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Food and Agriculture Organization of the United Nations

International Treaty on Plant Genetic Resources for Food and Agriculture

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FIFTH MEETING OF THE AD HOC TECHNICAL EXPERT GROUP ON FARMERS' RIGHTS

Rome, Italy, 24–26 June 2024

Elements of advice to the Governing Body on how the use of the "*Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*" can be promoted

I. INTRODUCTION

1. Through Resolution 7/2022 the Governing Body, at its Ninth Session, "[welcomed] *the work of the Expert Group;* [took] *note 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) … and request[ed] the Secretary to publish the Options".*

2. At its Tenth Session, the Governing Body, through Resolution 7/2023, decided to reconvene the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG-FR, or Expert Group). In reconvening the AHTEG-FR, the Governing Body mandated it to *"provide advice to the Eleventh Session of the Governing Body on how the use of Options, as contained in the Annex to Resolution 7/2022 for the implementation of Article 9 of the International Treaty, can be promoted*." [1]

3. Article 9 of the International Treaty states that responsibility for realizing Farmers' Rights rests with national governments. Contracting Parties are thus invited to consider the full range of options for the implementation of Farmers' Rights at the national level, in accordance with their needs and priorities and as appropriate, However, no option should be understood as being specifically required under Article 9 of the International Treaty.

II. THE OPTIONS FOR ENCOURAGING, GUIDING AND PROMOTING THE REALIZATION OF FARMERS' RIGHTS AS SET OUT IN ARTICLE 9 OF THE INTERNATIONAL TREATY

4. The Tenth Session of the Governing Body "[welcomed] *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), noting that the options under Category 10 are Co-Chairs' proposal, and request[ed] the Secretariat to increase awareness of the Options, and encourage[d] 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]

[1] Resolution 7/2023, available at: www.fao.org/3/no031en/no031en.pdf

[2] Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty (fao.org)

5. The 32 Options[3] are based on actual measures and practices that have been shared by Contracting Parties and stakeholders as examples of possible options, and which are compiled in the Inventory of National Measures, Best Practices and Lessons Learned on the Realization of Farmers' Rights (the Inventory).[4] The different options are presented according to the 11 categories of measures and practices in the Inventory. Each category contains more than one option, a list of examples with a link to the original submission, an explanation of the option, and what types of measures may typically be involved.

6. The measures taken by each Contracting Party may differ from those taken by others, given that different countries' needs, priorities, legal frameworks, and general conditions vary, including any other international agreements to which they may have adhered. This non-prescriptive and discretionary character of the Options distinguishes them from guidelines that are intended to advise on how it should be done.

7. The Options may thus serve as a source of inspiration and guidance for Contracting Parties to promote the realization of Farmers' Rights in their own specific contexts. Several options may be related to one another and could be combined to create synergies and develop stronger impact with respect to the realization of Farmers' Rights as set out in Article 9 of the International Treaty.

III. INTENDED USERS/TARGET GROUPS

8. Contracting Parties of the International Treaty are the primary target group of the Options, based on the obligation they have to implement the International Treaty and comply with its provisions, including Article 9. Farmers, Indigenous Peoples and local communities are rights-holders who can make legitimate claims for the implementation of their rights. Other stakeholders aiming to support the realization of Farmers' Rights as set out in Article 9 of the International Treaty, including non-governmental organizations (NGOs), civil society organizations (CSOs) and the private sector operating at various levels and scales, as well as international organizations, research, and academia, may also find inspiration for possible partnerships, programmes or initiatives. A further target group includes donors, such as governments, foundations, and international financial organizations, which may be inclined to support the realization of Farmers' Rights as set out in Article 9 of the International Treaty.

IV. ELEMENTS OF ADVICE ON HOW THE USE OF OPTIONS CAN BE PROMOTED

9. To facilitate the work of the Expert Group, some discussion points are proposed on how the use of Options can be promoted. It should be noted that this is only and indicative list to help initiate discussions towards the provision of advice to the Eleventh Session of the Governing Body on how the use of Options can be promoted, as requested by the Tenth Session, and in accordance with the terms of reference of the AHTEG-FR.

10. The promotion of the Options might be part of various activities carried out by Contracting Parties, interested stakeholders, and Secretariat. These activities can include:

- Capacity building/training courses on the different measures and practices contained in the Options and how to use them in their own context;
- Local/National/Regional programmes/projects encouraging partnerships/cooperation among different actors promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty in their specific context;
- Awareness raising through various means and channels, including the social media and the websites of the International Treaty, partners and stakeholders.

[3] The word 'options' means the act or opportunity of choosing, or a thing that can be or is chosen. It implies that there is a discretion or right to choose, and that several alternatives exist from which a choice can be made.
[4] The Inventory is available at: www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/

V. GUIDANCE SOUGHT

11. The Expert Group is invited to take note of the information contained in this document, and provide:

    i. Advice on how the use of Options, as contained in the Annex to Resolution 7/2022 for the implementation of Article 9 of the International Treaty, can be promoted.

    ii. Any further guidance on how the Options can be promoted taking into account the discussion points provided in the section IV of this document.