



# The Global Consultations on Farmers' Rights in 2010

Side Event during the 4th Session of the Governing Body  
of the ITPGRFA, Bali, 15 March 2011

Organized by the Fridtjof Nansen Institute, Norway, in collaboration  
with the Institute of Biodiversity Conservation, Ethiopia

**Chair: Dr. Kassahun Embaye,**  
A/Director General,  
Institute of Biodiversity Conservation, Ethiopia



FRIDTJOF NANSENS INSTITUTT  
FRIDTJOF NANSEN INSTITUTE



  
የኢትዮጵያ ህዝባዊ ዲሞክራሲያዊ ግንባር  
የሕይወት ዓይነት ጥበቃ  
The Federal Democratic Republic of Ethiopia  
INSTITUTE OF BIODIVERSITY CONSERVATION

## INTRODUCTION to the Consultations



**Presented by Dr. Regine Andersen,**  
Senior Research Fellow, Fr. Nansen Institute,  
and Director of the Farmers' Rights Project



## Farmers' Rights in the Treaty

- Recognition of the enormous contribution of farmers
- Responsibility rests with governments
- Elements:
  - Protection of traditional knowledge
  - The right to equitably participate in benefit sharing
  - The right to participate in decision making
  - Rights that farmers have to save, use, exchange and sell farm-saved seeds
- Preamble and other Treaty articles are supportive
- The Governing Body shall promote the full implementation and compliance (Art. 19 and 21)



## Brief FR-consultation history

- 2006, GB1 : Farmers' Rights on the working agenda of the Governing Body
  - Informal international consultation on FR in Lusaka, Zambia, September 2007
- 2007, GB2 with resolution: the ITPGRFA Secretariat to collect views and experiences from countries & organizations
  - CGN and CTDI carried out an on-line conference: 'Options for Farmers' Rights'



## GB3, Tunis: Resolution 6/2009

- CPs invited to review/adjust national measures affecting the realization of FR
- CPs and other organizations encouraged to continue submitting views and experiences
- **The Secretariat requested to convene regional workshops on Farmers' Rights, subject to availability of funds**
- The Secretariat requested to collect views and experiences, & reports of the regional workshops as basis for agenda item at GB4
- Appreciation of involvement of farmers org.



## How to implement Res. 6/2009?

- The Secretariat was unable to convene regional workshops due to lack of capacity
- In response to Res. 6/2009, the Fridtjof Nansen Institute, Norway, offered to organize global consultations with regional components
- The Bureau encouraged Parties to consider providing funding for the Consultations



## Sponsors of the Consultations:

- Norwegian Agency for Development Cooperation (NORAD)
- Swedish International Biodiversity Programme (SwedBio)
- Ministry of Agriculture and Food, Norway
- Spanish Agency for International Development (AECID)
- Development Fund, Norway



## The 2010 Global Consultations

- Global Consultations July - December 2010
- To phases:
  - Phase 1: E-mail survey (July - September 2010)
  - Phase 2: Conference in Addis Abeba in collaboration with the Institute of Biodiversity Conservation, Ethiopia, 23-25 November 2010
- All together 171 participants from 46 countries
  - Covering Africa, Asia, Near East, Latin America and the Caribbean, North America and Europe
  - Farmer organizations, government institutions, the seed industry, NGOs, IGOs, research and others



## Results from the e-mail survey

- Guidance and capacity building needed
- In particular this is needed to review and amend national seed and IPR regulations
- Urgent need to protect TK from disappearing and to promote small-scale diversity farming
- Many examples of benefit sharing, but they are small and there is a need for up-scaling
- The awareness of Farmers' Rights is increasing, but much remains to ensure participation in decision making



## Global Consultation Conference

- Participation in private capacities
- No aim of negotiating a formal consensus document – but to produce useful contribution
- Interesting exchange and open dialogue on views and experiences on Farmers' Rights
- Regional consultations resulting in recommendations to the Governing Body
- Joint recommendations from the entire Conference: A breakthrough for Farmers' Rights



## The road map to Bali...

- Input paper from the Global Consultations in 2010 has been submitted by Ethiopia to the Secretariat as basis for GB4
- A report from the Global Consultations is available at: [www.farmersrights.org](http://www.farmersrights.org)
- At this side event we present the recommendations from the conference: regional groups and joint recommendations
- Hopefully a useful basis for the negotiations on Agenda Item 13 tomorrow



## Recommendations from the conference: LATIN AMERICA AND THE CARIBBEAN



**Presented by Dr. Modesto Fernández  
Díaz-Silveira,**  
Senior Officer for Environment, Ministry of  
Science, Technology and Environment, Cuba



## LATIN AMERICA AND THE CARIBBEAN

### ▪ General recommendations:

- Farmers' Rights and the Multilateral System are equally important cornerstones of the Treaty
- The Governing Body should prioritize Farmers' Rights, and request assistance in the provision of support to national governments' implementation
- In particular, national governments should be supported in the following:



## LATIN AMERICA AND THE CARIBBEAN

### ▪ Farmers' Rights to save, use, exchange and sell farm saved seed (Art. 9.3):

- National Governments should consider Art. 9.3 broadly: the factors involved have implications for farmers' livelihoods, intellectual property rights and other issues.
- Formal and local seed systems should be recognized as complementary: there is a need to ensure legal space for each to contribute to the conservation and sustainable use of PGRFA.
- Knowledge and awareness about Farmers' Rights need to be promoted at all levels, including among decision makers and farmers.



## LATIN AMERICA AND THE CARIBBEAN

- **The realization of measures to protect traditional knowledge (TK) (Art. 9.2.a):**
  - National governments should protect TK, recognizing the need for a holistic approach, considering livelihood, culture and place.
  - In developing TK protection mechanisms, national governments should consider Art. 5.1.c+d and not limit themselves to IPR based approaches
  - National governments should promote collaboration between communities and research with mutual exchange of knowledge, provided that local community rights are protected.



## LATIN AMERICA AND THE CARIBBEAN

- **The realization of Farmers' Rights to fair and equitable benefit sharing (Art. 9.2.b):**
  - National Focal Points should promote farmers' access to material under the Multilateral System and assist farmers with proposals to the Fund
  - National governments should promote market access for local communities
  - National governments should explore possibilities of establishing national benefit sharing funds
  - National governments should promote equality between formal scientific and local communities in allocating funds and formulating national policies.



## LATIN AMERICA AND THE CARIBBEAN

- **The realization of Farmers' Rights to participate in decision making (Art. 9.2.c):**
  - National governments are encouraged to involve farmers in the reviews provided for in Art. 6.2.g and in decision making on breeding strategies and variety release and registration.
  - National governments should concentrate on capacity building and the promotion of awareness, including:
    - the complementary nature of formal & local seed systems
    - the provision of information related to the Treaty
    - how forms of organization affect decision-making



## Recommendations from the conference: AFRICA



**Presented by Zachary Muthamia,  
Head, National Genebank of Kenya,  
Kenya Agricultural Research Institute**



## AFRICA

- **Farmers' Rights to save, use, exchange and sell farm saved seed (Art. 9.3):**
  - The Governing Body should take measures to support Contracting Parties in:
    - capacity building for farmers to participate in decision making regarding Farmers' Rights under Art. 3
    - facilitating access to information on laws and policies
    - ensuring effective participation of farmers in decisions
    - awareness raising among farmers and decision makers
    - legal support for informal seed systems
    - mainstreaming these rights in laws and policies
    - harmonizing seed regulations in the region to protect FR



## AFRICA

- **Realization of measures to protect traditional knowledge (TK) (Art. 9.2.a):**
  - The Governing Body is requested to consider supporting Contracting Parties in:
    - establishing measures to recognize TK & facilitate its use
    - establishing measures to ensure that TK and systems that generate TK are respected and promoted
    - facilitating documentation of knowledge and making it public
    - building capacity for documentation and use of TK
    - developing and implementing legal provisions on TK
    - supporting on-farm conservation activities by farmers



## AFRICA

### ▪ Realization of Farmers' Rights to participate in benefit sharing (Art. 9.2.b):

- The Governing Body is requested to consider:
  - developing guidelines for the implementation of the benefit-sharing mechanism under the Treaty
  - studying the relationship between benefit-sharing and fair trade, with a view to improving the MLS
  - reviewing the efficiency and effectiveness of the flow of resources under the Treaty and strengthening ABS
  - capacity building measures for farmers to enable them to benefit from the various existing opportunities (all levels)
  - facilitating access to information and technology transfer



## AFRICA

### ▪ Realization of Farmers' Rights to participate in decision making (Art. 9.2.c):

- The Governing Body is requested to:
  - support Contracting Parties in establishing measures to ensure effective participation of farmers
  - support Contracting Parties in capacity building
  - encourage the establishment of effective communication mechanisms in decision-making processes
  - study ways and means of an effective system to make farmers' voices heard
  - establishing a Clearing House Mechanism for sharing of experiences on the realization of farmers' participation
  - encourage synergies with other relevant treaties



## AFRICA

### ▪ Other important issues:

- The Governing Body may request the Secretariat to assess the impacts of GMO on the diversity of PGRFA
- The Governing Body should encourage measures to build farmers' capacity in adapting their management of PGRFA to climate change
- The Governing Body should take steps to ensure that farmers have the right to freely maintain and improve plant varieties that are protected under UPOV-derived legislation on plant breeders' rights



## Recommendations from the conference ASIA



**Presented by Kamalesh Adhikari,**  
Research Director, South Asia Watch on Trade,  
Economics and Environment (SAWTEE), Nepal



## ASIA

- **Farmers' Rights to save, use, exchange and sell farm saved seed (Art. 9.3):**
  - The Governing Body is urged to develop a set of guidelines to facilitate and assist Contracting Parties in addressing barriers to these rights, in active consultations with relevant stakeholders.
  - The Governing Body should call upon the Secretariat to collect and document success stories from the realization of these rights and report to the Governing Body for further action.



## ASIA

- **Realization of measures to protect traditional knowledge (TK) (Art. 9.2.a):**
  - The Governing Body should urge Contracting Parties to further strengthen appropriate policies, legal and implementation measures to respect and protect TK.
  - The Governing Body should urge Contracting Parties to develop national libraries on TK associated with PGRFA, and request the Secretariat to develop a Global Library on TK.



## ASIA

### ▪ Realization of Farmers' Rights to participate in benefit-sharing (Art. 9.2.b):

- The Governing Body should urge Contracting Parties:
  - to establish Gene Funds at national and local levels to channel funds from the MLS to projects by farmer groups and organizations
  - and CGIAR centres to strengthen the transfer of farmers' varieties from international and national gene banks to community gene banks
  - and CGIAR centres to promote participatory research
  - to establish appropriate measures for the development of farmers' varieties, their release and marketing



## ASIA

### ▪ Realization of Farmers' Rights to participate in decision making (Art. 9.2.c):

- The Governing Body should:
  - urge Contracting Parties to strengthen farmers' institutional representation and participation in decision-making bodies and processes - through active consultations, education and capacity building
  - urge Contracting Parties to include farmers and farmers' organizations as delegates to the Governing Body of the International Treaty
  - call upon the Secretariat to organize meetings which allow for farmers and their organizations to participate in decision making processes on Treaty implementation



## Recommendations from the conference: EUROPE AND NORTH AMERICA



Presented by Annette von Lossau,  
Senior Advisor, Deutsche Gesellschaft für  
Internationale Zusammenarbeit (GIZ), Germany



## EUROPE AND NORTH AMERICA

### ▪ Preamble:

- Diverse farming practices respond to diverse needs: diverse seed systems require different regulations
- Conservation and sustainable use are inseparable from farmers' traditional knowledge and practice
- Farmer-breeders and specialized breeders have important knowledge that complement one another
- Northern regulatory systems have impact far beyond our borders: efforts are being made to modify EU seed regulations
- The realizations of Farmers' Rights is closely related to other Treaty provisions, such as e.g. Art. 6



## EUROPE AND NORTH AMERICA

- **General recommendations, subject to the availability of funds:**
  - The Governing Body should give more attention on its working agenda to Farmers' Rights
  - The Governing Body is recommended to establish an *ad hoc* working group on voluntary guidelines for the national implementation of Farmers' Rights
  - The Governing Body should facilitate information exchange on Farmers' Rights through its Secretariat
  - Resolution 6/2009 should be implemented
  - The Governing Body should instruct the Secretariat to promote the Treaty, with FR, in UPOV & WIPO



## EUROPE AND NORTH AMERICA

- **Farmers' Rights to save, use, exchange and sell farm saved seed (Art. 9.3):**
  - The Governing Body is requested to study options for provisions in national seed legislation to allow for a balanced regulation for all types of seeds.
  - In response to the impacts of climate change, the Governing Body is recommended to study ways and means to enhance farmers' access to diverse seed, fostering local innovation in the development of crop genetic diversity, and removing obstacles to this, such as de-registration of varieties.



## EUROPE AND NORTH AMERICA

- **Farmers' Rights to participate in benefit sharing (Art. 9.2.b):**
  - The Governing Body should together with CGIAR ensure that germplasm, and in particular material under development, is equally available to all.
  - The Governing Body should request the Secretariat together with the Legal Counsel of FAO to undertake immediate analysis of multi-genome patent applications which may include material from the MLS, and take appropriate steps
  - The Governing Body is requested to commission a study on how the MLS can assist farmers in increasing PGRFA diversity on-farm.



## EUROPE AND NORTH AMERICA

- **Farmers' Rights to participate in benefit sharing (Art. 9.2.b) (cont.):**
  - The Governing Body is requested to commission a study on low cost conservation technologies and news strategies for decentralized seed storage
  - The Governing Body should request the Secretariat to facilitate the provision of information to farmers and others about seed saving
  - The Governing Body is requested to study new developments in gene synthesis, -mapping and the creation of digital libraries that could impact MLS



## EUROPE AND NORTH AMERICA

- **Farmers' Rights to participate in decision making (Art. 9.2.c) :**
  - The Governing Body is recommended to study the participation procedures of the Committee on World Food Security for consideration as a template
  - The Governing Body is recommended to prepare a biennial State of the World's Farmers Report
  - The Governing Body is requested to study novel mechanisms for the resolution of disputes on FR
  - The Governing Body is requested to consider a mechanism for farmers to draw the attention of the Governing Body to any systemic issues that may adversely affect conservation and sustainable use



## JOINT recommendations from the Global Consultation Conference



**Presented by Dr. Regine Andersen,  
Senior Research Fellow,  
Fridtjof Nansen Institute, Norway**



## JOINT recommendations

### ▪ General recommendations:

- Farmers' Rights is a cornerstone of the Treaty and the Governing Body should prioritize and request assistance of FAO and other organizations to support national governments in the realization of these rights.
- The Governing Body is requested to study options for provisions in national seed legislation to allow for balanced regulation for all types of seeds.
- The Governing Body is recommended to study the participation procedures of the Committee on World Food Security for consideration as a template.



## JOINT recommendations

### ▪ General recommendations (cont.):

- The role of gender should be mainstreamed, because it is a cross-cutting issue, and the Governing Body should explore the role of gender in the realization of Farmers' Rights
- The Governing Body should establish an *ad hoc* working group to develop voluntary guidelines on the national implementation of Article 9 and related provisions, in a transparent and inclusive manner
- The voluntary guidelines should assist and support national governments in implementing:



## JOINT recommendations

- **Farmers' Rights to save, use, exchange and sell farm saved seed (Art. 9.3):**
  - National Governments should consider Art. 9.3 broadly: the factors involved have implications for farmers' livelihoods, intellectual property rights and other issues.
  - Formal and local seed systems should be recognized as complementary: there is a need to ensure legal space for each to contribute to the conservation and sustainable use of PGRFA.
  - Knowledge and awareness about Farmers' Rights need to be promoted at all levels, including among decision makers and farmers.



## JOINT recommendations

- **The realization of measures to protect traditional knowledge (TK) (Art. 9.2.a):**
  - National governments should protect and promote, as a matter of urgency, TK that is relevant to PGRFA, recognizing its dynamic nature and the need for a holistic approach including livelihoods, cultures and places
  - National governments should consider Art. 5.1.c and 5.1.d when developing TK mechanisms
  - National governments should promote collaboration between local communities & scientists, with mutual knowledge exchange consistent with Art. 9



## JOINT recommendations

- **The realization Farmers' Rights to participate in benefit sharing (Art. 9.2.b):**
  - National governments should promote farmers' access to PGRFA, including material under the MLS, and assist farmers with proposals to the Fund
  - National governments should promote the right of farmers to benefit directly through market access
  - National governments should explore establishing national benefit sharing funds to support PGRFA cons. & sustainable use by smallholder farmers
  - In allocating funds and formulating policies, national governments should promote equality between formal scientific and local knowledge



## JOINT recommendations

- **The realization Farmers' Rights to participate decision making (Art. 9.2.c):**
  - National governments are encouraged to involve farmers in the reviews provided for in Art. 6.2.g and in decision making on breeding strategies and the regulation of variety release and registration.
  - National governments should concentrate on capacity building & the promotion of awareness on:
    - the complementary nature of formal and local seed systems
    - the provision of information related to the Treaty
    - how types of farmer participation affect decision-making





*Thank you for your attention!*

