Appendix

Appendix I

Article 15: Farmers' Rights

(Article 15 as negotiated during the Eighth Regular Session of the Commission, April 1999)

15.1 The Parties recognized 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 plant genetic resources which constitute the basis of food and agriculture production throughout the world.

15.2 The Parties agree that the responsibility for realizing Farmers' Rights, as they relate to Plant Genetic Resources for Food and Agriculture, rests with national governments. In accordance with their needs and priorities, each Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:

(a) protection of traditional knowledge relevant to plant genetic
resources for food and agriculture;

(b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

15.3 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.


Appendix II

FAO Resolution 5/89 on Farmers' Rights

The Conference,

Recognizing that:

(a) Plant genetic resources are a common heritage of mankind to be preserved, and to be freely available for use, for the benefit of present and future generations,

(b) full advantage can be derived from plant genetic
resources through an effective programme of plant breeding, and that, while most such resources, in the form of wild plants and old landraces, are to be found in developing countries, training and facilities for plant survey and identification, and plant breeding, are insufficient, or even not available in many of those countries, (c) plant genetic resources are indispensable for the genetic improvement of cultivated plants, but have been insufficiently explored, and in danger of erosion and loss,

Considering that:

(a) In the history of mankind, unnumbered generations of farmers have conserved, improved and made available plant genetic resources,

(b) the majority of these plant genetic resources come from developing countries, the contribution of whose farmers has not been sufficiently recognized or rewarded,

(c) the farmers, especially those in developing countries, should benefit fully from the improved and increased use of the natural resources they have preserved.

(d) there is a need to continue the conservation (in situ and ex situ), development and use of the plant genetic resources in all countries, and to strengthen the capabilities of developing countries in these areas.
Endorses the concept of Farmers' Rights (Farmers' Rights mean rights arising from the past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the centres of origin/diversity. These rights are vested in the International Community, as trustee for present and future generations of farmers, for the purpose of ensuring full benefits to farmers, and supporting the continuation of their contributions, as well as the attainment of the overall purposes of the International Undertaking) in order to:

(a) ensure that the need for conservation is globally recognized and that sufficient funds for these purposes will be available;
(b) assist farmers and farming communities, in all regions of the world, but especially in the areas of origin/diversity of plant genetic resources, ...
(c) allow farmers, their communities, and countries in all regions, to participate fully in the benefits derived, at present and in the future, from the improved use of plant genetic resources, through plant breeding and other scientific methods.