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**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

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Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

Executive summary

At its Eighth Session, the Governing Body reconvened the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG or Expert Group) to complete its tasks, based on the Terms of Reference established at the Seventh Session of the Governing Body, through Resolution 7/2017, to:

- i. produce an inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty (the Inventory); and
- ii. based on the inventory, develop options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty (the Options).

This document contains the draft Options as developed by the Expert Group in the current biennium, drawing on experiences of Contracting Parties and stakeholders that were shared through the Inventory and a basic structure of the Options that the Governing Body had endorsed at its Eighth Session. Both the Inventory and the Options are organized using the same set of 11 categories.

The Expert Group concluded their work on the Options, except for one sentence in the Introductory part and the options under Category 10 ("*Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA*"). This document thus comprises a proposal by the Co-chairs for options under Category 10, which could not be concluded by the Expert Group at its fourth meeting. It also includes several improvements and updates made by the Secretary, as requested by the Expert Group. The document, IT/GB-9/22/13.2, is the Expert Group's Report to the Governing Body and provides further details of its work in the current biennium. The updated Inventory is presented in the document IT/GB-9/22/13/Inf.1.

Guidance Sought

The Governing Body is invited to finalise and approve the Options and provide any further guidance it considers appropriate for its implementation, taking into account the draft elements for a Resolution provided in the document, IT/GB-9/22/13, as appropriate.

FAO-ITPGRFA documents can be consulted at: www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/

Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

Part A: Introduction

I. Background and rationale

1. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or International Treaty) acknowledges that plant genetic resources for food and agriculture (PGRFA) constitute the basis for food and agricultural production throughout the world. It highlights their importance for developing sustainable and diverse farming and seed systems and plant varieties that are adapted to specific social, economic and ecological conditions, environmental changes, cultures, and future human needs.
2. The International Treaty affirms that the past, present and future contributions of farmers in all regions of the world, particularly those in centres of origin and crop diversity, in conserving, improving and making available these resources, is the basis of Farmers' Rights. Its preambular text further affirms that rights recognized in the International Treaty to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in the fair and equitable sharing of the benefits arising from, the use of PGRFA, are fundamental to the realization of Farmers' Rights, as well as their promotion at national and international levels. Farmers acknowledged in the International Treaty are also the carriers of traditional knowledge related to PGRFA, and their contributions are based, at their core, on traditional systems of seed exchange.
3. The realization of Farmers' Rights is thus of paramount importance for sustainable agriculture and resilient food and seed systems worldwide but also for farmers themselves to sustain and improve their livelihoods and increase their resilience to external shocks. The Covid-19 pandemic, for example, has affected people around the world and hit farmers hard as their livelihoods and farming activities depend on functioning food systems, markets, transportation and other services.
4. Farmers in all regions of the world contribute to the conservation, development and sustainable use of PGRFA. In many countries, particularly in the centres of origin and crop diversity, small-scale farmers, and among them specifically women, have a prominent role in this regard. It is, therefore, particularly important that women who engage in the conservation, development and sustainable use of PGRFA are recognised in their crucial role as custodians of crop diversity and that their needs are addressed equally when it comes to the realisation of Farmers' Rights.
5. According to Article 9.2 of the ITPGRFA, the responsibility for realizing Farmers' Rights, as they relate to PGRFA, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including the protection of traditional knowledge relevant to PGRFA (Article 9.2.a); the right to equitably participate in sharing benefits arising from the utilization of PGRFA (Article 9.2.b); and the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA (Article 9.2.c). Furthermore, it is stated in Article 9.3 that "nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate."
6. There are many examples of measures and practices being implemented for the realization of Farmers' Rights, for example at the local level and by civil society organisations. To assist Contracting Parties in developing and implementing national measures, and to draw from the experiences that have been attained so far, the Governing Body continually invites Contracting Parties and relevant stakeholders, especially farmers' organizations, to submit views, experiences and best practices as examples of possible options for the national implementation of Farmers' Rights, as set out in Article 9 of the International Treaty. Nevertheless, such experiences and practices should be shared on a larger scale, and the further implementation of Farmers' Rights should be promoted.

7. In this context, at its Seventh Session in 2017, the Governing Body established the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG-FR or Expert Group) with the mandate to produce an Inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty (*the Inventory*); and based on *the Inventory*, to develop Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty (*the Options*).¹

8. *The Options* are based on measures or practices that have been shared by Contracting Parties and stakeholders as examples of possible options and that are compiled in *the Inventory*.²

II. Objective

9. The purpose of *the Options* is to encourage, guide and promote the realization of Farmers' Rights as set out in Article 9 of the International Treaty.

III. Nature and scope

10. 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.³

11. Options are thus understood in this document as examples of actions or measures that *may be* taken to achieve an anticipated objective. This non-prescriptive and discretionary character of *the Options* distinguishes them from guidelines that are intended to advise on how something *should be* done.

12. Contracting Parties of the International Treaty have committed themselves to take measures to protect and promote Farmers' Rights, in accordance with their needs and priorities, as appropriate and subject to national legislation. The measures taken by each Contracting Party may differ from one another, given the fact that different countries' needs, priorities, legal frameworks and general conditions vary, including to which other international agreements they have adhered to. The International Treaty affirms, in its Preamble, that nothing in it shall be interpreted as implying in any way a change in the rights and obligations of the Contracting Parties under other international agreements.

13. 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.

14. Several options may be related to one another and could be combined to create synergies and develop stronger impact with respect to realization of Farmers' Rights. Examples of such combined measures/practices can be found in *the Inventory*. Farmers' Rights may thus be promoted as a bundle of measures, practices and policies that are mutually supportive. Furthermore, the careful consideration of synergies between options, and how they relate to other rights and obligations that concern rights of farmers, women and men, as well as local and indigenous communities, could be considered a major factor of success.

IV. Intended users/target groups

15. 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.

16. Farmers, indigenous and local communities are rightsholders that can make legitimate claims for the implementation of their rights. Farmers and their organizations may thus want to use *the Options* as a source of information in pursuit of their cause.

17. Other stakeholders aiming to support the realization of Farmers' Rights, including NGOs, civil society and the private sector operating at various levels and scales, as well as international

¹ See Appendix A.7 of the Report of the Seventh Session of the Governing Body: www.fao.org/3/MV606/mv606.pdf

² The Inventory, available at: www.fao.org/plant-treaty/areas-of-work/farmers-rights/overview-inventory/en/

³ See IT/GB-8/AHTEG-FR-2/19/4 Rev.1; www.merriam-webster.com/dictionary/option (18 April 2020)

organizations, research and academia, may also find inspiration for possible partnerships, programmes or initiatives.

18. A further target group includes donors, such as governments, foundations and international financial organizations, who may be inclined to support the realization of Farmers' Rights as set out in Article 9 of the International Treaty, for example by providing financial and/or non-monetary resources.

19. Furthermore, Non-Contracting Parties and all other types of organizations working towards the realization of Farmers' Rights could also use *the Options* as a source of inspiration and guidance.

V. Guide to the document

Categories

20. A set of eleven categories was used to structure *the Options*, so that several options are presented under each category. The same categories were also used in *the Inventory*:⁴

1. Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers;
2. Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds;
3. Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA;
4. Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge;
5. In-situ/on farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites;
6. Facilitation of farmers' access to a diversity of PGRFA through community seed banks⁵, seed networks and other measures improving farmers' choices of a wider diversity of PGRFA;
7. Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection;
8. Farmers' participation in decision-making at local, national and sub-regional, regional and international levels;
9. Training, capacity development and public awareness creation;
10. Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA;
11. Other measures/practices.

21. For each category, the reference to relevant provisions of Article 9 of the International Treaty is provided, with explanation of why measures under this category can be regarded as options to encourage, guide and promote the realization of Farmers' Rights. An overview table is also provided at the end of the document. However, any references that are made to sub-articles of Article 9 in *the Options* are not meant to provide any specific interpretation of their legal content.

Options

22. The presentation of each option follows a uniform pattern. An explanation is given of what the option is about, and what types of measures may typically be involved. Gender is likely to be relevant for some options; in such cases, a brief explanation is included in the description to support a gender-responsive approach. Some examples from the *Inventory* are given for each option.⁶

Type(s) of measures

23. The description of each option includes information on type(s) of measures that may be involved. Measures are classified here into "technical", "legal", "administrative" and "other" types of measures, based on the following criteria:

⁴ See IT/GB-8/AHTEG-FR-2/19/Report

⁵ Including seed houses.

⁶ This sentence was not finalized by the Expert Group.

- Technical measures refer to initiatives/programmes/project activities that strengthen individual farmers' or farming communities' contributions to on-farm, *in situ* and *ex situ* conservation and/or sustainable use of PGRFA (e.g., documentation of PGRFA and related traditional knowledge, training and capacity development, community seed banks, seed-saver networks and seed fairs, participatory plant breeding and variety selection, farmer field schools);
- Administrative measures refer to executive orders, ministerial, inter-ministerial, departmental instructions/circulars/memoranda, awards/recognition, establishment of protocols, codes, guidelines, etc.;
- Legal measures refer to national/regional laws, policies and any other legal instruments (act, law, bill etc.);
- Other measures refer to all other measures or practices, including studies, advocacy work, financial instruments.

The same criteria were also used to classify the type(s) of measures in *the Inventory*.

Relation with the Submissions and the Inventory

24. The submissions of Contracting Parties and stakeholders, through which they have shared their experiences from the realization of Farmers' Rights in various countries, form the basis of both the *Inventory* and *the Options*.

25. In *the Inventory*, measures/practices that have been proposed by Contracting Parties and stakeholders as examples of possible options are listed, each with a link to the original submission, where they are described in detail, including with specific information on history and context, core components, key outcomes, and lessons learned. The Expert Group did not evaluate or assess these measures and practices as to whether or not any specific measure and practice contributes to the realization of Farmers' Rights.

26. *The Options* present this information in a more general and summarized form, based on the examples from *the Inventory*. For empirical experiences related to each option, the reader is encouraged to consult *the Inventory*.

Use of the Options

27. Article 9 of the International Treaty states that the 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 particular option should be understood as being specifically required under Article 9 of the International Treaty.

Category 1: Recognition of local and indigenous communities' and farmers' contributions to the conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers

Reference to relevant provision/s of Article 9 of the International Treaty

Art. 9.1 ☒

Art. 9.2a ☒

Art. 9.2b ☒

Art. 9.2c

Art. 9.3

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

In Article 9.1 of the International Treaty, the Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of PGRFA. The role of farmers in centres of origin and crop diversity is particularly highlighted.

The past, present and future contributions of farmers in all regions of the world in conserving, improving and making available PGRFA are also referred to in the Preamble of the International Treaty. These contributions of farmers are stated to be the basis of Farmers' Rights. Contracting Parties and relevant stakeholders may thus like to make these contributions of farmers and farming communities visible, raise public awareness of their importance, express recognition and appreciation, and/or encourage farmers and farming communities to continue their efforts for conserving and sustainably using PGRFA.

Measures under this category can also contribute to the protection of traditional knowledge (Article 9.2a) and to the equitable sharing of benefits arising from the utilization of PGRFA (Article 9.2b), for example if active support is provided to custodian/guardian farmers and farming communities who engage in the conservation and sustainable use of PGRFA.

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 1A: Establish prizes and awards to honour custodian/guardian farmers, farming communities and their organizations who contribute to the conservation and sustainable use of PGRFA in an outstanding manner

Prizes and awards may be established to honour custodian/guardian farmers, including women and youth⁷, and farming communities for outstanding contributions to the conservation and sustainable use of PGRFA in their fields and farming systems according to local practices. Such prizes and awards may be conferred, for example, at the occasion of events that attract public attention; they may include cash prizes, certificates, plaques, medals, or token gifts.

Prizes and awards can help raise public awareness of the importance of conserving and sustainably using PGRFA and encourage awardees to continue and further expand their work. In the longer term, public awareness may result in opportunities for custodian/guardian farmers and farming communities to generate additional income from the conservation and use of PGRFA and/or raise additional funds for their activities.

Women's and men's contributions to the conservation, management and use of PGRFA may focus on different crops, uses or types of activities, which may be useful to consider in the preparation of eligibility criteria and terms of participation.

⁷ Based on the guidance provided by the Expert Group, the descriptions of options in this document consider gender for relevant options, in line with the FAO Policy on Gender Equality 2020-2030 and the submissions to the Inventory received.

When establishing awards, the awarding authority or organization may want to carefully assess any related risks of unagreed use or appropriation of specific PGRFA and/or associated traditional knowledge held by the awardee(s) and respect customary laws and protocols.

Legal requirements may need to be observed in cases where samples of seed or other propagating materials of specific PGRFA conserved or developed by applicants are deposited with the awarding authority or organization, or if associated traditional knowledge is disclosed.

Type(s) of measures that may typically be involved

- Technical ☒
- Administrative ☒*
- Legal ☒*
- Other

*Administrative and legal measures may be involved if governments create such prizes and awards as part of specific legislation.

Example(s) of possible measures

- Recognition and rewards to farmers and farmer-breeders under the PPV&FR Act, 2001 (India/Asia) www.fao.org/3/ca7946en/ca7946en.pdf
- Award for farmers who conserve genetic resources (Indonesia/Asia) www.fao.org/3/ca4141en/ca4141en.pdf
- The Golden Pea award (Sweden/Europe) www.fao.org/3/ca8217en/ca8217en.pdf

Option 1B: Highlight the role and expertise of farmers, farming communities and their organizations in the conservation and/or development of PGRFA by mentioning their names and further details in official records

To express recognition for the contribution of a farmer or farming community to the conservation and/or development of a variety, the name and further details of the farmer or the community may be mentioned in official records, such as variety registers, with their consent. Such cases may occur if varieties were conserved or developed by dedicated individuals or communities, or if they were co-developed in participatory breeding projects or programs.

By mentioning the name(s) of the farmers or communities, their contribution may become more visible, thus raising awareness of their role as farmer-breeders and local experts. It may also be a way of collectively acknowledging such contributions. Furthermore, the registration of farmer varieties may enable their wider use and offer protection against misappropriation, depending on the legal system of the country.

To facilitate the registration of farmer varieties, criteria for the registration of such varieties in the national registration system may need to be adapted, so that bureaucratic barriers and costs for farmers are reduced, and the specific characteristics of farmers' varieties are adequately considered.

Type(s) of measures that may typically be involved

- Technical ☒
- Administrative ☒*
- Legal
- Other

*Administrative measures may be involved if a variety is officially registered under the name of the farmer or community, for example on a national variety catalogue.

Example(s) of possible measures

- Recognizing farmers' contributions by registering traditional varieties in the National Register of Varieties of Cuba (II) (Cuba/Latin America and the Caribbean) www.fao.org/3/ca4347en/ca4347en.pdf

- Participatory plant breeding to develop and release millet varieties for rain-fed areas of Sudan (Sudan/Near East⁸) www.fao.org/3/ca4173en/ca4173en.pdf

Option 1C: Designate locally, nationally or Globally Important Agricultural Heritage Systems sites for the conservation and sustainable use of PGRFA and support farmers and their organizations in the sustainable management and governance of such sites

The designation of heritage sites for the conservation and sustainable use of PGRFA could be a way to leverage recognition of farmers, local and indigenous communities in their role as custodians of biodiversity. Such sites are typically long-term initiatives that combine conservation and sustainable use of PGRFA with economic development, scientific and/or educational work. They may be linked with national or global initiatives and programmes, such as Biosphere Reserves or Globally Important Agricultural Heritage Systems (GIAHS).

Their management usually requires cooperation of stakeholders across different sectors and levels of governance. Farmers, local and indigenous communities may be considered key actors at the local level. They may thus be given a clear role in establishing and implementing conservation and management plans or development strategies, as well as in monitoring and evaluation activities. Furthermore, farmers, local and indigenous communities involved in the management and conservation of heritage sites for the conservation and sustainable use of PGRFA may be supported through targeted capacity development, networking and knowledge exchange activities that target the interests and needs of women and men, as well as different age groups.

Type(s) of measures that may typically be involved

Technical ☒

Administrative ☒

Legal

Other

Example(s) of possible measures

- Site recognition of traditional agricultural systems (Brazil/Latin America and the Caribbean) www.fao.org/3/ca6343en/ca6343en.pdf
- Globally Important Agricultural Heritage Systems (GIAHS) initiative (Chile/Latin America and the Caribbean) www.fao.org/3/ca5986en/ca5986en.pdf
- Declaration of the territory of the Cotacachi canton, Ecuador, as cultural heritage for agrobiodiversity (Ecuador/Latin America and the Caribbean) www.fao.org/3/ca7934en/ca7934en.pdf
- Recognition of farming communities through Globally Important Agricultural Heritage Systems (Iran/Near East) www.fao.org/3/ca8721en/ca8721en.pdf

⁸ The assignment of Contracting Parties to regions follows the systematics used on the ITPGRFA website (www.fao.org/plant-treaty/countries/membership/en/).

Category 2: Financial contributions to support farmers' conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds

Reference to relevant provision/s of Article 9 of the International Treaty

Art. 9.1 ☒

Art. 9.2a

Art. 9.2b ☒

Art. 9.2c

Art. 9.3

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

Contracting Parties have agreed to take measures to protect and promote Farmers' Rights, including the right to equitably participate in sharing benefits arising from the utilization of PGRFA (Art. 9.2b). It is also stated in the Preamble that rights recognized in Treaty, including the fair and equitable sharing of the benefits, are fundamental to the realization of Farmers' Rights.

Financial contributions to support farmers' activities for the conservation and sustainable use of PGRFA as well as contributions to benefit-sharing funds may thus be possibilities for Contracting Parties and stakeholders to work in this direction. Depending on how they are set up, such measures could also be understood as a way of expressing recognition for farmers' and farming communities' activities for the conservation and sustainable use of PGRFA (Art. 9.1).

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 2A: Provide funds for farmers, farming communities and their organizations who conserve, develop and sustainably use PGRFA, including for capacity development

Farmers' and farming communities' activities for the conservation, development and sustainable use of PGRFA may require funding to ensure the preservation of PGRFA that are maintained *in situ*/on-farm, particularly in centres of origin and crop diversity. Such funds may also contribute to enhancing knowledge sharing among custodian/guardian farmers, developing their technical and organizational capacities, and/or raising public awareness.

Such funds may rely, for example, on public budgetary resources, donor support, including international cooperation, or voluntary contributions of private enterprises. They may be made available in various forms, including via temporary or long-term contributions to the budgets of implementing organizations or as competitive funds for which farmers or farmer organizations may apply.

Women and men may be involved in the conservation and sustainable use of different crops and varieties, and/or hold specific knowledge, based on the activities they engage in. Donors and implementing organizations may thus want to carefully consider how the interests and needs of men and women can be taken into account equally in the design of such funding activities.

Type(s) of measures that may typically be involved

Technical

Administrative

Legal

Other ☒

Example(s) of possible measures

- Competitive fund of the Ministry of Agriculture of Chile to support innovation in the agricultural, agrifood and forestry sector (Chile/Latin America and the Caribbean) www.fao.org/3/ca7908en/ca7908en.pdf
- Implementing the ITPGRFA in Italy - The National Programme RGV/FAO (Italy/Europe) www.fao.org/3/ca8109en/ca8109en.pdf

- AGUAPAN (Asociación de Guardianes de Papa Nativa del Centro de Peru) (Peru/Latin America and the Caribbean) www.fao.org/3/ca8101en/ca8101en.pdf
- Rolling the National Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (NAP-PGRFA) together with farmers' organizations (Switzerland/Europe) www.fao.org/3/ca8226en/ca8226en.pdf

Option 2B: Contribute voluntarily to the Benefit-sharing Fund (BSF) of the International Treaty

The Benefit-sharing Fund (BSF) of the International Treaty invests directly in projects supporting farmers in developing countries in conserving crop diversity *in situ*/on-farm; it also supports projects and innovative partnerships aiming to adapt PGRFA to changing needs. All developing countries that are Contracting Parties to the International Treaty are eligible to apply for funding under the BSF⁹.

The BSF relies primarily on payments made by users who obtain PGRFA through the Multilateral System of the International Treaty. In addition to such mandatory payments, Contracting Parties and stakeholders may also decide to make voluntary contributions to the BSF to share benefits that arise more generally from the use of PGRFA in the breeding and seed sector, or beyond (e.g. agriculture and food industry).

To illustrate the idea of sharing benefits, such payments may correspond to a specific share of the value that is created in the economic sector that is being referred to. Alternatively, a fixed amount may be pledged as an annual support.

Type(s) of measures that may typically be involved

Technical

Administrative

Legal

Other ☒

Example(s) of possible measures

- External funding – public and private sources (France/Europe) www.fao.org/3/ca8726en/ca8726en.pdf
- Annual support to the Benefit-sharing Fund (BSF) (Norway/Europe) www.fao.org/3/ca8154en/ca8154en.pdf

⁹ A list of eligible countries is available at www.fao.org/fileadmin/user_upload/faoweb/plant-treaty/cfp4/cfp_4_2017_a3_en.pdf. It has been established based on the World Bank's classification of economies, following a decision of the Governing Body at its Third Session (IT/GB-3/09/Report, Appendix A.3, Resolution 3/2009).

Category 3: Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA

Reference to relevant provision/s of Article 9 of the International Treaty

- Art. 9.1 ☒
- Art. 9.2a ☒
- Art. 9.2b ☒
- Art. 9.2c ☐
- Art. 9.3 ☒

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

In Art. 9.1 of the International Treaty, the Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of PGRFA, which constitute the basis of food and agriculture production (Art. 9.1). Approaches that facilitate and promote farmers' income generation from the conservation and sustainable use of PGRFA could thus act as an incentive for farmers to continue and/or expand such activities.

Contracting Parties have also agreed to take measures to protect and promote Farmers' Rights, including the protection of traditional knowledge relevant to PGRFA (Art. 9.2a) and equitable participation in sharing benefits arising from their utilization (Art. 9.2b).

By raising awareness on the multiple values of locally produced diverse food and supporting income-generating activities, such as value-chain development, farmers may be enabled to continue cultivating PGRFA that would otherwise be at risk of being lost, and to continue using, sharing and disseminating related traditional knowledge. Depending on how activities are set up, benefits arising from the use of PGRFA, e.g. through sales of specific products, may accrue to those farmers who engage in activities for their conservation and sustainable use.

Rights that farmers have to save, use, exchange and sell seed, subject to national law and as appropriate (as referred to in Art. 9.3), may be of crucial importance for the successful implementation of such approaches, given that farmers' seed systems are often the only source of seed and planting material for the specific PGRFA that are utilized in such activities.

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 3A: Conduct and/or support promotional activities to strengthen sustainable consumption for products derived from the conservation and sustainable use of PGRFA

Promotional activities to strengthen consumer demand for products derived from the conservation and sustainable use of PGRFA may include food, agrobiodiversity or culinary fairs, traditional food festivals, exhibitions, or similar events.

The general aim of such activities is to raise interest of consumers and professionals, such as restaurant chefs and hoteliers, for traditional and/or new products made from PGRFA and stimulate demand. Awareness-raising activities may also strengthen initiatives for promoting agrobiodiversity for food, nutrition and health, from which farmers and farming communities may eventually benefit.

Stronger demand may, in the longer term, increase marketing opportunities for farmers and farming communities, thus enabling them to continue cultivating PGRFA that would otherwise be at risk of being lost. They may also be enabled to continue using, applying and disseminating related traditional knowledge, and to continue saving, using, exchanging and selling seed of local crops and varieties, subject to national law and as appropriate.

Since women and men may be involved in the conservation and sustainable use of different crops and varieties, implementing organizations may want to carefully consider how the interests and needs of

women and men can be taken into account in the design of such events, so that they can equally benefit from the advantages and opportunities that may arise from them.

Type(s) of measures that may typically be involved

Technical ☒

Administrative

Legal

Other

Example(s) of possible measures

- Promotion of the commercialization and added value of agrobiodiversity of indigenous communities
(Ecuador/Latin America and the Caribbean) www.fao.org/3/cb5086es/cb5086es.pdf
- Crop contest at the Genetic Diversity Fair (G-Difa)
(Indonesia/Asia) www.fao.org/3/ca7981en/ca7981en.pdf
- The 21st National Olive Festival and Rural Products Exhibition
(Jordan/Near East) www.fao.org/3/cc0206en/cc0206en.pdf
- Food Forever Initiative
(Global) www.fao.org/3/ca4161en/ca4161en.pdf

Option 3B: Develop value-chains for local crops, varieties and evolutionary populations with specific adaptation, nutritional value, uses or other benefits

Developing value-chains for local crops, varieties and populations may be a way of creating incentives for farmers and their market partners to continue or expand their joint efforts to conserve and use PGRFA, also with a view to income generation and employment in rural areas. Women and men may be involved in different steps of value chains or focus their activities on different crops or products; it may thus be useful to assess how women and men can benefit from any planned activities.

Value-chain development is based on cooperation among various actors, including farmers, plant breeders, food processors, chefs and hoteliers, retailers, and consumers. In the case of traditional or rarely used PGRFA, it may involve research and/or pilot activities to develop the necessary expertise at all levels of the chain and to communicate the advantages and specific quality of products to consumers. Public policies and programs can support such activities, e.g. by offering research funds or starting capital, facilitating networking opportunities, or by removing obstacles. Women and men may be involved in different steps of value-chain activities; implementing organizations may thus want to carefully consider how women and men can equally benefit from value-chain development initiatives.

Important factors for developing value-chains for local PGRFA and farmer varieties include, for example, legal possibilities to produce and distribute seed or planting material of the relevant varieties, and secure market access for the products produced.

Type(s) of measures that may typically be involved

Technical ☒

Administrative

Legal

Other

Example(s) of possible measures

- Seal of Origin programme
(Chile/Latin America and the Caribbean) www.fao.org/3/ca5986en/ca5986en.pdf
- Creation of a micro value-chain for a local variety of rye, the “Iermana”
(Italy/Europe) www.fao.org/3/ca8108en/ca8108en.pdf
- Solidarity-based approach to agricultural development
(Morocco/Africa) www.fao.org/3/ca6365en/ca6365en.pdf
- Heirloom Rice Project

(Philippines/Asia) www.fao.org/3/ca7901en/ca7901en.pdf

Option 3C: Create and support markets for products issued from farmers' varieties/farmers' seed systems

Markets for products issued from farmer varieties/seed can be created and/or supported in various ways. Integrating traditional food crops and farmer varieties into public procurement programmes may strengthen and diversify production systems of small-scale farmers and result in healthier diets for consumers.

Such programmes may target community catering, including school meals, and/or food distribution schemes for vulnerable population groups, including women and men, children and youth. They are often established for the mid- or long-term, with funds provided by national or sub-national governments; local organizations, including NGOs, may be involved in the implementation. Public procurement programmes can have sustainable impacts by stimulating demand, fostering cooperation between actors and securing markets for local PGRFA and derived products. Not only locally produced food but also seed of local and farmer varieties may be included, thus offering additional sources of income and contributing to a wider use of local PGRFA in farmers' fields.

National and subnational governments may also contribute indirectly to creating and/or stimulating markets for products issued from farmer varieties/seed, e.g. by reviewing or lifting regulations that hinder their wider use, by providing infrastructures, or by facilitating collaboration among the market partners.

Type(s) of measures that may typically be involved

Technical

Administrative ☒

Legal ☒

Other

Example(s) of possible measures

- Public procurement of farmers' seed varieties for food programmes (Brazil/Latin America and the Caribbean) www.fao.org/3/ca7792en/ca7792en.pdf
- Building food sovereignty based on local community food sources (Indonesia/Asia) www.fao.org/3/ca7990en/ca7990en.pdf

Category 4: Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge

Reference to relevant provision/s of Article 9 of the International Treaty

- Art. 9.1 ☒
- Art. 9.2a ☒
- Art. 9.2b
- Art. 9.2c
- Art. 9.3

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

Contracting Party have agreed to take measures to protect and promote Farmers' Rights, including for the protection of traditional knowledge relevant to PGRFA, as appropriate and subject to national legislation (Art. 9.2a).

Measures for collecting and documenting, sharing and disseminating traditional knowledge may be useful to increase overall awareness and recognition of its importance and to prevent loss. The development of Community Biodiversity Registers, Biocultural Community Protocols or similar tools may protect traditional knowledge from misappropriation and/or extinction. Protecting this knowledge may also be a way of recognizing farmers' and farming communities' contributions to the conservation and sustainable use of PGRFA (Art. 9.1).

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 4A: Recognize, collect and document traditional knowledge on PGRFA, including knowledge relating to cultivation and use

Traditional knowledge on PGRFA, their cultivation and use, may be documented through Community Biodiversity Registers, inventories, catalogues and databases, including for example general germplasm catalogues or specialised databases focusing on farmer varieties or landraces only.

Format, structure and content of such knowledge collections may depend on the anticipated user group(s); for example, variety catalogues that are intended to be used by farmers could rely on descriptors farmers commonly use. Besides documenting knowledge relating to specific PGRFA, such as crop varieties, collections may also extent to broader cultural concepts, in which such knowledge may be embedded, including general worldviews or classification systems.

Traditional knowledge on PGRFA held by women and men may differ, depending on the crops and varieties they grow and the activities they engage in. It may thus be useful to carefully consider how this type of knowledge can be recognized, collected and documented in a way that takes such differences into account.

Collections of traditional knowledge may be recognized by local governments or deposited with national institutions as a public record of the knowledge held by local farmers and/or farming communities. Consent procedures may need to be followed in accordance with national law, international commitments and/or good practices, including in cases where established rights of Indigenous Peoples and communities are concerned.

Type(s) of measures that may typically be involved

- Technical ☒
- Administrative ☒*
- Legal ☒*
- Other

*Administrative and legal measures may be involved, for example, if catalogues, registers etc. are officially administered, e.g. by public institutions or genebanks, or if national law protects traditional knowledge held by farmers and/or Indigenous Peoples and communities.

Example(s) of possible measures

- Catalogue of traditional varieties for common and Lima beans, maize, chilies and peppers (Cuba/Latin America and the Caribbean) www.fao.org/3/ca4347en/ca4347en.pdf
- Construction of a database for farmer varieties/landraces in Japan (Japan/Asia) www.fao.org/3/ca4143en/ca4143en.pdf
- Community Biodiversity Register (Nepal/Asia) www.fao.org/3/ca8142en/ca8142en.pdf
- Spanish Inventory of traditional knowledge related to agricultural biodiversity (Spain/Europe) www.fao.org/3/ca8204en/ca8204en.pdf

Option 4B: Conduct and/or support activities for conserving, sharing and disseminating traditional knowledge relating to PGRFA

Sharing and disseminating traditional knowledge relating to PGRFA may take place through gatherings and events, such as workshops and seminars, farmers' markets, seed festivals or fairs; or it may be facilitated through the formation of networks, associations or groups of custodian/guardian farmers, seed savers, etc. Such activities may also include cultural activities relating to PGRFA, such as for example storytelling as a way of collectively recalling and passing on traditional knowledge.

Besides facilitating contacts and a general exchange of knowledge and experiences, a focus may be on passing on or reviving practical skills, such as specific propagation techniques that are used for some crops, or the preparation of typical dishes. Following participatory approaches in the planning, implementation and dissemination of such activities can ensure that the interests and needs of participating farmers, including women, men and rural youth, are met.

Type(s) of measures that may typically be involved

- Technical ☒
- Administrative
- Legal
- Other ☒

Example(s) of possible measures

- Knowledge sharing and exchange of experiences between and among farming communities (Peru/Latin America and the Caribbean) www.fao.org/3/ca8170en/ca8170en.pdf
- Kålrtsakademien (The Swede Academy) (Sweden/Europe) www.fao.org/3/ca8219en/ca8219en.pdf

Option 4C: Support farmers and farming communities to develop instruments to govern access to PGRFA over which they have established rights and traditional knowledge associated with PGRFA based on their local practices, procedures and community protocols

Participatory creation of instruments for farmers and farming communities, including women and men, to govern access to traditional knowledge relating to PGRFA may build on activities for collecting and documenting such knowledge. Protocols may be established that articulate self-determined rules, procedures, terms and conditions for access that may be used as a basis for community interactions with external actors, such as representatives of government, companies or research organizations, regarding their access to PGRFA and related traditional knowledge in a community's territory.

Such tools can help build links between actors and institutions operating at different scales, from local to national and/or international, and establish a clear basis for their interactions. They may further help farmers and farming communities to take advantage of their countries' commitments under international agreements and strengthen their role in the process of implementation, especially with a view to the protection of traditional knowledge.

*Type(s) of measures that may typically be involved*Technical ☒Administrative ☒

Legal

Other

Example(s) of possible measures

- Developing Community Biodiversity Registries and Biocultural Community Protocols (BCP): tools for implementing Farmers' Rights as set out in Article 9 of the ITPGRFA and strengthening community capacity to manage crop genetic diversity (Madagascar/Africa) www.fao.org/3/ca4148en/ca4148en.pdf
- Community Seed Registry (Philippines/Asia) www.fao.org/3/ca8195en/ca8195en.pdf

Category 5: *In situ*/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites

Reference to relevant provision/s of Article 9 of the International Treaty

- Art. 9.1 ☒
- Art. 9.2a ☒
- Art. 9.2b
- Art. 9.2c
- Art. 9.3 ☒

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

In the International Treaty, Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of PGRFA (Art. 9.1). Supporting *in situ*/on-farm conservation and management could thus be one way of expressing recognition and encouraging farmers and communities to continue or expand their efforts.

In situ/on-farm conservation and management of PGRFA is a holistic approach that relies on complex social-ecological systems that developed in specific localities. It depends on traditional and continuously evolving cultural values, knowledge and social practices, including those related to seed and other propagating materials. Therefore, measures under this category may also contribute to the realization of Farmers' Rights to the protection of traditional knowledge (Art. 9.2.a) and to save, use, exchange and sell seed (Art. 9.3).

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 5A: Support and safeguard community biodiversity management and/or other practical activities of farmers and farming communities for in situ/on-farm management of PGRFA

Community biodiversity management is an integrated approach to the conservation and sustainable use of PGRFA, which combines practical activities with empowerment of farming communities to strengthen them in their role as local managers of PGRFA. Activities may include documentation, monitoring and exchange of local PGRFA as well as their use in breeding and/or value creation. Similar activities may also be pursued in *in situ*/on-farm conservation projects.

Farmers' seed systems and management, including their practices to save, use, exchange and/or sell seed, subject to national law and as appropriate, are at the core of such approaches. Effective protective measures may be required to ensure that PGRFA managed by farmers *in situ*/on-farm are not affected, for example, by uncontrolled pollination with genetically modified (GM) crops, or by other biotechnological applications that may have negative impacts on *in situ*/on-farm conservation and management of PGRFA.

Approaches for community biodiversity management or *in situ*/on-farm conservation may be considered in national or communal/local action plans, including in the context of biodiversity conservation, rural and agricultural development. Funds may be provided through national programmes and/or donors to address identified needs of farmers and farming communities, including women, men and youth, and enable them to continue and expand their activities, e.g. through capacity development, sharing of good practices, income-generation or investments in education and rural infrastructure, such as locally based training centres.

Type(s) of measures that may typically be involved

Technical ☒
 Administrative ☒
 Legal ☒*
 Other

*Legal measures may be involved, for example, if *in situ*/on-farm conservation and management of PGRFA is protected and/or supported by national law.

Example(s) of possible measures

- Community based on-farm conservation and sustainable use of PGRFA (Bhutan/Asia) www.fao.org/3/ca4346en/ca4346en.pdf
- Strengthening community resilience through *in situ* conservation and management of crop diversity for food security (Cuba/Latin America and the Caribbean) www.fao.org/3/ca4347en/ca4347en.pdf
- La chacra – an alternative for the rescue, conservation and use of agrobiodiversity in Amazonian villages (Ecuador/Latin America and the Caribbean) www.fao.org/3/ca4133en/ca4133en.pdf

Option 5B: Strengthen the role and identity of custodian/guardian farmers and communities through social and cultural activities

Custodian/guardian farmers and communities may play a key role for *in situ*/on-farm conservation and management of PGRFA, especially as holders of highly specific traditional knowledge. They pass on values and skills relating to the conservation and management of PGRFA, set examples by putting such values to practice and provide other farmers and communities with seed and planting materials.

Their role and identity may be strengthened, for example, by recognizing them as experts and knowledge holders, by supporting knowledge exchange activities among such farmers and communities, through the formation of networks and associations, or by providing funds for their activities. Women, men and youth may have different interests and needs in this regard or prefer different types of activities and communication channels. Such differences may be useful to consider, to make sure that members of participating farming communities can benefit equally.

Representatives of such farmers and communities may also be invited to public events to highlight their important contributions to societal goals, e.g. to achieve food and nutrition security, or to contribute to biodiversity conservation.

Type(s) of measures that may typically be involved

Technical ☒
 Administrative
 Legal
 Other ☒

Example(s) of possible measures

- Strengthening the identity of custodian farmers as a way to increase food security (Brazil/Latin America and the Caribbean) www.fao.org/3/ca7834en/ca7834en.pdf
- Promotion of agrodiverse peasant farms (Ecuador/Latin America and the Caribbean) www.fao.org/3/cb5086es/cb5086es.pdf

Option 5C: Conduct and disseminate studies on the participation of farmers and communities in in situ/on-farm conservation, management and sustainable use of PGRFA, including technological, ecological, socioeconomic and cultural aspects

Studies on *in situ*/on-farm conservation, management or sustainable use of PGRFA may focus on deepening scientific understanding of farmers' practices and needs as well as underlying causes, values, social structures (including gender-related), legal requirements or economic outcomes.

Such studies can provide the necessary evidence for targeting and/or designing other measures that support farmers' and farming communities' efforts for *in situ*/on-farm conservation, management and sustainable use of PGRFA and the realization of Farmers' Rights. They may also contribute to enhancing current practices, e.g. by developing proposals on how such practices may be enhanced or obstacles removed.

Type(s) of measures that may typically be involved

| | |
|----------------|-------------------------------------|
| Technical | <input checked="" type="checkbox"/> |
| Administrative | <input checked="" type="checkbox"/> |
| Legal | |
| Other | <input checked="" type="checkbox"/> |

Example(s) of possible measures

- The Three Sisters Project
(Canada/North America) www.fao.org/3/ca4435en/ca4435en.pdf
- Preparation of a biocultural identity map in the Sierra del Rosario Biosphere Reserve for agro-tourism purposes
(Cuba/Latin America and the Caribbean) www.fao.org/3/ca4347en/ca4347en.pdf
- Traditional knowledge of the Andean cosmovision
(Peru/Latin America and the Caribbean) www.fao.org/3/ca8173en/ca8173en.pdf

Category 6: Facilitation of farmers' access to a diversity of PGRFA through community seed banks, seed networks and other measures improving farmers' choices of a wider diversity of PGRFA

Reference to relevant provision/s of Article 9 of the International Treaty

- Art. 9.1 ☒
- Art. 9.2a ☒
- Art. 9.2b
- Art. 9.2c
- Art. 9.3 ☒

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

In the International Treaty, Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of PGRFA (Art. 9.1).

Facilitating farmers' access to a diversity of PGRFA, including for example traditional and/or new varieties, evolutionary populations or accessions from genebanks or research institutes may encourage farmers, local and indigenous communities to continue and/or expand their efforts.

Options under this category may also contribute to the protection of traditional knowledge (Art. 9.2.a), for example by documenting, sharing, reviving or developing further farmers' knowledge relating to seed. They may further contribute to strengthening rights farmers have to save, use, exchange and/or sell seeds, subject to national law and as appropriate (Art. 9.3), by revitalizing farmers' traditional practices of dynamically and collectively managing seed and varieties or developing new ones.

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 6A: Establish and/or support community seed banks, seed clubs, seed houses, seed-saver networks or similar approaches

Community seed banks, seed houses, seed clubs, seed-saver networks or similar approaches may serve, *inter alia*, to provide farmers with good quality seed of a range of locally adapted crops and varieties, which may otherwise not be easily accessible. Women and men may have different preferences and needs regarding crops and varieties they wish to grow. Such differences may need to be carefully considered and addressed to ensure that community members can equally participate in and benefit from this type of approaches.

Activities are usually based on local governance structures and collectively agreed rules. They may be conducted by informal groups or legal entities, such as associations, co-operatives or community-based organizations; several local initiatives may cooperate via networks or umbrella organizations. Seed is produced by the members of such organizations and may be selected, processed and stored centrally or in a decentralised manner. Distribution may be limited to members or also be extended to external users.

The focus may be on the conservation and/or re-introduction of local varieties, e.g. via cooperation with national genebanks and research institutes, and/or on the dissemination of new varieties developed by public and/or participatory plant breeding programs.

*Type(s) of measures that may typically be involved*Technical ☒Administrative ☒

Legal

Other

Example(s) of possible measures

- Ejere Farmer Crop Conservation Association (FCAS) and Community Seed Bank (Ethiopia/Africa) www.fao.org/3/ca4138en/ca4138en.pdf
- Access to seed through a network of community seed banks in la Sierra de los Cuchumatanes (Guatemala/Latin America and the Caribbean) www.fao.org/3/ca7799en/ca7799en.pdf
- 1000 seed self-reliant villages (Indonesia/Asia) www.fao.org/3/ca7983en/ca7983en.pdf
- Norwegian Seed Savers (KVANN) (Norway/Europe) www.fao.org/3/ca8166en/ca8166en.pdf
- Securing local seed systems through Farmers' Seed Clubs (Vietnam/Asia) www.fao.org/3/ca8197en/ca8197en.pdf

Option 6B: Organize and/or support farmers' seed festivals and fairs

Seed festivals and fairs may be set up as one-off or regularly recurring events; they may be organized as part of traditional celebrations or commemoration days. Farmers, including women, men and youth, may be invited to present farm-saved seed and propagating materials for exchange or selling to other participants. Visiting farmers may thus choose from a great diversity of PGRFA, while also having a possibility to exchange knowledge and experiences among each other.

By attracting participants from larger areas, e.g. various villages or provinces, such events can facilitate farmers' access to a wide range of PGRFA. Seed festivals and fairs can thus offer opportunities for farmers to increase their portfolio of crops and varieties or to acquire seed of crops and varieties that may otherwise be difficult to obtain.

Authorities or organizations that invite to seed festivals or fairs, or host such events, may want to carefully assess any related risks of unagreed use or appropriation of specific PGRFA and/or associated traditional knowledge and take preventive measures that inhibit such acts.

*Type(s) of measures that may typically be involved*Technical ☒

Administrative

Legal

Other

Example(s) of possible measures

- Seed exchange fair - Muyu Raymi (seed festival) (Ecuador/Latin America and the Caribbean) www.fao.org/3/cb5086es/cb5086es.pdf
- Strengthening the local seed systems of Meghalaya and Nagaland (North-East India) through crop festivals, farmers seed exchanges and community seed banks (India)/Asia www.fao.org/3/cb3734en/cb3734en.pdf

Option 6C: Facilitate farmers' access to material from genebanks, research institutes, universities and the private sector

Farmers may be enabled to gain access to a wide range of PGRFA by facilitating access to PGRFA from publicly held collections of national, regional or international genebanks, research institutes and universities, which may also include PGRFA developed by the private sector. Such collections are commonly used by plant breeders and researchers, but they may also serve interested farmers and gardeners, or local and indigenous communities. Providing small quantities of seed or planting materials

to interested farmers and/or their groups and organizations for direct use may also be of interest for the holders or owners of collections to ensure dynamic conservation and enhanced use.

PGRFA that are of interest for farmers may include traditional varieties or landraces of certain crops, for example those collected in other geographical areas, as well as formerly protected varieties that are made available for further conservation and use. Women and men may be interested in different types of accessions, depending on the crops they grow, the production objectives and the farming and/or post-harvest activities they engage in. Such differences may need be considered to serve all farmers equally.

Community seed banks, seed saver networks, research organizations and/or other types of groups and organizations may serve as intermediaries to assist farmers in accessing PGRFA from collections. Specific procedures may be required for farmers to obtain such materials. For example, Biocultural Community Protocols can be used to promote those communities' collective interests and capacities to identify and access useful PGRFA from national and international PGRFA collections.

Information may be presented in a way that facilitates use by farmers, or simplified Material Transfer Agreements may need to be established, based on and in conformity with the SMTA of the International Treaty, where it applies. Such agreements may be designed in a way to ensure that they do not limit Farmers' Rights, including rights to save, use, exchange and sell seed of the material obtained, subject to national law and as appropriate, or that they do not establish any obligations for farmers to return any material after it has been grown in their fields, or to provide information.

Type(s) of measures that may typically be involved

- Technical ☒
- Administrative ☒
- Legal
- Other

Example(s) of possible measures

- Varieties for Diversity
(Germany/Europe) www.fao.org/3/ca6354en/ca6354en.pdf
- Distribution of plant genetic resources conserved in the National Center for Plant Genetic Resources of the National Institute of Agricultural and Food Research and Technology (CRF-INIA) to farmers for direct use
(Spain/Europe) www.fao.org/3/ca4172en/ca4172en.pdf
- Germplasm Resources Information Network (GRIN)
(USA/North America) www.fao.org/3/ca8458en/ca8458en.pdf
- Safeguarding threatened coconut diversity within the upgraded International Coconut Genebank for the South Pacific
(Fiji, Papua New Guinea, Samoa/South-West Pacific) www.fao.org/3/cb5105en/cb5105en.pdf
- Enhancing capacity for climate change adaptation by helping farmers to access genetic resources from the multilateral system of access and benefit sharing (Kenya, Uganda, Tanzania/Africa) www.fao.org/3/cb5106en/cb5106en.pdf

Option 6D: Support farmers' seed systems and innovation

In many countries, farmers' seed systems are an important source of seed, and underly traditional practices of managing, conserving, developing and using crops and varieties. Along with the seed, knowledge may be exchanged among the farmers, thus encouraging local innovation.

Farmers' seed systems may be supported through a variety of measures, including by studying their ways of functioning and their value for the conservation and sustainable use of PGRFA, by creating possibilities for farmers to continue saving, sharing, exchanging and/or selling seed on a legal basis, or by supporting farmers in accessing, testing and/or developing PGRFA based on their own knowledge and criteria, e.g., in farmer field schools or similar settings.

Women and men may rely on farmers' seed systems in different ways, for different types of crops and varieties, or different purposes. Contracting Parties and stakeholders may thus want to carefully assess

such differences to support farmers' seed systems and innovation in an inclusive and gender-responsive manner.

Type(s) of measures that may typically be involved

Technical ☒
 Administrative ☒ *
 Legal
 Other ☒

* Administrative measures may be involved, for example, if administrative requirements are to be observed regarding access to PGRFA or dissemination of seeds.

Example(s) of possible measures

- Facilitating small-scale farmers access to diverse seeds of traditional small grains varieties and landraces, and providing support to sustainable use and conservation of local small grains resources
 (Bulgaria, Serbia/Europe) www.fao.org/3/cb5102en/cb5102en.pdf
- Improving small-scale farmers', especially women's, access to quality seeds through using the community managed seed security model
 (Uganda/Africa) www.fao.org/3/ca4135en/ca4135en.pdf
- Sowing Diversity=Harvesting Security (SD=HS) Program (1/2) – Field Work
 (China, Laos, Nepal, Peru, Guatemala, Uganda, Zambia, Zimbabwe/Asia, Latin America and the Caribbean, Africa) www.fao.org/3/ca8169en/ca8169en.pdf
- Community-based agrobiodiversity systems for the realisation of Farmers' Rights
 (Ethiopia, Guatemala, Honduras, Malawi, Nepal, Nicaragua/Africa, Latin America and the Caribbean, Asia) www.fao.org/3/ca8708en/ca8708en.pdf
- Putting farmers and Indigenous Peoples' access to crop diversity at centre in seed policy and practice (Global) www.fao.org/3/cb7858en/cb7858en.pdf

Category 7: Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection

Reference to relevant provision/s of Article 9 of the International Treaty

| | |
|-----------|-------------------------------------|
| Art. 9.1 | <input checked="" type="checkbox"/> |
| Art. 9.2a | <input checked="" type="checkbox"/> |
| Art. 9.2b | <input checked="" type="checkbox"/> |
| Art. 9.2c | <input checked="" type="checkbox"/> |
| Art. 9.3 | <input checked="" type="checkbox"/> |

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

In the International Treaty, Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of PGRFA (Art. 9.1). Involving farmers and farming communities in participatory research on PGRFA may be one way of expressing recognition.

Measures under this category may also contribute to the realization of the right to the protection of traditional knowledge (Art. 9.2.a), as activities for documenting, sharing and applying traditional knowledge are of great importance for the success of participatory research projects. Furthermore, participatory research may contribute to the right to equitably participate in sharing benefits arising from the utilization of PGRFA (Art. 9.2.b), since results and practical outcomes of such projects may be directly used and applied by farmers, which may imply monetary as well as non-monetary benefits.

Depending on how such projects are designed and set up, they may also contribute to the right to participate in making decisions on matters related to the conservation and sustainable use of PGRFA (Art. 9.2c), for example if farmers can participate in setting objectives and priorities of the research.

Participatory research may further contribute to the realization of rights mentioned in Art. 9.3 of the International Treaty, if activities cover directly or indirectly issues relating to farmers' practices to save, use, exchange and sell seed. For example, they could help enhance scientific understanding of the importance of such activities for the conservation and sustainable use of PGRFA; or they could help identify or develop good practices.

Option 7A: Involve farmers in the characterization, evaluation and selection of PGRFA, including landraces/farmers' varieties, and/or new varieties, populations and genebank accessions

Involving farmers in the characterization, evaluation and selection of PGRFA involves growing larger sets of PGRFA for testing purposes, with the aim to identify those that are most suitable for direct use and/or further breeding.

Genebank accessions, traditional or farmers' varieties, evolutionary populations, newly bred varieties or variety "candidates" from breeding programs may all be included in such trials. The focus may also be on introducing new crops or species that have so far not been cultivated by farmers in a given area. Implementing organizations may want to carefully assess if introduced PGRFA could have any negative impacts on existing PGRFA, biodiversity or livelihoods, particularly of farmers and indigenous communities, take precautionary measures as necessary and ensure that any introduction of PGRFA is in accordance with national law.

Through joint activities for the characterization, evaluation and selection of PGRFA, both farmers and researchers may apply, share, deepen and enrich their knowledge. Farmers, including women and men, may make choices based on their own observations and judgement and, depending on how the activities are set up, access seed or planting material for further evaluation or direct use. They may also participate in making decisions on a further course of action.

*Type(s) of measures that may typically be involved*Technical ☒

Administrative

Legal

Other

Example(s) of possible measures

- Collaborative research to assess germplasm for climate-change adaptation and food security in mountain areas of Albania
(Albania/Europe) www.fao.org/3/ca4242en/ca4242en.pdf
- Potato Accelerated Release Program
(Canada/North America) www.fao.org/3/ca7839en/ca7839en.pdf
- Farmer participatory approach in increasing genetic diversity in farmers' fields with exotic taro plant genetic resources
(Papua New Guinea/South West Pacific) www.fao.org/3/ca6369en/ca6369en.pdf
- Facilitation of family farmers and their organizations' access to plant genetic resources for agroecological food production
(Uruguay/Latin America and the Caribbean) www.fao.org/3/cb5084es/cb5084es.pdf
- Participatory tree domestication of indigenous tree species
(Burkina Faso, Cameroon, Mali, Niger, Senegal/Africa)
www.fao.org/3/ca6628en/ca6628en.pdf

Option 7B: Develop participatory plant breeding programmes or projects

Participatory plant breeding programs or projects are based on close collaboration between farmers and researchers at various stages of a breeding project or program. Farmers may thus contribute to setting breeding objectives, assembling parental materials, making crosses, selecting in early generations, testing and evaluating experimental varieties and, depending on how activities are set up, in the production and distribution of seed. Women and men may hold different knowledge and expertise in this regard, depending on the specific farming activities they engage in and the crops and varieties that the project or programme focusses on. Such differences may be carefully assessed and considered to ensure that women and men can equally benefit.

Through joint activities, both farmers and researchers may apply, share, deepen and enrich their knowledge and contribute to the development of varieties that respond to the needs and requirements of farmers and consumers or other market partners. Participatory plant breeding may also be a way to adapt the portfolio of varieties that are available to farmers to changing conditions, e.g. climate change.

In that farmers may use the varieties that are developed through such projects and programs, they can participate in sharing benefits arising from the utilization of PGRFA.

*Type(s) of measures that may typically be involved*Technical ☒Administrative ☒*

Legal

Other

*Administrative measures may be involved if varieties developed through participatory plant breeding projects or programs are officially registered and/or released.

Example(s) of possible measures

- Participatory plant breeding in Cuba
(Cuba/Latin America and the Caribbean) www.fao.org/3/ca4347en/ca4347en.pdf
- Farmer-breeder groups
(Indonesia/Asia) www.fao.org/3/ca4141en/ca4141en.pdf

- Increasing genetic diversity and realizing Farmers' Rights through Evolutionary Participatory Plant Breeding (EPPB)
(Iran/Near East) www.fao.org/3/ca4109en/ca4109en.pdf
- Innovative decentralised seed systems for bread-wheat evolutionary populations
(Italy/Europe) www.fao.org/3/ca4142en/ca4142en.pdf
- Landrace enhancement ('grassroots breeding')
(Nepal/Asia) www.fao.org/3/ca8145en/ca8145en.pdf

Option 7C: Conduct participatory research on other aspects of PGRFA

Participatory research may also focus on other aspects of PGRFA, including social, economic, environmental or cultural dimensions. It may for example, focus on cultural values or traditional knowledge underlying farmers' conservation and management of PGRFA. It may also include studying broader social-ecological systems, of which the conservation and sustainable use of PGRFA may be part, gender dimensions, or institutional issues of relevance for the governance of PGRFA.

Such studies may be designed in a way that farmers and researchers collaborate throughout the project, including by sharing, applying and integrating diverse types of knowledge and co-creating results. This may require formal agreements on how farmers' or farming communities' knowledge will be used, and how their contributions will be acknowledged, in accordance with local protocols and/or established standards and good practices.

Type(s) of measures that may typically be involved

Technical

Administrative

Legal

Other ☒

Example(s) of possible measures

- Seed sovereignty and agroecological scaling: Focus on two cases of seed recovery, conservation and defence in Colombia
(Colombia/Latin America and the Caribbean) www.fao.org/3/cb2592en/cb2592en.pdf
- Participatory research to facilitate collaboration of farmers, exporters and central market agents in developing fruit and vegetable value chains in the Jordan valley
(Jordan/Near East) www.fao.org/3/ca8122en/ca8122en.pdf
- Morphological characterization of native crop varieties using farmers' descriptors
(Peru/Latin America and the Caribbean) www.fao.org/3/ca5985en/ca5985en.pdf

Category 8: Farmers' participation in decision-making at local, national and sub-regional, regional and international levels

Reference to relevant provision/s of Article 9 of the International Treaty

Art. 9.1 ☒

Art. 9.2a

Art. 9.2b

Art. 9.2c ☒

Art. 9.3

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

Contracting Parties to the International Treaty have agreed to take measures to protect and promote Farmers' Rights, including the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA, as appropriate, and subject to national legislation (Art. 9.2c).

Participation may include formal representation of farmers and/or their organizations in decision-making bodies and/or the organization of dialogue processes, for example to jointly assess needs or exchange views in preparation of decisions that may be taken in the future. As decisions at national level are often mutually dependant on decisions that are taken at other levels, including international, subnational or local levels, it may be useful to facilitate the participation of farmers in decision-making on relevant issues at all levels. Farmers' and farming communities' participation in making decisions may also be a way of recognizing their contributions to the conservation and sustainable use of PGRFA (Art. 9.1).

Depending on how measures under this category are set up, other provisions of Art. 9 may also be relevant.

Option 8A: Ensure representation and effective participation of farmers and/or their organizations in national advisory committees, commissions, councils or working groups addressing issues relating to the conservation, management and sustainable use of PGRFA

Farmers and/or their organizations may be represented in various decision-making or advisory bodies, such as national advisory committees, commissions, councils or working groups focusing on the conservation and sustainable use of PGRFA. When appointing such bodies, special attention may be paid to the representation of men, women and rural youth to ensure equal participation.

Depending on how such measures are set up, they may have a legal basis; rules and procedures may be established, including by drawing from norms, principles, and good practices that have been developed in other contexts, such as the human rights framework. This may include, for example, that information is shared in due time and appropriate language(s), or that financial and/or other necessary resources are made available.

Such bodies may be involved in the preparation and/or making of decisions, for example, relating to plant variety protection and seed, the design of national programmes or the distribution of funds for the conservation and sustainable use of PGRFA.

Type(s) of measures that may typically be involved

Technical

Administrative ☒*

Legal ☒*

Other ☒

*Legal and administrative measures may be involved if representation of farmers in decision-making bodies is based, for example, on laws or administrative orders.

Example(s) of possible measures

- Participation of farmers in the decision-making process (Japan/Asia) www.fao.org/3/ca8117en/ca8117en.pdf
- Representation of farmers in the advisory boards of relevant institutions (Netherlands/Europe) www.fao.org/3/ca4161en/ca4161en.pdf
- Participation of farmers' associations in decision-making related to PGRFA in Spain (Spain/Europe) www.fao.org/3/ca4172en/ca4172en.pdf
- The United States Department of Agriculture (USDA) Crop Germplasm Committees (USA/North America) www.fao.org/3/ca4818en/ca4818en.pdf

Option 8B: Organize policy dialogue processes with participation of farmers and/or their representative organizations

Participation of farmers and their representative organizations in decision-making could also be ensured through policy dialogue processes that allow farmers and farmer representatives, including from a range of backgrounds and organizations or with specific expertise, to participate. Inviting organizations may want to pay special attention to the equal representation of women and men in order not to perpetuate existing inequalities. The results of such processes may be used to inform decision makers, such as relevant ministries.

Possible measures may include, for example, consultations between government, agricultural, civil society and research organizations and/or private sector representatives. They may be organized as roundtables, conferences, multi-stakeholder platforms, etc., as one-off events or on a regular basis.

They may serve to develop strategic agendas, accompany change processes, address challenges and needs or develop possible solutions to identified problems, including those relating to policies and legal frameworks.

Type(s) of measures that may typically be involved

Technical

Administrative

Legal

Other ☒*Example(s) of possible measures*

- Policy dialogue to facilitate farmers' participation in decision-making (Malawi/Africa) www.fao.org/3/ca4149en/ca4149en.pdf
- 'SNP Semences Normes et Paysans', a multi-stakeholder platform for dialogue and consultation between government, agricultural civil society and research to promote recognition of farmers' seed systems (Mali/Africa) www.fao.org/3/ca6363en/ca6363en.pdf
- Information and participation processes for the implementation of Farmers' Rights in Sierra de los Cuchumatanes, Guatemala (Guatemala/Latin America and the Caribbean) www.fao.org/3/ca7818en/ca7818en.pdf

Category 9: Training, capacity development and public awareness creation

Reference to relevant provision/s of Article 9 of the International Treaty

| | |
|-----------|-------------------------------------|
| Art. 9.1 | <input checked="" type="checkbox"/> |
| Art. 9.2a | <input checked="" type="checkbox"/> |
| Art. 9.2b | <input checked="" type="checkbox"/> |
| Art. 9.2c | <input checked="" type="checkbox"/> |
| Art. 9.3 | <input checked="" type="checkbox"/> |

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

The realization of all Farmers' Rights relies on societal actors operating at various scales (e.g. from local to international), and with different levels of knowledge and experience. Training, capacity development and public awareness creation could thus support the realization of Farmers' Rights as set out in all relevant provisions of Art. 9.

Capacity development may focus on raising awareness of the overall concept of Farmers' Rights and/or support the capacities of actors to fulfil their respective roles in the realization of Farmers' Rights, e.g. as rightsholders or representatives of executive and legislative bodies, civil society and the private sector.

Option 9A: Promote understanding and raise awareness of the importance of Farmers' Rights

A broad range of possible measures may be used to promote understanding and raise awareness of the overall concept and importance of Farmers' Rights. Such measures include, for example, global, regional and national consultations or dialogue platforms, awareness campaigns, use of media and capacity building materials, and various forms of presentations to representatives of organizations, producers, and citizens in general.

Further possibilities include to use conferences and public events focusing on the conservation and sustainable use of PGRFA to highlight the concept and importance of Farmers' Rights, or to set up alliances, partnerships and campaigns.

Women and men may have different information needs or use different information channels and forms of communication. By taking this into account in planning and implementation of awareness-raising events, objectives may be more effectively achieved.

Type(s) of measures that may typically be involved

| | |
|----------------|-------------------------------------|
| Technical | <input checked="" type="checkbox"/> |
| Administrative | |
| Legal | |
| Other | <input checked="" type="checkbox"/> |

Example(s) of possible measures

- Advocacy work for the implementation of Farmers' Rights in national laws (France/Europe) www.fao.org/3/ca4127en/ca4127en.pdf
- Promotion of Farmers' Rights through awareness raising and capacity building materials (Malawi/Africa) www.fao.org/3/ca4149en/ca4149en.pdf
- Presentation of Farmers' Rights to representatives of organizations, producers, and citizens in general in Nicaragua (Nicaragua/Latin America and the Caribbean) www.fao.org/3/ca6351en/ca6351en.pdf
- Global consultations on Farmers' Rights (Global) www.fao.org/3/ca8153en/ca8153en.pdf

Option 9B: Strengthen farmers' and their organizations' capacities to effectively participate in policy dialogue and decision-making processes

For farmers and their organizations to effectively participate in policy dialogue and decision-making processes, it may be necessary to strengthen their capacities, especially in situations where farmers lack experiences regarding interactions with policy makers and relevant institutions. Training, strategy or specific writing workshops as well as exchange and exposure visits or consultations may all be part of such initiatives.

Government, community-based, research and civil-society organizations as well as international donors may all play important roles in supporting such initiatives, e.g. by funding and/or organizing such measures. These organizations may wish to pay special attention to ensuring effective participation of men, women and youth in such activities, so that their needs and concerns can be addressed equally.

Type(s) of measures that may typically be involved

Technical ☒
 Administrative
 Legal
 Other ☒

Example(s) of possible measures

- Farmer-codeveloped ordinance on agriculture (Sustainable Agriculture Code of the Municipality of Arakan, North Cotabato, Philippines)
(Philippines/Asia) www.fao.org/3/ca8193en/ca8193en.pdf
- Sowing Diversity=Harvesting Security (SD=HS) Program (2/2) – policy work
(China, Guatemala, Laos, Myanmar, Nepal, Peru, Uganda, Vietnam, Zambia, Zimbabwe/Asia, Latin America and the Caribbean, Africa) www.fao.org/3/ca8715en/ca8715en.pdf

Option 9C: Enhance farmers' and their organizations' technical and/or organizational capacities, systems of knowledge and management that foster biodiverse systems, conservation and sustainable use of PGRFA

Technical and/or organizational capacities are required for farmers to effectively implement practical measures for the conservation and sustainable use of PGRFA, including production and dissemination of seed, community seed banks, participatory plant breeding or variety evaluation, etc.

Capacity development may be an important component of such measures. Depending on the situation and needs of participants, capacity development may take various forms, including for example knowledge-exchange workshops, farmer field schools and other group-based methods. It may be useful to take possible differences in the interests, needs and concerns of women, men and youth into account to ensure that everyone can benefit equally. Media such as videos, posters, technical leaflets and brochures may be used to support such approaches.

Government representatives and stakeholders, including farmers', community, research and civil society organizations, as well as international donors, may all play important roles in this regard, e.g. by funding and/or implementing such measures.

Type(s) of measures that may typically be involved

Technical ☒
 Administrative
 Legal
 Other ☒

Example(s) of possible measures

- Capacity building and promotion of dynamic conservation and sustainable use of agrobiodiversity in traditional ecosystems of the Philippines/*in situ* conservation of traditional varieties
(Philippines/Asia) www.fao.org/3/ca8186en/ca8186en.pdf
- Training and awareness-raising activities for farmers and their associations carried out by the Centre for Plant Genetic Resources of the National Institute for Agricultural and Food Research and Technology (CRF-INIA)
(Spain/Europe) www.fao.org/3/ca8202en/ca8202en.pdf
- Establishing resilient community-managed seed systems
(Cambodia, Philippines/Asia) www.fao.org/3/ca4169en/ca4169en.pdf
- Farmer Field Schools, as an extension approach to transfer technology with the help of farmer-to-farmer trainers using demonstration centers as learning points
(Malawi, Zambia/Africa) www.fao.org/3/cb6273en/cb6273en.pdf

Category 10: Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA¹⁰

Reference to relevant provision/s of Article 9 of the International Treaty

| | |
|-----------|-------------------------------------|
| Art. 9.1 | <input checked="" type="checkbox"/> |
| Art. 9.2a | <input checked="" type="checkbox"/> |
| Art. 9.2b | <input checked="" type="checkbox"/> |
| Art. 9.2c | <input checked="" type="checkbox"/> |
| Art. 9.3 | <input checked="" type="checkbox"/> |

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

Contracting Parties to the International Treaty have agreed that the responsibility for realizing Farmers' Rights, as they relate to PGRFA, rests with national governments. Each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights (Art. 9.2). Several measures of Farmers' Rights are suggested, including the protection of traditional knowledge relevant to PGRFA, the fair and equitable sharing of benefits arising from their utilization, and the right to participate in making decisions, at the national level, on related matters (Art. 9.2a-c). Rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material are referred to in Art. 9.3.

To implement the commitments they have made under international agreements, governments of Contracting Parties may consider reviewing and, as appropriate, adjusting existing national law, or creating new law, in accordance with their priorities and needs. In that process, Contracting Parties may want to assess and consider needs of rightsholders, including farmers, indigenous and local communities, in cases where they are directly affected by such legal measures.

Option 10A: Realize Farmers' Rights within the national legislation, administrative and policy framework relevant for the conservation and sustainable use of PGRFA

Laws and policies pertaining to PGRFA, agriculture and the environment, as well as their related procedures, may be created or amended to support the realization of Farmers' Rights. Such policies and laws may cover issues such as, for example, national legislation on biodiversity conservation, GMOs, PGRFA, seeds, plant variety protection, rights of peasants, local and indigenous communities. They may address Farmers' Rights in a holistic manner and/or focus on specific aspects that are deemed particularly relevant in certain situations.

This may include laws and procedures for recognizing the efforts made by custodian/guardian farmers, local and indigenous communities, regarding the conservation and sustainable use of PGRFA; for the protection of traditional knowledge related to the conservation and sustainable use of PGRFA; or for the representation of farmers, local and indigenous communities in decision-making bodies and/or advisory boards of government institutions working on matters that are related to PGRFA. Such laws and related procedures may further protect and safeguard farmers' seed systems and related practices.

Type(s) of measures that may typically be involved

| | |
|----------------|-------------------------------------|
| Technical | |
| Administrative | <input checked="" type="checkbox"/> |
| Legal | <input checked="" type="checkbox"/> |
| Other | |

Example(s) of possible measures

¹⁰ The text for Category 10, presented in grey colour, is the Co-chairs' proposal for describing options under Category 10. Examples for each option were tentatively selected by the Secretariat based on the proposed text.

- Provisions on Farmers' Rights in Biodiversity Act of Bhutan, 2003, and Access and Benefit Sharing Policy of Bhutan, 2015
(Bhutan/Asia) www.fao.org/3/ca4346en/ca4346en.pdf
- Farmers' Rights of the Nations and Rural Native Indigenous Peoples
(Bolivia/Latin America and the Caribbean) www.fao.org/3/ca4108en/ca4108en.pdf
- Protection of Plant Varieties and Farmers' Rights Act, 2001
(India/Asia) www.fao.org/3/ca7945en/ca7945en.pdf
- Presidential Decree protecting the Centre of Origin and Diversity
(Mexico/Latin America and the Caribbean) www.fao.org/3/cb4411en/cb4411en.pdf
- Law Establishing the Moratorium on Living Modified Organisms for a period of 10 years (Law No. 29811)
(Peru/Latin America and the Caribbean) www.fao.org/3/cb2593en/cb2593en.pdf

Option 10B: Realize Farmers' Rights through reviewing and, as appropriate, adjusting, intellectual property law and/or related procedures

Intellectual property laws, including those relating to PGRFA, typically define the item, product or process for which protection may be sought, requirements or conditions for granting protection as well as scope and duration of the right. They may also establish rights or conditions for users of the protected item or product, for example conditions under which farmers may save, use, exchange and/or sell seed of protected varieties.

Contracting Parties may consider reviewing and, as appropriate, adjusting intellectual property laws and related procedures, for example by including provisions to safeguard rights that farmers have to save, use, exchange and/or sell farm-saved seed.

They may also include requirements in intellectual property laws and related procedures for disclosure of origin to enable fair and equitable sharing of benefits arising from the use of PGRFA; or by adjusting the scope of protection, thereby defining conditions under which farmers may save, use, exchange and/or sell seed of protected varieties, subject to national law and as appropriate.

Type(s) of measures that may typically be involved

Technical

Administrative ☒

Legal ☒

Other

Example(s) of possible measures

- Balancing Plant Variety Protection (PVP) and Farmers' Rights
(Norway/Europe) www.fao.org/3/ca8165en/ca8165en.pdf
- Safeguarding Farmers' Rights in Swiss intellectual property law
(Switzerland/Europe) www.fao.org/3/ca4168en/ca4168en.pdf
- Require applicant for plant variety protection to disclose the source of genetic material used in the development of a plant variety for which protection is sought, whether it is legally acquired
(Egypt/Near East, India, Malaysia, Thailand/Asia)
www.fao.org/3/ca8240en/ca8240en.pdf
- Implementing sui generis plant variety protection systems that recognize farmers' seed systems, farmers' varieties and advances Farmers' Rights
(India, Malaysia/Asia) www.fao.org/3/ca8243en/ca8243en.pdf

Option 10C: Realize Farmers' Rights through reviewing and, as appropriate, adjusting seed laws and/or related procedures

Contracting Parties may consider reviewing and, as appropriate, adjusting seed laws and related procedures in order to create legal space for farmers to save, use, exchange and/or sell farm-saved seed in general, or farmers' varieties and/or varieties and populations with specific adaptation and uses in particular.

In this context, farmers, local and indigenous communities may also be encouraged and supported in registering varieties they conserve and/or develop and use, e.g. in registers held by the community and/or deposited with local authorities, or in national variety catalogues, should they wish to do so. This may also involve reviewing and, as appropriate, adjusting the necessary procedures and/or requirements for the registration of such varieties or populations, as well as for the quality management and/or marketing of seed. For example, simplified procedures and/or criteria for the registration of such varieties may be established, fees may be reduced or active support provided to farmers, local and indigenous communities to register varieties.

Seed laws that aim to protect and promote Farmers' Rights may also explicitly acknowledge rights that farmers have to save, use, exchange or sell seed, subject to national law and as appropriate, e.g. by providing for special possibilities for quality control of farmers' seed, including in cases of non-commercial seed dissemination and use, based on traditional practices.

Type(s) of measures that may typically be involved

Technical

Administrative ☒

Legal ☒

Other

Example(s) of possible measures

- Ethiopian Seed Law Proclamation No. 782/2013
(Ethiopia/Africa) www.fao.org/3/cb5322en/cb5322en.pdf
- Implementation of EU directives on conservation and amateur varieties, and preservation mixtures
(Germany/Europe) www.fao.org/3/ca4139en/ca4139en.pdf
- Venezuelan Seed Law No. 6.207 of 2015
(Venezuela/Latin America and the Caribbean) www.fao.org/3/cb2589en/cb2589en.pdf
- Exemptions or flexibilities in seed registration for farmers' varieties
(Brazil, Peru/Latin America and the Caribbean, Nepal/Asia)
www.fao.org/3/ca7791en/ca7791en.pdf

Option 10D: Realize Farmers' Rights through reviewing and, as appropriate, adjusting national laws for access and benefit-sharing and/or related procedures

Possibilities to address Farmers' Rights to equitably participate in sharing benefits arising from the utilization of PGRFA include determining rules for governing access to PGRFA, especially those managed on-farm or *in situ* by farmers and local and indigenous communities. Such rules may rely on internationally agreed procedures, such as Prior Informed Consent (PIC) or use tools such as community biodiversity registries and biocultural community protocols.

Since national measures and procedures for access and benefit-sharing may be required under several international agreements, requirements of all relevant agreements may be reviewed and implemented in a harmonious manner, for example by establishing 'single window' systems for access and benefit-sharing.

Furthermore, laws and procedures for the protection of traditional knowledge may include consent requirements in cases where traditional knowledge is documented, explored or used otherwise. The protection of traditional knowledge may also extend to seed of varieties that were developed based on traditional knowledge, practices or skills as well as related processes, and to products derived from them. Priority may also be given to the legal protection of farmers' seed systems, e.g. to govern access to PGRFA held by farmers and local and indigenous communities and establishing national mechanisms that enable the fair and equitable sharing of benefits arising from their use.

Type(s) of measures that may typically be involved

Technical

Administrative ☒
 Legal ☒
 Other

Example(s) of possible measures

- Single window' system for joint implementation of ITPGRFA and Nagoya Protocol (Benin/Africa) www.fao.org/3/ca4106en/ca4106en.pdf
- IPOPhI-NCIP Joint Administrative Order No. 01-2016 'Rules and Regulations on Intellectual Property Rights Application and Registration Protecting the Indigenous Knowledge Systems and Practices of Indigenous Peoples (IPs) and Indigenous Cultural Communities (ICCs)' (Philippines/Asia) www.fao.org/3/ca4166en/ca4166en.pdf

Option 10E: Study national and international policies and laws regarding their contributions to the realization of Farmers' Rights

Studying national and international policies and legal frameworks may help identify specific strengths and weaknesses of current legislations and propose solutions to address possible gaps. They may also include comparative studies, e.g. on approaches that are taken in different countries or regions. A further focus may be on the coherence of international commitments, regional, national and sub-national legislations and related policies and programmes.

Such studies may provide lawmakers with the necessary evidence for better targeting and/or designing measures that support the realization of Farmers' Rights and can also contribute to raising awareness of broader audiences.

Type(s) of measures that may typically be involved

Technical
 Administrative
 Legal
 Other ☒

Example(s) of possible measures

- Policy analysis to identify gaps in the legal framework for seed regarding the implementation of Farmers' Rights in Burkina Faso (Burkina Faso/Africa) www.fao.org/3/ca6460en/ca6460en.pdf
- Implementation of Farmers' Rights in the Italian legislation (Italy/Europe) www.fao.org/3/ca4122en/ca4122en.pdf
- A human rights impact assessment of the UPOV 1991 plant variety protection (Kenya/Africa, Peru/Latin America and the Caribbean, Philippines/Asia) www.fao.org/3/ca7795en/ca7795en.pdf
- Private and non-commercial use project (Global) www.fao.org/3/ca4161en/ca4161en.pdf

Category 11: Other measures/practices

Reference to relevant provision/s of Article 9 of the International Treaty

| | |
|-----------|---------------------------------------|
| Art. 9.1 | <input checked="" type="checkbox"/> * |
| Art. 9.2a | <input checked="" type="checkbox"/> * |
| Art. 9.2b | <input checked="" type="checkbox"/> * |
| Art. 9.2c | <input checked="" type="checkbox"/> * |
| Art. 9.3 | <input checked="" type="checkbox"/> * |

* Options under this category may refer to various provisions of Article 9, depending on their focus.

Why can measures under this category be regarded as options to encourage, guide and promote the realization of Farmers' Rights?

Measures under this category include actions not covered under the previous categories. Depending on their objectives and scope, such measures can be related to various aspects of Farmers' Rights. For example, targeted emergency assistance can recognize farmers' past, present and future contributions to the conservation, development and sustainable use of PGRFA (Art. 9.1) and help restore their seed systems (Art. 9.3). Measures under this category can further support the realization of Farmers' Rights, directly or indirectly, by respecting the protection of traditional knowledge, ensuring fair and equitable sharing of benefits arising from the use of PGRFA and participation in decision-making (Art. 9.2a-c).

Option 11A: Support farmers' conservation, management and sustainable use of PGRFA through targeted emergency assistance

Emergency assistance can take various forms, including financial aid, vouchers or direct distribution of essential goods, such as food or seed from emergency stocks. Depending on how it is designed, emergency assistance can have substantial impacts on farmers' conservation, management and sustainable use of PGRFA during and/or after an emergency. Women and men may be differently affected by the emergency itself, as well as by the measures that are taken. Such differences may need to be considered so that all those who need help can be reached through appropriate measures.

Contracting Parties and stakeholders may thus want to carefully assess potential impacts of emergency assistance on farmers' conservation, management and use of PGRFA and observe relevant national disaster risk legislation as well as international standards and norms. In disaster-prone areas, vulnerability mappings and/or assessments of seed system security may be conducted to identify vulnerable groups and pathways of seed access for various crops and varieties, including local ones, and to assess how such pathways may be strengthened in an emergency.

By establishing national emergency funds and/or solidarity-based funds and insurances, farmers can be provided with the means to continue the conservation, management and sustainable use of PGRFA, for example in situations where fields, equipment and storage facilities have been destroyed.

Type(s) of measures that may typically be involved

| | |
|----------------|-------------------------------------|
| Technical | <input checked="" type="checkbox"/> |
| Administrative | <input checked="" type="checkbox"/> |
| Legal | |
| Other | <input checked="" type="checkbox"/> |

Example(s) of possible measures

- Vulnerability mapping of smallholder farmers in Morocco (Morocco/Africa) www.fao.org/3/ca8151en/ca8151en.pdf
- Crop insurance (USA/North America) www.fao.org/3/ca8452en/ca8452en.pdf
- Support of small-scale farmer seed systems and promoting farmers' rights and sustainability of seed in emergency situations (Malawi, Mozambique, Zimbabwe/Africa) www.fao.org/3/cb3735en/cb3735en.pdf

OVERVIEW TABLE OF OPTIONS AND THEIR RELATION TO SUBARTICLE(S) OF ARTICLE 9

| Titles of options under each category | Relation to subarticle(s) of Art. 9 ¹¹ | | | | |
|--|---|------|------|------|-----|
| | 9.1 | 9.2a | 9.2b | 9.2c | 9.3 |
| Category 1: Recognition of local and indigenous communities' and farmers' contributions to the conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers | | | | | |
| 1A: Establish prizes and awards to honour custodian/guardian farmers, farming communities and their organizations who contribute to the conservation and sustainable use of PGRFA in an outstanding manner | ✓ | ✓ | ✓ | | |
| 1B: Highlight the role and expertise of farmers, farming communities and their organizations in the conservation and/or development of PGRFA by mentioning their names and further details in official records | ✓ | | | | |
| 1C: Designate locally, nationally or Globally Important Agricultural Heritage Systems sites for the conservation and sustainable use of PGRFA and support farmers and their organizations in the sustainable management and governance of such sites | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 2: Financial contributions to support farmers' conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds | | | | | |
| 2A: Provide funds for farmers, farming communities and their organizations who conserve, develop and sustainably use PGRFA, including for capacity development | ✓ | ✓ | ✓ | ✓ | ✓ |
| 2B: Contribute voluntarily to the Benefit-sharing Fund (BSF) of the International Treaty | ✓ | | ✓ | | |
| Category 3: Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA | | | | | |
| 3A: Conduct and/or support promotional activities to strengthen sustainable consumption for products derived from the conservation and sustainable use of PGRFA | ✓ | ✓ | ✓ | | ✓ |
| 3B: Develop value-chains for local crops, varieties and evolutionary populations with specific adaptation, nutritional value, uses or other benefits | ✓ | ✓ | ✓ | ✓ | ✓ |
| 3C: Create and support markets for products issued from farmers' varieties/farmers' seed systems | ✓ | ✓ | ✓ | | ✓ |
| Category 4: Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge | | | | | |
| 4A: Recognize, collect and document traditional knowledge on PGRFA, including knowledge relating to cultivation and use | ✓ | ✓ | | | ✓ |
| 4B: Conduct and/or support activities for conserving, sharing and disseminating traditional knowledge relating to PGRFA | ✓ | ✓ | | | ✓ |
| 4C: Support farmers and farming communities to develop instruments to govern access to PGRFA over which they have established rights and traditional knowledge associated with PGRFA based on their local practices, procedures and community protocols | ✓ | ✓ | ✓ | ✓ | |

¹¹ Based on information provided by Contracting Parties and stakeholders in their submissions.

| Titles of options under each category | Relation to subarticle(s) of Art. 9 | | | | |
|---|-------------------------------------|------|------|------|-----|
| | 9.1 | 9.2a | 9.2b | 9.2c | 9.3 |
| Category 5: <i>In situ</i>/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites | | | | | |
| 5A: Support and safeguard community biodiversity management and/or other practical activities of farmers and farming communities for <i>in situ</i> /on-farm management of PGRFA | ✓ | ✓ | ✓ | ✓ | ✓ |
| 5B: Strengthen the role and identity of custodian/guardian farmers and communities through social and cultural activities | ✓ | ✓ | | | ✓ |
| 5C: Conduct and disseminate studies on the participation of farmers and communities in <i>in situ</i> /on-farm conservation, management and sustainable use of PGRFA, including technological, ecological, socioeconomic and cultural aspects | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 6: Facilitation of farmers' access to a diversity of PGRFA through community seed banks, seed networks and other measures improving farmers' choices of a wider diversity of PGRFA | | | | | |
| 6A: Establish and/or support community seed banks, seed clubs, seed houses, seed-saver networks or similar approaches | ✓ | ✓ | ✓ | ✓ | ✓ |
| 6B: Organize and/or support farmers' seed festivals and fairs | ✓ | ✓ | | | ✓ |
| 6C: Facilitate farmers' access to material from genebanks, research institutes, universities and the private sector | ✓ | ✓ | ✓ | | ✓ |
| 6D: Support farmers' seed systems and innovation | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 7: Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection | | | | | |
| 7A: Involve farmers in the characterization, evaluation and selection of PGRFA, including landraces/farmers' varieties, and/or new varieties, populations and genebank accessions | ✓ | ✓ | ✓ | ✓ | |
| 7B: Develop participatory plant breeding programmes or projects | ✓ | ✓ | ✓ | ✓ | ✓ |
| 7C: Conduct participatory research on other aspects of PGRFA | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 8: Farmers' participation in decision-making at local, national and sub-regional, regional and international levels | | | | | |
| 8A: Ensure representation and effective participation of farmers and/or their organizations in national advisory committees, commissions, councils or working groups addressing issues relating to the conservation, management and sustainable use of PGRFA | ✓ | | | ✓ | |
| 8B: Organize policy dialogue processes with participation of farmers and/or their representative organizations | ✓ | | | ✓ | |

| Titles of options under each category | Relation to subarticle(s) of Art. 9 | | | | |
|--|-------------------------------------|------|------|------|-----|
| | 9.1 | 9.2a | 9.2b | 9.2c | 9.3 |
| Category 9: Training, capacity development and public awareness creation | | | | | |
| 9A: Promote understanding and raise awareness of the importance of Farmers' Rights | ✓ | ✓ | ✓ | ✓ | ✓ |
| 9B: Strengthen farmers' and their organizations' capacities to effectively participate in policy dialogue and decision-making processes | ✓ | | | ✓ | |
| 9C: Enhance farmers' and their organizations' technical and/or organizational capacities, systems of knowledge and management that foster biodiverse systems, conservation and sustainable use of PGRFA | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 10: Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA¹² | | | | | |
| 10A: Realize Farmers' Rights within the national legislation, administrative and policy framework relevant for the conservation and sustainable use of PGRFA | ✓ | ✓ | ✓ | ✓ | ✓ |
| 10B: Realize Farmers' Rights through reviewing and, as appropriate, adjusting, intellectual property law and/or related procedures | ✓ | ✓ | ✓ | | ✓ |
| 10C: Realize Farmers' Rights through reviewing and, as appropriate, adjusting seed laws and/or related procedures | ✓ | ✓ | ✓ | | ✓ |
| 10D: Realize Farmers' Rights through reviewing and, as appropriate, adjusting national laws for access and benefit-sharing and/or related procedures | ✓ | ✓ | ✓ | ✓ | |
| 10E: Study national and international policies and laws regarding their contributions to the realization of Farmers' Rights | ✓ | ✓ | ✓ | ✓ | ✓ |
| Category 11: Other measures/practices | | | | | |
| 11A: Support farmers' conservation, management and sustainable use of PGRFA through targeted emergency assistance | ✓ | ✓ | | ✓ | ✓ |

¹² Co-chairs' proposal for options under Category 10.