



**Food and Agriculture
Organization of the
United Nations**



**International Treaty
on Plant Genetic Resources
for Food and Agriculture**

RESOLUTION 7/2023

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;

Reaffirming the important role of female farmers as guardians of crop diversity and contributing to sustainable agricultural systems and food security;

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

1. **Welcomes** 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 **requests** the Secretariat to increase awareness of 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 relevant stakeholders, especially farmers' organizations, to continue submitting to the Secretary, for inclusion in the *Inventory*, 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, and **takes note** of the request that the assessment also set out the measures limiting the realisation of Farmers' Rights;
5. **Decides** to reconvene the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG-FR) with the Terms of Reference contained in Annex 2 to this Resolution;
6. **Requests** the Secretary to invite Contracting Parties and other interested stakeholders, especially farmers' organizations, to submit inputs and comments on the annotated outline contained in Annex 1 to this Resolution, including suggestions on how measures limiting the realization of Farmers' Rights could be included, and to compile and publish the submissions at least four weeks before the first meeting of the AHTEG-FR;
7. **Requests** the Secretary to carry out and finalize the assessment of the state of implementation of Article 9 of the International Treaty, and present the full report to the Governing Body, in accordance with paragraph 12 of Resolution 7/2022;
8. **Invites** Co-Chairs of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-sharing to take account of the implications for Farmers' Rights across three hotspots in developing solutions for enhancing MLS;

9. Again, *invites* Contracting Parties and relevant organizations to take initiatives to convene regional workshops and other consultations including among different regions within the framework of South-South and triangular cooperation, with the participation of 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, best practices, as well as raising awareness, in order to assist Contracting Parties at the national level, or at the regional level as appropriate, in implementing Article 9 of the International Treaty;
10. *Requests* the Secretary to facilitate such initiatives upon request and subject to the availability of financial and human resources;
11. *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 and how to develop legal measures supporting the promotion, protection and realization of Farmers' Rights with the effective participation of farmers' organizations, with reference to Article 18.5 of the International Treaty;
12. *Requests* the Secretary to continue to disseminate and promote the use of the Educational Module on Farmers' Rights, and to update it as necessary, including information on new developments of relevant international human rights instruments and declarations, and to translate it into the United Nations official languages, subject to the availability of financial resources, and *invites* Contracting Parties and other relevant stakeholders to use it;
13. *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;
14. *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 and the relevant targets of the GBF, in order to promote the protection and realization of Farmers' Rights in accordance with Article 9 of the International Treaty;
15. *Requests* the Secretary to include the possible impact of Digital Sequence Information / Genetic Sequence Data (DSI/GSD) on Farmers' Rights as set out in Article 9 of the International Treaty, in the assessment of DSI/GSD foreseen in the Multi-Year Programme of Work;
16. *Invites* each Contracting Party that has not already done so, to consider reviewing, and, if necessary, adjusting national measures that affect the realization of Farmers' Rights, in particular legislation concerning variety release and seed distribution, to protect, promote and realize Farmers' Rights, as set out in Article 9 of the International Treaty, as appropriate and subject to national legislation;
17. *Invites* Contracting Parties to engage farmers' organizations and relevant stakeholders in matters related to the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, the conservation and sustainable use of plant genetic resources for food and agriculture, and to promote awareness-raising and capacity-building towards this aim;
18. *Invites* Contracting Parties to promote sustainable biodiverse production systems and facilitate participatory approaches such as community seed banks, community biodiversity registries, participatory plant breeding and seed fairs, including considering to provide legal recognition of such approaches as tools for realizing Farmer's Rights, as set out in Article 9 of the International Treaty, as appropriate;
19. *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;

20. **Thanks** the Governments of Italy and Norway for their generous financial support to the implementation of Farmers' Rights;
21. **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;
22. **Requests** the Secretary to report to the Governing Body, at its Eleventh Session, on the implementation of this Resolution.

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:

- Have Contracting Parties taken any measures to protect and promote Farmers' Rights?
- How many countries have fully implemented it?
- How many countries have partially implemented it?
- How many countries have adopted policies and legal measures to implement Farmers' Rights?
- 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.¹
- What are the most frequently cited measures and practices of protecting and promoting Farmers' Rights?
- What are the lessons learned from the implementation of Farmers' Rights?

¹ Such as: Technical, Administrative, Legal, Others. See the Inventory, available at: www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/

- 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:

- 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.
- 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
<p>Gathering and assessing information² contained in the:</p> <ul style="list-style-type: none"> • National Compliance Report³ • Inventory⁴ • Global Plan of Action, and • Other relevant documents <p>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 measures⁵ and practices implemented, challenges, and other issues confronting the implementation of Farmers' Rights, at the national level.</p> <p>Any relevant and useful information indicated in the Reports, shall be included as appropriate.</p>	
2: Information and data analysis, drafting of the first assessment	May to July 2024
<ul style="list-style-type: none"> • Reviewing the submission by country, and by region⁶ • 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 ⁷	September to November 2024
<ul style="list-style-type: none"> • 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. 	
<ul style="list-style-type: none"> • Consolidation and integration of all the feedback gathered by region. 	
<ul style="list-style-type: none"> • 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	
<ul style="list-style-type: none"> • Preparation of the (first) Assessment of the State of Implementation of Farmers' Rights 	January to March 2025
<ul style="list-style-type: none"> • Presentation of the Assessment, of "the State of Implementation of Farmers' Rights" to the Governing Body at the Eleventh Session 	November 2025

² A notification inviting the CPs and interested stakeholders to submit and/or update their submission on the implementation of Farmers' Rights may be issued

³ National Reports (www.fao.org/plant-treaty/areas-of-work/compliance/compliance-reports/en/), Question 19, 19A and B of the Compliance Report

⁴ 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/)

⁵ Administrative, legal, technical, and other measures

⁶ Given the regional differences and specificities, a regional approach may be undertaken

⁷ Seven Regional Assessment Reports shall be part of the Assessment Report

Annex 2

Terms of reference for the Ad Hoc Technical Expert Group on Farmers' Rights

1. The Ad Hoc Technical Expert Group on Farmers' Rights will:
 - i) Review and agree to the outline for the assessment of the state of implementation of Article 9 of the International Treaty, as contained in Annex 1 to this Resolution, considering the compilation of the submissions;
 - ii) Review the assessment of the state of implementation of Article 9 of the International Treaty, and provide conclusions for the Eleventh Session of the Governing Body; and
 - iii) 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.
2. The Ad Hoc Technical Expert Group will comprise up to five members each from the Africa Region, Asia Region, the Europe Region and the Latin America and the Caribbean Region; three from the Near East Region; and two each from the North America Region and the South West Pacific Region; up to five representatives of farmer organizations, particularly smallholder farmers from the centers of origin and crop diversity, and up to three other stakeholders, one each from academia, civil society organizations, seed sector designated by the Bureau of the Eleventh Session of the Governing Body. Representations should take into account regional and gender balance.
3. The Bureau of the Eleventh Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country. The two Co-Chairpersons shall be in addition to the members of the Committee nominated by the Regions.
4. The Ad Hoc Technical Expert Group may hold up to two meetings in the biennium 2024-2025, subject to the availability of financial resources.
5. The Ad Hoc Technical Expert Group will report back to the Governing Body on its work for further consideration at the Eleventh Session of the Governing Body.
6. The Secretary will facilitate the process and assist the Ad Hoc Technical Expert Group in its work.