

The International Treaty on Plant Genetic Resources for Food and Agriculture

- The International Treaty and the International Process for its Implementation

The status of the Treaty

- Negotiated by 164 member FAO Commission on Genetic Resources for Food and Agriculture
- Adopted by the FAO Conference by consensus in November 2001
- Entered into force on **29 June 2004** 90 days after ratification by 40 states:
- At present, 75 States and EC are Parties

Why the Treaty is important for food and agriculture

- CBD alone does not go far enough to settle the problems of plant genetic resources for food and agriculture (PGRFA)
- Special nature of PGRFA
 - Man-made diversity
 - Intra-species diversity
 - History of exchange of germplasm
- Special needs for access to PGRFA
 - Needs for access for new traits or resistances
- Recognition of CBD that outstanding issues of PGRFA to be settled within FAO Global System on PGRFA
 - Including access to ex situ collections collected prior to CBD

Objectives of the Treaty

- The conservation and sustainable use of plant genetic resources for food and agriculture
- The fair and equitable sharing of benefits derived from their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security

Main Achievements of the Treaty

- The Multilateral System of Access and Benefit Sharing
 - List of crops chosen on basis of importance for food security and interdependence
 - PGRFA under management and control of Contracting Parties and in the public domain
 - Contracting Parties to invite other holders of PGRFA to place in Multilateral System

Main Achievements of the Treaty

- The Multilateral System of Access and Benefit Sharing
 - Multilateral agreement on rules regarding facilitated access
 - Multilateral agreement on rules regarding benefit-sharing



Access - The Multilateral System “pools” crucial plant genetic resources

- PGRFA available under a standard Material Transfer Agreement
- Solely for purpose of utilisation and conservation for research, breeding and training for food and agriculture
- Expeditiously with no need to track individual accessions
- All available passport data and other non-confidential information
- “Intellectual property or other rights that limit facilitated access to the plant genetic resources for food and agriculture, or their genetic parts and components, in the form received from the Multilateral System” may not be claimed



Access - The Multilateral System “pools” crucial plant genetic resources

- Access to PGRFA under development at discretion of developer
- Access to PGRFA protected by intellectual and other property rights to be consistent with international agreements and national law
- Recipients must continue to make the materials received available to other Contracting Parties
- Without prejudice to other provisions, access to PGRFA in in situ conditions subject to national law, or standards set by Governing Body

Benefit-sharing

- Because these genetic resources are pooled, there is no individual owner with whom individual contracts for access and benefit-sharing must be negotiated
- This means there are very low transaction costs, to the benefit of farmers, plant breeders and researchers, and ultimately of consumers
- It also means that benefits must be shared in a pooled, multilateral way

Benefit-sharing includes

- Facilitated access is itself a major benefit
- Exchange of information
- Access to and transfer of technology
- Capacity-building
- The sharing of monetary and other benefits of commercialization

Benefit-sharing

- The Treaty includes ground-breaking, innovative provisions for monetary benefit-sharing:
 - If a product that incorporates material from the Multilateral System is commercialized in such a way that is not “available without restriction to others for further research and breeding” a mandatory payment will be made
 - If it is available without restriction to others, payment is voluntary
- These moneys will be used in the context of the Treaty’s Funding Strategy



The Standard Material Transfer Agreement

- The SMTA is at the heart of the Multilateral System
- The SMTA will operationalise the conditions of the MS
- The SMTA will operate at the level of private commercial law
- Some of the compromises embodied in the Treaty through ambiguous language will eventually need to be clarified in the SMTA, either now or at a later date.
- Lim will explain the status of negotiations on the SMTA



Other Key provisions of the Treaty

- A Framework for the conservation and sustainable use of PGRFA
 - Article 5 and 6 follow the GPA
- Farmers' rights
- Supporting components

Farmers' Rights

- Recognition of the enormous contribution that farmers and their communities have made and continue to make to the conservation and development of plant genetic resources.
- Farmers' Rights include the protection of traditional knowledge and the right to participate equitably in benefit-sharing and in national decision-making about plant genetic resources.
- Treaty neutral on farm-saved seed
- Governments are responsible for realizing these rights.

The Treaty's “supporting components”

- The Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture
- Agreements with International Agricultural Research Centres *ex situ* collections (about 600,000 accessions)
- International Plant Genetic Resources Networks
- The Global Information System



Financial and Institutional provisions

- The Treaty will adopt a Funding Strategy, to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under this Treaty (Art. 18.2)
- First element: The Global Crop Diversity Trust



Global Crop Diversity Trust

- Endowment Fund- in force 21 October 2004
- Essential element of Funding Strategy
- Governing Body to provide overall policy guidance
- Executive independence
- 56 Million US dollars so far
- First five capacity building grants already approved



Schedule of forthcoming meetings

- First Meeting of the Governing Body of the Treaty will take place in Spain on 12-16 June 2006
- Only those States that are Contracting Parties at the time of the Meeting will be allowed to participate fully in the Meeting as members of the Governing Body. States need to ratify or accede by end February or early March 2006

Schedule of meetings

- Interim Committee held two meetings and set up Contact Group on SMTA and Open-ended Working Group
- First meeting on SMTA held in July 2005
- 2nd meeting of Group in April 2006
- Working Group on Rules of Procedure, Financial Rules and Funding Strategy in December 2005
- Swiss meeting of experts in February 2006



IPGRI/FAO Assistance

- Presentation at number of meetings, including high level meeting of ministers of agriculture and forestry in Pacific in 2004
- Preparation of draft points for a cabinet submission.
- Individual assistance to countries in deciding on ratification process, and also in implementation
- Joint IPGRI/FAO Programme of assistance in the implementation of the Treaty. Legislation, policies, instruments and administrative procedures.