



**International Treaty
on Plant Genetic Resources
for Food and Agriculture**

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Your Ref: OL OTH 143/2025

Lima, 23 November 2025

Dear Mr Fakhri,

In my capacity as Chair of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty), I would like to thank you for your letter of 6 November 2025 and for your interest in the work of the Governing Body. As requested, I have shared your communication with the Bureau of the Eleventh Session and invited each Vice-Chair to circulate it within their respective Regional Groups.

At the outset, allow me, with the greatest respect, to express my surprise at the suggestion that the Governing Body or its subsidiary bodies may be implicated in potential human rights abuses. The Governing Body operates strictly within the mandate conferred upon it by Contracting Parties and in accordance with the provisions of the International Treaty, and in the context of the United Nations Food and Agriculture Organisation. It does not engage in, nor does its work lend itself to, actions of the nature described under the Special Procedures system.

Your letter also contains several interpretations of the International Treaty, its processes, and its relationship with other international instruments that do not fully reflect the legal framework agreed upon by Contracting Parties. As with any international legally binding agreement, the authority to interpret the Treaty rests exclusively with its Contracting Parties, acting collectively as the Governing Body. The Governing Body may only adopt decisions, or amend the International Treaty, by *consensus*. Decisions at Governing Body meetings are the sole prerogative of Contracting Parties, rather than FAO Management or the International Treaty Secretariat or any other entity. For stakeholders who do not regularly follow the Treaty's work, some of the points raised may inadvertently create an inaccurate or incomplete picture of its scope, operation and decision making.

As you know, the International Treaty is a self-standing, international legally binding agreement adopted by the FAO Conference in 2001 and now comprises 155 Contracting Parties. Its objectives are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising from their use, in harmony with the Convention on Biological Diversity (CBD), for sustainable agriculture and food security.

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Mr Michael Fakhri
Special Rapporteur on the Right to Food
United Nations

The Governing Body remains committed to ensuring mutually supportive and harmonious implementation with other relevant international instruments, including the CBD, while respecting the distinct mandates, scopes and decision-making processes of each treaty. This is particularly relevant in discussions on Digital Sequence Information / Genetic Sequence Data (DSI/GSD), where issues of jurisdiction, scope and legal competence require careful delineation by the respective bodies. Contracting Parties have been actively discussing the implications of DSI/GSD for several years in the context of their rights and obligations under the Treaty. These exchanges reflect a diversity of views among Parties, and discussions remain ongoing.

The “package of measures” under negotiation to enhance the functioning of the Multilateral System (MLS) is the product of more than a decade of rigorous, transparent and inclusive work. Since 2013, the Ad Hoc Open-ended Working Group tasked with this process has engaged Contracting Parties, observers, experts and stakeholders in multiple formats. The negotiations have been informed by expert analyses, regional consultations, stakeholder submissions and sustained technical engagement.

Farmers’ Rights, as enshrined in Article 9 of the International Treaty, form an integral part of the Governing Body’s agenda. The Ad Hoc Technical Expert Group on Farmers’ Rights (AHTEG-FR), established in 2017, includes regional experts, farmer organizations and a diversity of stakeholders. It has developed an Inventory of national measures, best practices and lessons learned, now containing more than 230 entries, as well as Options for encouraging, guiding and promoting implementation of Article 9. The upcoming Session of the Governing Body will consider the first-ever Draft Assessment of the State of Implementation of Article 9 and a draft Strategy to further support Contracting Parties in this area. The AHTEG-FR has also offered important reflections on the relevance of evolving technologies, including DSI/GSD, for the realization of Farmers’ Rights.

I trust that the information provided above, together with the extensive resources publicly available on the website of the International Treaty, will assist you in your assessments under the Special Procedures mandate.

Allow me once again to thank you for your communication and for your interest in these important matters.

Yours sincerely,

Alwin Kopse

Chairperson

Eleventh Session of the Governing Body
International Treaty on
Plant Genetic Resources for Food and Agriculture