



# The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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## Item 11 of the Provisional Agenda

### FIFTH SESSION OF THE GOVERNING BODY

Muscat, Oman, 24-28 September 2013

## IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS

### EXECUTIVE SUMMARY

1. This document summarizes the contents of the submissions received by Contracting Parties and relevant organizations on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty. The compilation of complete submissions is available in document IT/GB-5/13/Inf.8
2. The document also refers to considerations made by the *Ad Hoc Technical Committee on Sustainable Use of Plant Genetic Resources*; the Regional Workshops on Farmers' Rights; other activities undertaken by the Secretariat of the Treaty related to Farmers' Rights at the request of the Governing Body and the work done by FAO Programmes in relation to Farmers' Rights in the Treaty.
3. The Governing Body is invited to take note of the information submitted and to provide guidance on the future implementation of Farmers' Rights as set out in Article 9 of the International Treaty.

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## I. INTRODUCTION

1. At its Fourth Session, the Governing Body, through Resolution 6/2011, *Implementation of Article 9, Farmers' Rights*, recognized that the exchange of experiences and mutual assistance between Contracting Parties could significantly contribute to making progress in the implementation of Farmers' Rights under Article 9 of the International Treaty<sup>1</sup>.
2. The Governing Body encouraged Contracting Parties and other relevant organizations to submit to the Secretariat of the International Treaty:
  - Views, experiences and best practices on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving as appropriate, farmers' organizations and other stakeholders; and
  - Proposals for ways and means through which these views, experiences and best practices can be exchanged between and among Contracting Parties and relevant stakeholder groups.
3. The Governing Body also requested the Secretary of the International Treaty to convene regional workshops on Farmers' Rights, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, with the aim of discussing national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving as appropriate farmers' organizations and other stakeholders.
4. It also requested the Secretary of the International Treaty to compile the submissions referred to in paragraph 2 above, and the reports of the regional workshops for consideration of the *Ad Hoc Technical Committee on Sustainable Use*, and to disseminate relevant information through the website of the Treaty, where appropriate.<sup>2</sup>

## II. SUBMISSIONS BY CONTRACTING PARTIES AND RELEVANT ORGANIZATIONS

5. On 21 September 2011 the Treaty Secretariat issued a notification letter inviting Contracting Parties, international relevant organizations and National Focal Points to submit views, experiences and best practices on the implementation of Farmers' Rights. A reminder notification letter was posted on the Treaty website on 25 July 2012 and circulated to the National Focal Points, as by that time no submissions had been received by the Secretariat of the International Treaty.
6. All the submissions of views, experiences and best practices on the implementation of Farmers' Rights received by the Secretariat before 10 April 2013 have been compiled and made available for information in document IT/GB-5/13/Inf.8, *Compilation of Submissions by Contracting Parties and other Relevant Organizations, and the Reports of Regional Workshops on the Implementation of Article 9*.
7. Since 21 October 2011 until 10 April 2013, the Treaty Secretariat received four submissions from Contracting Parties and eleven from relevant organizations. In summary, some submissions:

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<sup>1</sup> IT/GB-4/11 Report, Resolution 6/2011

<sup>2</sup> The submissions are available at <http://www.planttreaty.org/content/farmers-rights-submissions>

- a) Recalled that Farmers' Rights is a cornerstone of the Treaty and that the Governing Body should prioritise the implementation of this article.
- b) Fully supported Farmers' Rights as mentioned in Article 9 of the International Treaty, taking into account the historic and valuable contribution of farmers to the development and conservation of genetic resources and feed crops. Recognizing and rewarding this crucial contribution was described as important;
- c) Reiterated the importance, for food and farming and for future generations, of Articles 5, 6 and 9 of the International Treaty, which deal with the contribution of farmers to the conservation and renewal of biodiversity, and their associated rights;
- d) Identified the need to link Farmers' Rights closely with Article 5 (Conservation) and Article 6 (Sustainable Use) and Article 18 (Financial Resources) of the International Treaty;
- e) Noted that there has been little, if any, substantive and effective implementation of Farmers' Rights, as explicitly described in Article 9 of the Treaty, by governments at national level;
- f) Recommended that the Governing Body should request the assistance of FAO and other relevant international organisations in the provision of technical and financial support to national governments in the realisation of Farmers' Rights;
- g) Recognized that countries are not paying sufficient attention to ensuring that farmers' organizations represent all farmers, or to using participatory processes to identify and address the problems farmers face in their national programs;
- h) Indicated that the implementation of Farmers' Rights requires public awareness on the value of plant genetic resources for food and agriculture, relevant knowledge and practices and operational policies, laws and regulations relevant to the sector in a country;
- i) Recommended promoting appropriate transfer of technology (including knowledge and skills) between actors within and between different communities, countries and regions– South-South, South-North and North-South;
- j) Recognized that continued access to plant genetic resources for food and agriculture is vital for realizing Farmers' Rights and national access and benefit-sharing policies and laws should support and not impede the continued sharing of these resources and related knowledge among farmers;
- k) Recommended that policy frameworks for ensuring the conservation and sustainable use of landraces, farmer varieties, agricultural biodiversity and associated traditional knowledge should be coordinated and balanced;
- l) Noted that with respect to all aspects of Farmers' Rights as set out in this Treaty, the role of gender should be mainstreamed, because it is a cross-cutting issue in seed saving, traditional knowledge, benefit sharing and participation;
- m) Emphasize the option for the Governing Body to consider ways and means to guide and assist Contracting Parties in their implementation of Article 9 – in addition to collecting views and experiences and making them available.

### **III. CONSIDERATION BY THE *AD HOC* TECHNICAL COMMITTEE ON SUSTAINABLE USE**

8. The Governing Body at its Fourth Session, requested the Secretary of the International Treaty to compile the submissions referred to in paragraph 2 of Resolution 6/2011, and the reports of the regional workshops for the consideration of the *Ad Hoc Technical Committee on Sustainable Use*.

9. The Secretary of the International Treaty compiled and presented all submissions received by Contracting Parties and relevant organizations before 25 July 2012 to the *Ad Hoc Technical Committee on Sustainable Use* at its meeting held on 8 and 9 November 2012, as also referred to in document IT/GB-5/13/Inf. 8.

10. The *Ad Hoc Technical Committee on Sustainable Use* reviewed the submissions received by the Secretariat on views, experiences and best practices on the implementation of Farmers' Rights and recalled "*that the implementation of Farmers' Rights is a national responsibility*"<sup>3</sup>.

11. The Committee invited the Secretary of the International Treaty, in elaborating the *Programme of Work on Sustainable Use of Plant Genetic Resources for Food and Agriculture*, to take into account the submissions and consultations regarding Farmers' Rights relevant to sustainable use.

#### IV. REGIONAL WORKSHOPS ON FARMERS' RIGHTS

12. At its Fourth Session, the Governing Body requested the Secretary of the International Treaty to "*convene regional workshops on Farmers' Rights, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, aiming at discussing national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving as appropriate farmers' organizations and other stakeholders*".

13. At the time of preparation of this document, the Secretariat is planning the organization of a regional workshop in Latin America and the Caribbean to facilitate the exchange of views and the discussion of national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty. Contracting Parties, Non-Contracting Parties, farmers' organizations and other stakeholders will be invited to participate in the workshop, which is tentatively scheduled to be held in Ecuador in July 2013.

14. Additionally, the Secretary of the International Treaty received a formal letter from the Government of Ecuador informing of their intention to host a workshop in Ecuador, back-to-back with the regional workshop, with the participation of political and technical representatives of all countries in the Latin America and the Caribbean Region, with the aim of identifying gaps and possible solutions to be submitted to the Governing Body at its Fifth Session to advance on the implementation of Article 9 of the International Treaty.

15. Reports of both regional workshops, if those are held, will be made available to the Fifth Session of the Governing Body for its consideration.

#### V. OTHER ACTIVITIES UNDERTAKEN BY THE SECRETARIAT AT THE REQUEST OF THE GOVERNING BODY

16. The Secretariat of the International Treaty organized side events on Farmers' Rights under the International Treaty on the margins of important international meetings, i.e., *Twentieth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore* – WIPO, Geneva, from 14 to 22 February 2012; *Eleventh Conference of the Parties of the Convention on Biological Diversity*, New Delhi, India, from 8 to 19 October 2012; the *Second Global Conference on Agricultural Research for Development (GCARD2)*, Punta del Este, Uruguay, from 26 October to 1 November 2012. The side events allowed for discussion on the implementation of Farmers' Rights under Article 9 of the International Treaty.

17. The Secretariat was also invited to the regional meeting for Mesoamerica "*Incentives for conservation of agro biodiversity by small-holder farmers: a possible solution for food security and climate change adaptation*" held in San José de Costa Rica, Costa Rica, from 18 to 19 March 2013, and organized by the Asociación de Organizaciones de los Cuchumatanes de Guatemala

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<sup>3</sup> IT/ACSU-1/12/Report, paragraph 24.

(ASOCUCH) and the Development Fund. The Secretariat participated and explained how the International Treaty recognizes Farmers' Rights.

## **VI. WORK OF FAO PROGRAMMES RELATED TO FARMERS' RIGHTS IN THE TREATY**

18. The Global Forum for Agricultural Research (GFAR) started in 2012 a study on best practices regarding the interactions between Farmers' Rights and breeder's rights. The study identified some means to implement Farmers' Rights under Article 9 of the Treaty, and provided some recommendations to the International Agricultural Research Centers to further incorporate the considerations of Farmers' Rights as outlined in Article 9 of the Treaty in their work. A work in progress document was circulated to representatives of the public and private sectors, agricultural research, academia, NGOs, farmers' organizations, civil society, and the CGIAR Centers for their information and further comments. An updated document is being drafted, including comments and suggestions received for its future publication at the last quarter of 2013.

19. In addition, the Right to Food Unit of FAO has informed the Secretary of the current development of a study on the relation between the Right to Food and Farmers' Rights as established in Article 9 of the International Treaty. This study is under review for its possible publication and dissemination, including electronically, in the following months.

## **VII. GUIDANCE SOUGHT**

20. The Governing Body is invited to take note of the information presented in this document and to provide guidance on:

- a) future steps for the implementation of Article 9;
- b) how to foster collaboration with other Programmes of FAO and relevant international organizations for the implementation of Farmers' Rights as set out in Article 9 of the International Treaty; and
- c) how to cooperate with other international organizations enhancing awareness of Farmers' Rights, as outlined in Article 9 of the Treaty.