYNTHESIS AND WRITING THE STATE OF THE IMPLEMENTATION OF FARMERS' RIGHTS	
4: Review the assessments by region, and update if necessary	
Preparation of the (first) Assessment of the State of Implementation of Farmers' Rights	January to March 2025
Presentation of the Assessment, of "the State of Implementation of Farmers' Rights" to the Governing Body at the Eleventh Session	November 2025

¹² A notification inviting the CPs and interested stakeholders to submit and/or update their submission on the implementation of Farmers' Rights may be issued

¹³ National Reports (www.fao.org/plant-treaty/areas-of-work/compliance/compliance-reports/en/), Question 19, 19A and B of the Compliance Report

¹⁴ 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 (www.fao.org/plant-treaty/areas-of-work/farmers-rights/inventory-on-frs/en/) ¹⁵ Administrative, legal, technical, and other measures

¹⁶ Given the regional differences and specificities, a regional approach may be undertaken

¹⁷ Seven Regional Assessment Reports shall be part of the Assessment Report

Annex 2

DRAFT RESOLUTION **/2023

IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS

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 previous Resolutions 2/2007, 6/2009, 6/2011, 8/2013, 5/2015, 7/2017, 6/2019 and 7/2022;

- 1. **Takes note** of the publication of Options for Encouraging, Guiding and Promoting the Realization of Farmers' Rights as set out in Article 9 of the International Treaty (the Options), and **encourages** Contracting Parties and other stakeholders to consider using the Options in encouraging, guiding and promoting the realization of Farmers' Rights, in accordance with their needs and priorities, as appropriate, and subject to national legislation;
- 2. *Invites* Contracting Parties and other stakeholders, especially farmers' organizations, to continue submitting to the Secretary, for inclusion in the *Inventory*, views, experiences and best practices for national implementation of Article 9 of the International Treaty, or to update previous submissions, as appropriate, and subject to national legislation;
- 3. *Takes note* of the outcomes of the Global Symposium on Farmers' Rights and *thanks* the Government of India for generously and successfully hosting the Symposium, and *encourages* Contracting Parties to consider hosting future Symposiums as a platform for sharing experiences and learning from each other in the realisation of Farmers' Rights;
- 4. *Takes note* of the annotated outline for the assessment of the state of implementation of Article 9 of the International Treaty, as requested at the Ninth Session;
- 5. Considering, inter alia, the recommendations and suggestions arising from the Global Symposium on Farmers' Rights, as contained in the document IT/GB-10/23/13, subject to the availability of financial resources, *convenes* an Expert Group comprising [...] experts, based on proposals by the FAO Regions, and up to [...] representatives from relevant stakeholders, in particular farmers' organizations, in accordance with the Terms of Reference [to be established by the Governing Body] and under the overall guidance of the Bureau of the Eleventh Session, to prepare and present for consideration by the Governing Body at its Eleventh Session:
 - a draft Voluntary Guidelines for the implementation of Farmers' Rights;
 - a draft Programme of Work on Farmers' Rights; and
 - review the assessment of the state of implementation of Article 9 of the International Treaty prepared by the Secretariat.
- 6. Again, *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;
- 7. **Requests** the Secretary to facilitate such initiatives upon request and subject to the availability of financial and human resources;
- 8. **Requests** the Secretary to facilitate such initiatives, including through the facilitation of developing regional cooperation plans among the involved stakeholders, with emphasis on South-South Cooperation,

with reference to Article 18.5 of the International Treaty, upon request and subject to the availability of financial and human resources;

- 9. **Requests** the Secretary to update the Educational Module on Farmers' Rights, as appropriate, and to continue disseminating and promoting its use, 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 to strengthen, to the extent feasible, collaboration between the International Treaty and other units and partners that work for the promotion of Farmers' Rights within and outside FAO, and the broader United Nations including with international human rights bodies, in order to promote the realization of Farmers' Rights;
- 12. *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 Organizations;
- 13. **Thanks** the Governments of Italy and Norway for their generous financial support to the implementation of Farmers' Rights;
- 14. *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:
- 15. *Requests* the Secretary to report to the Governing Body, at its Eleventh Session, on the implementation of this Resolution.