

THE POTENTIAL OF GEOGRAPHICAL INDICATIONS FOR ADVANCING THE REALIZATION OF FARMERS' RIGHTS

WORLDWIDE PERSPECTIVES ON GEOGRAPHICAL INDICATIONS



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What are Farmers' Rights?

- Recognized in FAO's International Treaty on Plant Genetic Resources for Food and Agriculture adopted in 2001 (Article 9)
- Rooted in the recognition of the past, present and future contribution that farmers and local & indigenous communities have made/will continue to make to the conservation and use of PGRFA as the basis of food security
- No definition of Farmers' Rights nor positive obligations in the Plant Treaty
- The responsibility to realize Farmers' Rights rests with national governments who are only invited to take measures for their realization, including for example (Art. 9.2):
 - (i) the protection of farmers' traditional knowledge relevant to PGRFA;
 - (ii) the right for farmers to equitably participate in sharing benefits arising from the utilization of PGRFA; and
 - (iii) the right for farmers to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA

Possible measures for the realization of FRs

Linkages with GIs

1. Protection of farmers' traditional knowledge

→ Characteristics and uses of plants and varieties, cultural significance and cultivation practices

Possible measures: Registries, community seed banks, documentation of TK, promotion of production and consumption of farmers' traditional varieties, etc.

Many GIs derive from traditional methods and practices

Documentation and codification of the traditional and cultural practices needed for the elaboration of GI products in BoS help preserve them by ensuring that these continue to be followed and hence kept alive

2. Farmers' right to participate in benefit-sharing

→ Monetary benefits and non-monetary benefits

Possible measures: Conservation activities; exchange of information; access to and transfer of technology; capacity-building; participatory plant breeding, etc.

Economic benefits: price premiums, market access, pooled resources for collective communication

Non-economic benefits: biodiversity conservation (rules in BoS), sharing of technical knowledge and good practices, training, research, plant breeding...

3. Farmers' right to participate in decisions making

→ Farmers have a say in the policies that affect them

Possible measures: Participation in consultative policy processes, representation in agricultural boards and committees

GI collectives → farmers' empowerment, representation and participation in decision-making

Europe: role of AREPO; Reg. 2024/1143: Right of producer groups to participate in consultative bodies, exchange information with public authorities, and make recommendations to improve GI policies

IMPLICATIONS FOR THE INSTITUTIONAL DESIGN OF GIs

Role of the law in directing the effects of GIs in the future by making mandatory:

- The inclusion of cultural/traditional practices and sustainable standards in the BoS of GI products (*FRs: protection of TK + participation in benefit-sharing*)
- The establishment of collective organisations with strong, transparent and democratic institutional mechanisms and governance systems (cf. Regulation 2024/1143, Article 55) (*FRs: participation in decision-making*)

The adoption of WIPO's Treaty on IP, Genetic Resources and Associated Traditional Knowledge in May 2024 represents a historic step toward fairer distribution of benefits and better protection of the rights of indigenous and traditional communities.

The recognition of the potential of GIs to contribute to the realization of Farmers' Rights in their institutional design is paramount to leverage this opportunity for the benefit of farmers and local and indigenous communities.

Thank you for your attention

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