



**Views, Experiences and Best Practices as an example of possible options for  
the national implementation of Article 9 of the International Treaty  
Submitted by Contracting Parties and Relevant Organizations**

*Note by the Secretary*

*This document presents the views, experiences and best practices on the implementation of Farmers' Rights, as set up in Article 9 of the International Treaty submitted by The Development Fund and their partners on 27 June 2018.*

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

## Inputs to the Ad-Hoc Technical Working Group on Farmers' Rights

In response to Notification by the International Treaty Secretariat dated 9<sup>th</sup> May 2018 (Ref: NCP GB8-05 Farmers' Rights), the Development Fund in collaboration with its partners submit views, experiences and best practices on the implementation of Farmers' Rights for the use of the Ad Hoc Technical Expert Working Group on Farmers' Rights. We also welcome the decision of the Governing Body 7 (GB7) to establish the group, and find the terms of reference for the Ad Hoc Technical Working Group timely and relevant.

Our view and inputs are founded on a long-term commitment to the conservation and sustainable use of plant genetic resources for food and agriculture. This commitment has been demonstrated through the implementation of community based agrobiodiversity management programmes in Asia, Africa and Latin America, and policy work towards national and international policy framework, including the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). Our views and inputs therefore address practical ways for the implementation of farmers' rights as well as challenges in the legal and policy framework that must be overcome in order to establish an enabling environment for the implementation of farmers' rights.

Farmers' Rights is a cornerstone of the International Plant Treaty, and its realization is fundamental for achieving the objectives of the Treaty: the conservation and sustainable use of plant genetic resources, and the fair and equitable sharing of benefits arising from their use. Particularly in developing countries, the food production systems depend on farmers' seed systems, or informal seed systems, which again rely on the guarantee of farmers' rights as set out in the International Plant Treaty's article 9 for its functioning. This means that food security, in particular in many developing countries, depends on the realization of Farmers' Rights, and that the implementation of Farmers' Rights must be considered in light of ensuring food security in a short and long-term perspective.

As a civil society organization working closely with smallholder farmers in developing countries, we have been concerned with the slow progress of the implementation of Farmers' Rights among many contracting parties of the International Plant Treaty. We do believe that this is partly due to lack of awareness of the importance of this issue, as well as lack of knowledge and capacity to fully implement these rights as they are established in the Treaty. However, there are also some important hindrances in the legal and policy frameworks that must be addressed in order to ensure the full realization of Farmers' Rights.

In our view, the main challenges for the implementation of Farmers' Rights are as summarized below. We have included references to good practices, guidelines, studies or positive experiences to support our views and recommendations, and we do believe that these references will serve the Ad Hoc Technical Working Group in its important work to fulfill its mandate:

- 1. Lack of knowledge and capacity to implement Farmers' Rights among key stakeholders, including relevant government institutions, policy makers, civil society, farmers and the private sector.** To address this challenge, guidelines based on practical experiences and good practices are crucial and will serve as important tools for the contracting parties and all other stakeholders. The Development Fund and its local partners in Guatemala, Asociación de Organizaciones de los Cuchumatanes – ASOCUCH, and Malawi, Centre for Environmental Policy and Environment, have, in collaboration with GFAR, developed capacity building materials for the implementation of farmers' rights, which have been included as part of the capacity building programme adopted by the GB6. Please find the link to the capacity

building materials for Malawi in the annex to this submission, and attached documents for the capacity building materials for Guatemala.

2. **Lack of priority to support biodiverse production systems such as community seed banks, participatory plant breeding, participatory variety selection, seed fairs etc.** These are methods recognized by the GB7 in its resolution on Farmers' Rights. We are concerned with the low priority of such actions among government policies and plans, as well as development assistance programmes. We enclose references to several good practices developed by our partner in Nepal, Local Initiative for Biodiversity, Research and Development – LI-BIRD, which we hope can serve the working group in its effort to develop guidelines and recommendations. Please see the annex of this submission.
  
3. **The gap in national legislations, and in some cases contradictory laws, is an important hindrance for the realization of Farmers' Rights.** Many countries, both developing and developed countries have plant variety protection policies that impede the realization of Farmers' Rights. This was exemplified during the joint symposium of the ITPGRFA and UPOV in October 2016. Closely linked to this challenge is the lack of recognition of farmers' seed systems in national legislations. As the attached country studies on Farmers' Seed Systems – Constraints and Possibilities in National Legislation show, the lack of recognition of farmers' seed systems in national seed legislations and seed systems constitutes several challenges for both the once dependent on the informal seed systems and the once dependent on the formal seed systems. The lack of recognition limits the access to plant genetic resources and the benefits that may be obtained from their use. Furthermore, this may generate an erosion of the plant genetic diversity. We recommend the working group to look at good practices of laws and policies that are coherent with the International Plant Treaty. We attach draft reports on informal seed systems and gaps in national legislations from Nepal, Guatemala and Malawi, which may serve the working group in its important tasks. Please note that the report on Malawi was drafted before the adoption of the new seed policy, and therefore may not be up to date in some of its findings and conclusions.
  
4. **The right of farmers to participate in decision making on plant genetic resources is yet to be fulfilled.** The right to participate is established in the article 9.2 c) of the International Plant Treaty. However, its realisation is severely lacking. In consequence, decision on policies and laws not only ignore farmers' needs and interests, they may also adversely affect their freedom to operate. This may be exemplified with the challenges caused by the gap of recognition of farmers' seed systems as referred to in point 3, which may have an impact in the genetic diversity and the overall goal of the International Plant Treaty. We therefore recommend the technical expert group to include good practices on participation of farmers' in the guidelines for the implementation of farmers' rights. Such practices include farmers' participation in national genetic resources commissions, consultations on farmers rights and the sustainable use and conservation of plant genetic resources, development of benefit sharing mechanisms, participatory methods for plant breeding and variety selection, as well as policy drafting and processes. We attach a summary of three national consultations on Farmers' Rights from Guatemala as an example of farmers' views and concerns, which should be taken into account when decision regarding plant genetic resources for food and agriculture are taken. We would also like to refer to a study published by APBEBES, Third World Network and Public Eye on participation.

We hope these views and the referred documents will be of use for the work of the Ad Hoc Technical Working Group on Farmers' Rights, and we are happy to provide further details if required. Representatives from ASOCUCH and LI-BIRD will be members of the working group, and will add additional information on these issues during the meetings of the working group. We also attach the view of the Ethio-Organic Seed Action, EOSA, from Ethiopia, which has been a long-term partner of the Development Fund.

With kind regards,

Elin Cecilie Ranum  
Head of Programme Department  
Oslo 29 June 2018

**Annex:**

**Links to references:**

1. Capacity building material from Malawi:  
[http://www.utviklingsfondet.no/files/uf/documents/Rapporter/Capacity\\_Building\\_Material\\_for\\_the\\_Realization\\_of\\_Farmers\\_Rights\\_in\\_Malawi.pdf](http://www.utviklingsfondet.no/files/uf/documents/Rapporter/Capacity_Building_Material_for_the_Realization_of_Farmers_Rights_in_Malawi.pdf)
2. Good practices on community based agrobiodiversity:  
**Community Seed Banks: Sharing Experiences from North and South**  
[http://www.libird.org/app/publication/view.aspx?record\\_id=272&origin=results&QS=QS&sortfld\\_221=Date&reversesearch=true&top\\_parent=221](http://www.libird.org/app/publication/view.aspx?record_id=272&origin=results&QS=QS&sortfld_221=Date&reversesearch=true&top_parent=221)

**Community Seed Banks in Nepal: Past, Present,**

**Future:** [http://www.libird.org/app/publication/view.aspx?record\\_id=85](http://www.libird.org/app/publication/view.aspx?record_id=85)

**Community Seed Banks: Origins, Evolution and**

**Prospects,** [http://www.libird.org/app/publication/view.aspx?record\\_id=174](http://www.libird.org/app/publication/view.aspx?record_id=174)

**For other referred documents, please see attachment to this submission:**

- [Capacity building material – Guatemala](#)
- [Recomendaciones de consultas sobre los derechos de los agricultores de Guatemala](#)
- Farmers' seed systems in Guatemala ([English](#) and [Spanish](#) versions)
- [Farmers' seed systems in Nepal](#)
- [Farmers' seed systems in Malawi \(draft version\)](#)
- [Views on Farmers' Rights, EOSA](#)

