



International Treaty on Plant Genetic Resources for Food and Agriculture (FAO)

Workshop on the Negotiation of ABS Contracts

GEF ABS- LAC Regional Project

La Habana (Cuba) 18-21 March 2013



Universidad
Rey Juan Carlos

Cátedra UNESCO
de Territorio y Medio Ambiente

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Relevance of the Treaty



- Relevance of the plant genetic resources for food and agriculture (PGRFA) for food security
- Relevance of PGRFA in plant breeding
- Interdependence of countries in regard PGRFA

ITPGRFA



What makes special PGRFA?

- Human intervention: agriculture and crops are basically a human product:
 - Developed by farmers through millenia
 - Many crops could not survive without human intervention

ITPGRFA



What makes special PGRFA?

- The value of plant genetic resources for agriculture is in diversity within the crop and not in the specie
- Intraespecific diversity is important for resistance to illnesses or environmental problems and also to keep efficiency

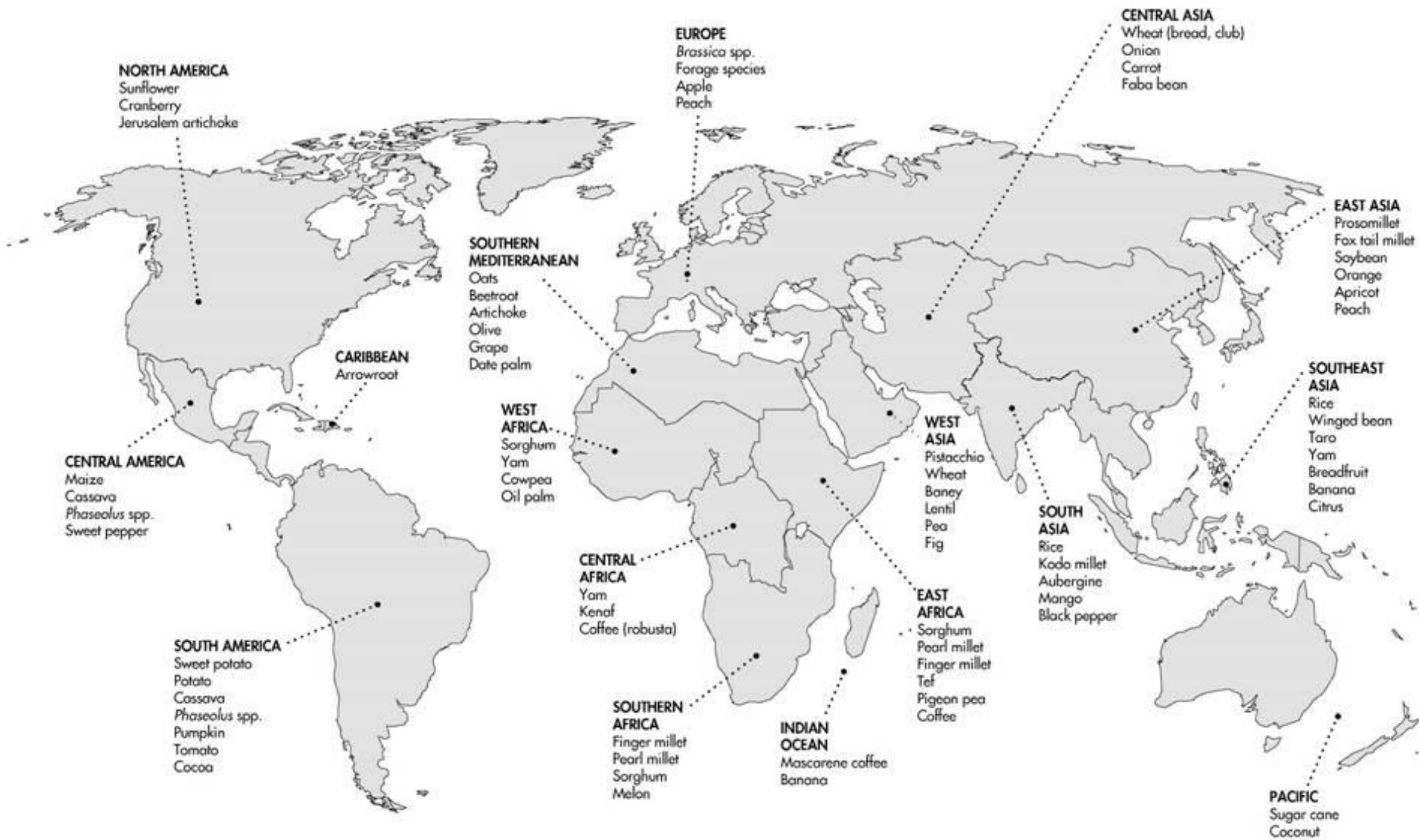
ITPGRFA



Countries' interdependence:

- Free historic exchange of genetic resources in order to preserve intraespecific diversity
- Exchange is not only locally but worldwide
- Wheat, corn, potato and rice are now world crops. New adaptations to different conditions (weather and soil) have been shared
- Highest diversity in semi-tropical regions

Centers of origin (map)



ITPGRFA



Special character defines access conditions:

- Need to allow permanent exchange of PGRFA and access in centers of origin
- Need to allow facilitated access and reduce transaction cost to the minimum
- Need of a benefit sharing system easy, efficient and equitable
- Relevance of non monetary benefits
- Food Security and climate change

ITPGRFA



- Adopted by FAO Conference on 3rd Nov. 2001
- Entry into force: 24th June 2004
- Parties: 128
- Governing body (4th meeting March 2011)



ITPGRFA



Main objectives of the Treaty:

- Conservation and sustainable use of plant genetic resources for food and agriculture
- Fair and equitable sharing of the benefits derived from the use of PGRFA
- In harmony with CBD in favor of sustainable agriculture and food security

ITPGRFA



Main elements of the Treaty:

1. General provisions for conservation and sustainable use of PGRFA
2. Farmers' rights
3. Multilateral system of access to genetic resources and benefit sharing

Conservation of PGRFA (ITPGRFA)



General provisions for the conservation, prospection, collection, characterization, evaluation and documentation:

- Applies to all PGRFA
- Integrated approach for prospection, conservation and sustainable use of PGRFA:
 - Make assessments and collect endangered PGRFA
 - Promote in situ conservation by farmers
 - Promote in situ conservation of wild relatives
 - Promote the development of an efficient and sustainable system for ex situ conservation

Sustainable use PGRFA (ITPGRFA)



Parties have to adopt and maintain measures to promote the sustainable use of PGRFA:

- The use of diverse agricultural systems;
- Research that improves biological diversity;
- Initiatives of participatory improvement to develop varieties locally adapted;
- Extend the genetic base of crops;
- Use autochthonous crops locally adapted;
- Adapt improvement strategies and regulations related to crops

Farmers' rights (ITPGRFA)



Article 9.1:

“The Contracting Parties recognize 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.”

Farmers' rights (ITPGRFA)



Article 9.2:

“The Contracting Parties agree that the responsibility for realizing Farmers's Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers's Rights, including:

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

Farmers' rights (ITPGRFA)



Article 9.2 (cont.):

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

(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.”

Farmers' rights (ITPGRFA)



Article 9.3:

“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.”

ABS Multilateral System (ITPGRFA)



- Common pool of genetic resources
- Shared and facilitated exchange regime of PGRFA
- ABS national regimes: bilateral approach + benefit sharing with the provider country

ABS Multilateral System (ITPGRFA)



Scope (art. 11):

1. PGRFA
2. Annex I: list of 35 food crops and 29 forages
3. Not all the crops of Annex I: only those that are “under the management and control of the Contracting Parties and in the public domain” (art. 11.2)

ABS Multilateral System (ITPGRFA)



Scope (art. 11) (cont):

4. Resources of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR), except:
 - Peanut, soya, tropical forages
 - *Phaseolus polyanthus*, *Solanum phureja*, *Musa textilis*, *Zea perennis*/*Zea diploperennis*/*Zea luxurians*, *Aegelops*, millets.
 - In the case of yucca, only includes *Manihot esculenta*
5. Voluntary: private collections

ABS Multilateral System (ITPGRFA)



- Unique contract: Standardised Material Transfer Agreement (SMTA)
- There is no monitoring of specific resources
- Beneficiaries must keep the received material at the disposal of third parties
- *“The Recipient shall not claim any intellectual property or other rights that limit the facilitated access to the Material provided under this Agreement, or its genetic parts or components, in the form received from the Multilateral System.”*

SMTA (ITPGRFA)



- It is the legal contract between a provider of PGRFA and a recipient that establishes the terms and conditions that would cover the transfer of PGRFA
- The Recipient:
 - Can use the material for research purposes, improvement and capacity for food and agriculture;
 - Can develop new products that are PGRFA that incorporate the material, can be protected and commercialized;
 - Cannot be used for purposes different than food and agriculture

SMTA (ITPGRFA)



- Compulsory payment to the Multilateral System for the Recipient:
 - Develops a final product that is in itself a PGRFA derived from the received material, **and**
 - It is commercialized, **and**
 - Restricts the use of third parties for research and improvement activities

Benefit Sharing(ITPGRFA)



- As part of the common system the PGRFA do not have an owner, and therefore there is no need to bilaterally negotiated the sharing of benefits
- The transaction costs are reduced to the minimum
- Benefits are shared in a multilateral way

Benefit Sharing(ITPGRFA)



It includes:

- Facilitated access
- Exchange of information
- Access to and technology transfer
- Capacity building
- The participation in the monetary benefits generated through commercialization

ITPGRFA



- It represents the agriculture sector and its specificities within the system of ABS in regard to PGRFA
- It offers an innovative instrument for adaptation, genetic erosion, food crisis
- System is already in place: 100,000 exchanges in 2007 (today 600 per day)
- 1.3 millions of accessions
- Multilateral Benefit Sharing Fund (USD 14 millions)

	CONVENTION NO BIOLOGICAL DIVERSITY	ITPGRFA
MATERIAL	All genetic resources	PGRFA
IN SITU/EX SITU	All	Ex situ under the public domain
USO	All uses	Food and Agriculture
TIEMPO DE VIGENCIA	From 1993	Retroactive in regard with the material
PAÍS	193 Contracting Parties	128 Contracting Parties
CONTRATO	National legislation	Standardized Transfer Material Agreement (it cannot be modified)

Quick questions



- Request of an entry of tomatoe to a genebank?
- What about lemon? And if is it to develop a cosmetic?
- Corn acquired in 1990 to use as forage?
- Collect wild potatoes in Peru?

Procedures



- What kind of material? From Annex I or not (CBD)?
- What kind of use (food and agriculture) or not (CBD)?
- Where is the material? (ex situ or in situ)

Cases



- CBD Party (but not to the IPGRFA) requests material from Annex I of the IPGRFA for use distinct than the ITPGRFA?
- CBD Party (but not to the Treaty) requests material for its use as contained in the IPGRFA?



unesco@urjc.es

**THANKS FOR YOUR KIND
ATTENTION**