

August 2018



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
FIRST MEETING OF THE <i>AD HOC</i> TECHNICAL EXPERT GROUP ON FARMERS' RIGHTS
Rome, Italy, 11 – 14 September 2018
Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

I. INTRODUCTION

1. The Governing Body, at its Seventh Session, decided to establish the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG). The Governing Body requested the AHTEG, based on the inventory of national measures to be produced by the AHTEG, to "... *develop options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*", and to report back to the Governing Body on its work for consideration at the Eighth Session (Resolution 7/2017).

2. With the document, IT/GB-8/AHTEG-FR-1/18/4, *Realization of Farmers' Rights: Experiences, Lessons Learned and Best Practices*, the Secretary commissioned the preparation of a background paper which, inter alia, synthesized the submissions received between 2012 and 2018 on views, experiences, best practices, and lessons learned in the implementation of Farmers' Rights. A compilation of the submissions is provided in the document IT/GB-8/AHTEG-FR-1/Inf.3.¹

II. DEVELOPMENT OF OPTIONS FOR ENCOURAGING, GUIDING AND PROMOTING THE REALIZATION OF FARMERS' RIGHTS

3. The request of the Governing Body envisages the production of an inventory of national measures based on which the AHTEG will develop "the Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty" (the Options).

4. In establishing the Terms of Reference for the AHTEG, the Governing Body did not provide any specific guidance on the structure, nature or the format for the presentation of the Options. However, in developing the Options, the AHTEG would need to consider how to organize its work in such a manner as to first produce the inventory of "national measures that may be adopted, best practices and lessons learned", taking into account the information submitted by Contracting Parties and relevant stakeholders. It would, on that basis, develop the options as mandated by the Governing Body.

¹ IT/GB-8/AHTEG-FR-1/Inf.3, [Compilation of submissions of Contracting Parties and stakeholders](#).

5. The Secretariat is not aware of any specific precedents for Options, as requested by the Governing Body, that could serve as a model for the consideration of the AHTEG. However, there are guidelines on a range of different areas that have been developed in the past within FAO, which the AHTEG may wish to examine for possible elements or indicative examples to enable preliminary discussions on the issue. Some of these seek to provide guidance to policy advisors and decision-makers, subject to national priorities, in addressing questions that have an impact on food security, as could the implementation of Article 9 of the Treaty. They include:

- Policy Guidance Series:² Achieving the food security, nutrition and sustainable agriculture goals by 2030 requires a coordinated set of actions on a number of fronts: coherent policies and programmes, an increase of investments in line with national priorities and greater collaboration across different sectors and stakeholders. It is in this context that FAO and the EU, through the “Food and Nutrition Security Impact, Resilience, Sustainability and Transformation” (FIRST) programme are supporting governments and their development partners in creating a policy and institutional environment that is conducive to the achievement of SDG2. The FIRST’s Policy Guidance Notes series ensure that policy makers have the support they need to understand how sectoral issues affect food security and nutrition and to recognize how to incorporate these considerations into their policies.
- Strengthening sector policies for better food security and nutrition results: Food-based dietary guidelines:³ The Guidelines are intended to establish a basis for public food and nutrition, health and agricultural policies and nutrition education programmes to foster healthy eating habits and lifestyles. They provide advice on foods, food groups and dietary patterns to provide the required nutrients to the general public to promote overall health and prevent chronic diseases.
- Voluntary Guide for National Seed Policy Formulation:⁴ The Guide was endorsed by FAO’s Commission on Genetic Resources for Food and Agriculture at its 15th Regular Session in January 2015, which signals global agreement on the importance of an effective seed systems. Recognizing that, in many developing countries, there is a lack of adequate seed policies – i.e. principles that guide government action and define the roles of stakeholders. The absence of such policies weakens countries’ capacity to provide smallholders with adequate access to quality seeds of the crops most suited to their farming systems, conditions and needs. The Guide was developed to assist governments in formulating policies which would help create an enabling environment for seed sector development, and to ensure farmers would have access to affordable quality seeds and planting materials of the most suitable crop varieties essential for improving their food and nutrition security and livelihoods.
- Addressing agriculture, forestry and fisheries in National Adaptation Plans – Supplementary guidelines:⁵ The NAP-Ag Guidelines aim to support developing countries in reducing vulnerability of the agriculture sectors to the impacts of climate change by building adaptive capacities and resilience; addressing agriculture in the formulation and

² <http://www.fao.org/publications/policy-guidance-series/en/>

³ <http://www.fao.org/nutrition/education/food-based-dietary-guidelines/regions/countries/en/>

⁴ <http://www.fao.org/3/a-i4916e.pdf>

⁵ <http://www.fao.org/in-action/naps/adaptation-planning/guidelines/en/>

implementation of NAPs and enhancing the integration of adaptation in agricultural development policies, programmes, and plans.

- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.⁶
- Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security:⁷ The Voluntary Guidelines represent the first attempt by governments to interpret an economic, social and cultural right and to recommend actions to be undertaken for its realization. The objective of the Voluntary Guidelines is to provide practical guidance to States in their implementation of the progressive realization of the right to adequate food in the context of national food security, in order to achieve the goals of the World Food Summit Plan of Action. Relevant stakeholders could also benefit from such guidance. The Voluntary Guidelines cover the full range of actions to be considered by governments at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so. They can be used to strengthen and improve current development frameworks, particularly with regard to social and human dimensions, putting the entitlements of people more firmly at the centre of development.
- The Right to Food Guidelines:⁸ Information Papers and case studies.
- Principles for responsible investment in agriculture and food systems⁹ The Principles illustrate the integrated multi-faceted nature of food security and nutrition. Each of the Principles contributes to food security and nutrition, and in total they describe responsible investment in agriculture and food systems. It has a global scope and have been developed to be universally applicable, acknowledging the particular role and needs of smallholders, as well as designed to be applicable to all sectors, and all stages of agriculture and food systems through the appropriate means and specific roles of the stakeholders involved, within the national context.

6. The documents listed above are only a set of examples of different experiences that the AHTEG could examine in its deliberations towards developing the Options.

7. The AHTEG is invited, on the basis of the inventory of national measures, to develop options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty, and it may also wish to indicate any additional information and support it might require in so doing.

⁶ <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>

⁷ <http://www.fao.org/3/a-y7937e.pdf>

⁸ <http://www.fao.org/3/a-a0511e.pdf>

⁹ http://www.fao.org/fileadmin/templates/cfs/Docs1314/rai/CFS_Principles_Oct_2014_EN.pdf