

CONCLUSIONS OF THE GLOBAL CONSULTATION ON THE RIGHTS OF FARMERS TO PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Nyéleni, Sélingué, September 26th 2017

We, the **representatives of women and men small-scale food producers, Indigenous Peoples and peasant communities** who conserve, dynamically manage and renew the agricultural and wild biodiversity in our fields, grazing lands, forests, waters, and surrounding seas and oceans in every continent, are self-organized with the support of the IPC. We met in Sélingué, Mali from 23 to 26 September 2017 thanks to the support of the Governments of Mali, Brazil, Indonesia and Norway, the International Treaty on Plant Genetic Resources for Food and Agriculture, FAO and the host organisation Coordination Nationale des Organisations Paysannes of Mali.

We wish to make the following contribution to the debate on Farmers' Rights that will be held at the 7th meeting of the Governing Body of the Treaty in Kigali from 30 October to 3 November 2017:

Considering the irreplaceable role of peasants' seed systems based on the collective and dynamic management in the fields and territories of each farm and each community and on the constant adaptation¹ of cultivated biodiversity to natural and social changes in order to:

- provide food security and food sovereignty of many countries, the right to work for young people in rural areas and the provision of food for 75% of the world's population;
- guarantee the capacity of resistance and adaptability of agricultural production, in particular in the face of the acceleration and brutality of climate change and economic crises;
- preserve and renew the diversity of seeds and seedlings² and the knowledge of peasants and Indigenous Peoples in order to pass them on to future generations who can then use these for their survival.

Considering that Farmers' Rights are:

- the rights to autonomy to the decision making on the conservation, save, use, exchange, marketing of native and farmers' seeds including the management of water, land and forests.

¹ Resilience

²Plant Genetic Resources for Food and Agriculture (PGRFA)

- the collective rights by peasants for the management of their biodiversity
- the rights to dignified work and associated services.

Considering that these peasants' seeds systems are inseparable from the recognition and the effective implementation of the Human Rights of peasants and Indigenous People, including the rights for the access to water, to land and their territories.

Considering the essential role of women:

- in preserving the diversity of seeds and plants in order to ensure better nutrition for their families and communities;
- and young people in maintaining local food systems and in protecting and rehabilitating cultivated biodiversity;
- and elders in the development and transmission of knowledge to younger generations.

Considering genetic resources are in all living organisms, including humans, and they cannot be dissociated from biodiversity in the world;

Considering the threats to biodiversity and its accelerating erosion, in particular:

- patents and other forms of industrial property³ on the reproduction of life;
- seed laws that close markets to non-standardized peasant seeds according to UPOV's homogeneity and stability criteria and to the foods derived from them; these infringe peasant human rights and criminalize peasants when they preserve their seeds;
- industrial seed systems that threaten the capacity of the peasant economy to ensure food production; the right of peoples to food sovereignty; and a healthy, nutritious and diversified diet; as well as the transformation of food systems based on agroecology;
- technological locks that prevent the free reproduction of seeds, seedlings and other living organisms, such as F1 hybrids, plants made sterile, gene drives.
- the dissemination of living modified organisms by the application of in vitro nucleic acid techniques;
- the dematerialisation of genetic resources into digital data that is useless for farmers but can thus be made freely accessible to industry, in violation of the obligations for free, prior and informed consent and benefit-sharing;
- the destruction of the living part of biodiversity through its reduction to computer models and algorithms that define the new industrial programmes for gene selection;

³ IPRs

Considering that governments should take note of the stagnation in the industrial food system, take responsibility, recognize and provide the appropriate conditions for the realization of all Farmers' Rights;

Considering that many governments have contributed and are still contributing to the Multilateral System of facilitated access and benefit-sharing of Plant Genetic Resources for Food and Agriculture (PGRFA) that are not subject to their sovereignty, without the free, prior and informed consent of the Indigenous Peoples who have selected and maintained them. The Free and Prior Informed Consent (FPIC) is based on different materials such regulations as the Declaration of Rights of Indigenous Peoples of the United Nations, the Convention 169 of the International Labor Organization (ILO 169) and the convention of the Convention on Biological Diversity (CBD);

Considering that governments should also inform, obtain written consent and issue a formal receipt to each peasant community from which they borrow seeds or plants of local varieties;

Considering the peasant rights defined in Article 9 of the Treaty are collective rights of peasants and local communities and indigenous peoples from all regions of the world who have contributed, are contributing and will continue to contribute to the conservation and development of PGRFA that form the basis of food and agricultural production throughout the world;

Considering that Article 9 of the Treaty must be taken into account for the application of all the other Articles in the Treaty;

We applaud the work of the Global Consultation on Farmers' Rights in Bali, Indonesia, 27-30 September 2016 and the good recommendations of the Co-Chairs that we endorse and to which we are making the following additional proposals.

We invite the Governing Body to:

- 1) Request the Secretariat to initiate discussions, in the same way as it has with UPOV, with all international treaties, conventions or agreements, in particular with WIPO, the CBD, the Cartagena Protocol on Biosafety and the Nagoya Protocol, to ensure that they do not affect the rights of farmers to conserve, save, use, exchange, sell and protect their seeds, seedlings and knowledge, and to continue these discussions until the contradictions between the objectives of the Treaty and those of the other instruments are removed.
- 2) Verify that any person or party contributing a plant genetic resource to the Multilateral System has, if necessary, obtained the free, prior and informed consent of the indigenous peoples and peasants who have bred and conserved it.

- 3) Put in place mechanisms to ensure compliance with the obligations of free, prior and informed consent and benefit-sharing when accessing dematerialized genetic information from seeds and seedlings of farmers and other PGRFA in the Multilateral System.
- 4) Ensure transparency of information on any intellectual property or other rights that restricts access to the PGRFA in the Multilateral System; and about any genetic modification through the application of in vitro nucleic acid techniques.
- 5) Ensure that those who benefit from access to a plant genetic resource in the Multilateral System cannot claim any intellectual property rights or other rights on the material supplied, its parts and genetic components, that limit the rights of farmers to save, use, exchange and sell seeds, seedlings or other material for propagation from the Multilateral System.
- 6) Continue supporting the organization of regional forums on Farmers' Rights and develop programmes for information and training of farmers on their rights in their local languages.
- 7) Ensure remedies, reparations and compliance in case of violation of Farmers' Rights.
- 8) Establish an Open-Ended Ad Hoc Working Group on Farmers' Rights with the participation of men and women representatives of peasant and Indigenous Peoples' organizations from all regions of the world who conserve and renew the diversity of PGRFA.
- 9) Guarantee the participation by men and women representatives of peasant and indigenous peoples' organizations in the discussions of this Ad Hoc working group on an equal footing with the representatives of governments, who are the only ones empowered to take decisions. To request the Secretariat to guarantee this participation also from the financial perspective and the working languages used.
- 10) Prioritize the contributions of these peasant organizations and Indigenous Peoples over those of other stakeholders including other representatives of civil society and farmers who only use commercial industrial seeds.
- 11) Confirm the IPC as the facilitator of the participation of these peasant organizations and Indigenous Peoples from all regions of the world and guaranteeing the effective presence of women (following the FAO – IPC exchange of letters TCD-DG/03/55; OPC-DG/13/924; OPC-DG/17/405)
- 12) Request this Ad Hoc working group to propose mechanisms to ensure effective enforcement of Farmers' Rights and to submit a report to the next meeting of the Governing Body (GB8) and a finalized proposal to the following meeting (GB9).
- 13) Ask this Ad Hoc working group to carry out, beyond what was already proposed in the Bali recommendations:

- a. an inventory of national and regional laws and technologies that promote the implementation of Farmers' Rights and those that limit them;
- b. the development of model procedures to ensure participation in decision-making by farmers who conserve and renew PGRFA;
- c. the preparation of proposals to ensure that there is nothing to prevent farmers from directly using the PGRFA in the Multilateral System and to guarantee their freedom of choice so that none of them is limited only to have access to commercial seeds;
- d. and proposals for:
 - i. dynamic knowledge sharing systems not limited to the web;
 - ii. the democratization of research;
 - iii. the dissemination and use of collaborative plant breeding programmes in the field;
 - iv. the effective protection of peasants and Indigenous Peoples' knowledge.

We commit to:

- Continue our work to defend farmers' rights in all regions of the world.
- Continue our conservation work and dynamic management of genetic resources.

and, to the extent of the funds available,

- Organize the participation of farmers' representatives.
- Facilitate the organization of regional consultations on Farmers' Rights in all regions of the world.
- Participate in dialogues with governments.
- Participate in the initiatives of the Treaty related to the work of the *Ad Hoc* working group on Farmers' Rights.
- Facilitate the dissemination of information and consultations from the *Ad Hoc* working group on Farmers' Rights.