

Governance of Agrobiodiversity

The International Treaty on Plant Genetic Resources for Food and Agriculture – Status of Implementation



In 2007, the steering committee of the International Treaty on Plant Genetic Resources for Food and Agriculture adopted a resolution. Its aims include involving farmer organisations more closely in the work of the committee, as farmers worldwide make a significant contribution to the protection of agrobiodiversity.

Photo: ENB Bulleting

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was adopted by the members of the Food and Agriculture Organization of the United Nations (FAO) in 2001 and entered into force in July 2004 (see also the issue paper entitled "International treaty on plant genetic resources for food and agriculture"). It recognises that farmers worldwide play a leading part in the conservation of agricultural diversity – a diversity which is essential if agriculture is to adapt to climate change and the food supply of the human race is to be secured. Available plant genetic resources form the basis for breeding new plant varieties both commercially and non-commercially.

Up to now there are 120 Contracting Parties. The Treaty commits member countries to conservation of their plant genetic resources for nutrition and agriculture, sustainable use of these resources, and equitable sharing of the benefits arising from their use through information exchange, technology transfer and capacity building in the developing countries. The ITPGRFA is thus in harmony with the United Nations Convention on Biological Diversity (CBD), which gives sovereign states the right to utilise their biological resources and regulate access to them by law. ITPGRFA implementation is supported and monitored in the individual signatory states by a Governing Body made up of representatives of all the contracting states.

The Multilateral System

The Multilateral System is at the heart of the ITPGRFA. It covers 35 food crops and 29 forages, which are listed in Annex 1 of the Treaty and which "are under the management and control of the Contracting Parties and in the public domain". It also includes the collections in the gene banks of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR) and other international institutions which have established relevant agreements with the Governing Body of the ITPGRFA. The Multilateral System is also open to other partners from the signatory states, including natural and legal persons.

The purpose of the Multilateral System is to facilitate access to plant genetic resources to ensure food security and fair distribution of the benefits resulting from their use. It covers the free distribution, propagation and breeding of such material. The use of genetic resources for other purposes (chemical, pharmaceutical, industrial) is not permitted. The selected crops and forages account for 80 % of world nutrition. They are represented by more than 600,000 varieties to which researchers and breeders currently have access. Enlargement of the list, for example to include soya or other plants, is techni-

cally possible at any time but is not currently being considered.

The conditions of access to the genetic resources of plants covered by the Multilateral System are regulated in individual agreements between the provider and the recipient of the material based on what is known as the Standard Material Transfer Agreement or SMTA. It was adopted in June 2006 and entered into force in 2007. The Agreement contains provisions regulating monetary and non-monetary sharing of benefits resulting from the use and marketing of plant genetic resources and stipulates the rights and obligations of all the parties involved.

100,000 samples of plant genetic material were distributed under the terms of the SMTA in the first nine months following its introduction. Critics point out, however, that this success should not be allowed to conceal the fact that so far the majority of Material Transfer Agreements take place within the CGIAR system. Nevertheless, an increasing number of national gene banks are becoming involved, and in Europe Germany has joined the Netherlands in being among the first countries to take this step. The German Leibniz Institute of Plant Genetics and Crop Plant Research (IPK) in Gatersleben and the German National Fruit Genebank (*Julius Kühn-Institut*) make more than 100,000 gene bank samples available under the terms of the Multilateral System.

The Ad Hoc Open-ended Working Group on Access and Benefit-Sharing (ABS) of the UN Convention on Biological Diversity regards the experience with SMTA to date as being on the whole very positive and is discussing using this approach to set up an international ABS regime under the CBD. One option might be to create Standard Material Transfer Agreements for the different kinds of use of plant genetic resources, such as pharmaceutical purposes, for example.

Farmers' Rights and their implementation

Alongside the Multilateral System, Farmers' Rights represent the second core element of the ITPGRFA. However, the Treaty does not define these rights in detail; it merely proposes in Article 9.2 measures that the contracting states might take, where appropriate, to protect and promote these rights, based both on their individual priorities and needs and on their respective national legislation. These include the protection of traditional knowledge, the right to equitably participate in sharing the benefits arising from the utilisation of plant genetic resources for food and agriculture, and the right to participate in making decisions, at national level, on matters relating to the conservation and sustainable use of these resources. Also, the right to save, use, exchange and sell farm-saved seed is addressed.

The ITPGRFA is the first legally binding international agreement to recognise Farmers' Rights. Responsibility for implementation lies with national governments (see the issue paper

"*Farmers' Rights and Agrobiodiversity*") and is monitored by the Governing Body. The international Farmers' Rights Project, which is based at the Fridtjof Nansen Institute and supported by the Norwegian Ministry of Agriculture and Foreign Ministry, by the Norwegian Development Fund, and by GTZ acting on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ) observes the implementation process and has the task of drawing up recommendations for the further implementation of Farmers' Rights. An electronic information platform on Farmers' Rights (www.farmersrights.org) was launched during the Conference of the Parties to the CBD in May 2008.

Implementation of Farmers' Rights in the contracting states has now commenced. This is illustrated, for example, by the success stories that the Farmers' Rights Project has compiled and from the findings of an international survey they have carried out. Successes can be noted primarily in four areas: rights connected with saving, using, exchanging and selling seed and propagating material, benefit sharing, protection of traditional knowledge and rights of farmers to be involved in decision-making. India has played a pioneering role in implementing Farmers' Rights. In 2001, legislation was passed that seeks to balance the rights of plant breeders and farmers – the Protection of Plant Varieties and Farmers' Rights Act. Examples of participatory plant breeding in Nepal and the Philippines can also be cited as successful approaches to conserving agrobiodiversity, and as examples of benefit-sharing. Although numerous SMTAs have been concluded, there are so far no known cases of monetary benefit sharing as a result of the SMTAs. However, this is explained by the fact that benefit sharing will not take effect until saleable products have been developed from the shared resources. In the case of plant breeding, this often takes ten years or more. Thus other forms of benefit sharing are crucial for the realisation of Farmers' Rights. Development cooperation in support of farmers' conservation and sustainable use of plant genetic resources is often cited as the so far most fruitful form of benefit sharing.

In September 2007 an international conference on Farmers' Rights took place in Lusaka, Zambia. The outcomes of this



Plant breeding by small farmers conserves diversity; knowledge that has been passed down through the generations is further developed.

Photo: GTZ



The International Seed Treaty enables women farmers to exercise their rights in their work with local varieties.

Photo: Johannes Kotschi

meeting together with those of the Farmers' Rights Project provided an important basis for the resolution on Farmers' Rights adopted by the Governing Body of the ITPGRFA in 2007. The resolution encourages countries to submit their views and experience on the implementation of Farmers' Rights. The resolution further confirms that the Governing Body will continue to include farmers' organisations in its work.

Overall implementation of the ITPGRFA – the jury is still out

Despite the progress that has been made, there is criticism of the fact that the priorities in implementing the different parts of the treaty have not been set on an equitable basis. Critics take issue with the fact that, whereas the Treaty facilitates access for users – including the seed industry – it still fails to provide farmers with sufficient legal and political support needed to maintain their traditional breeding and plant-growing practices. The work of farmers' organisations and other NGOs on implementation of the ITPGRFA therefore concentrates in the main on Articles 6 and 9 – sustainable use of plant genetic resources and Farmers' Rights.

The FAO estimates that implementation of the ITPGRFA requires funds totalling up to USD 400 million, which at present

are simply not available. It would be desirable if Norway's voluntary initiative to support the Multilateral System with an amount equivalent to 0.1 % of the plant breeding industry's total sales revenue each year set a precedent and inspired other countries to follow suit and launch an identical or similar initiative.

Funding and the role of the Global Crop Diversity Trust

The Global Crop Diversity Trust plays an important part in implementation of the ITPGRFA (see the issue paper "*Incentive measures for the conservation of agrobiodiversity*"). The Trust is an independent foundation, which is dedicated to the conservation of agricultural biodiversity. It collaborates closely with the ITPGRFA and is based at the FAO in Rome. The Trust is funded by public and private donors, who provide funds at a level never before available for the conservation of agrobiodiversity. The Crop Trust has currently raised more than 45% of its target endowment of USD 260 million. Activities supported by the Trust include in particular the conservation of collections of plant genetic material of global importance – for example in gene banks or *in-vivo* collections – training, and information systems such as databases, the documentation of collections and networks for information-sharing. The Trust's funding guidelines are contained in regional strategies and strategies for individual plant species. Projects are not supported unless they meet these guidelines.

Next steps

Much remains to be done to achieve full implementation of the ITPGRFA. The next steps are:

Funding

The parties must agree on a fair and reliable allocation of funding. The Secretariat of the ITPGRFA is dependent for its funding on voluntary contributions of the contracting states, which are currently very reluctant to provide the money.



Seed storage by small farmers plays an important role in the conservation of agricultural resources. This must be scaled up in the future.

Photo: Johannes Kotschi

Conserving

Measures for local conservation of plant genetic resources – *in situ* and on-farm – must be extended – irrespective of the success of *ex situ* conservation.

Building capacity

The implementation of Farmers' Rights and the Multilateral System cannot be achieved without additional capacity building in the contracting states. The following questions need to be resolved:

- How can rural development be promoted in such a way that farmers continue to have incentives and the scope to preserve agricultural diversity and to use and develop their traditional seeds?
- How can traditional forms of seed management (seed exchange, sowing saved seed, etc.) be safeguarded within the context of modern seed legislation and legislation on the protection of intellectual property?

On behalf of the Federal Ministry for Economic Cooperation and Development, GTZ works with the Fridtjof Nansen Institute and other organisations to identify, evaluate and promote successful examples of implementation. In the field of capacity building, cooperation between GTZ and the Secretariat of the ITPGRFA is currently being developed.

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Further issue papers are available at <http://www.gtz.de/de/themen/umwelt-infrastruktur/22063.htm>

Raising awareness

Public relations work must be increased, since many people remain unaware of the importance of agricultural biodiversity in combating hunger and poverty – particularly in the disadvantaged regions of developing countries and in the context of climate change (see also issue paper “*Agrobiodiversity and Climate Change – a Complex Relationship*”).

Further information:

International Treaty on Plant Genetic Resources for Food and Agriculture: www.planttreaty.org

Farmers' Rights Project: www.farmersrights.org

German Federal Ministry of Food, Agriculture and Consumer Protection (Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz): http://www.bmelv.de/eln_044/nn_754188/EN/00Homepage__node.html__nnn=true.

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Sector project “Sustainable management of resources in agriculture” (Div. 45)

Dag-Hammarskjöld-Weg 1-5

D-65760 Eschborn, Germany

T +49 61 96 79-0

F +49 61 96 79-11 15

E info@giz.de

I www.giz.de

Contact: Annette von Lossau (annette.lossau-von@giz.de)

Contact person at the German Federal Ministry for Economic Cooperation and Development: Karin Foljanty

Text of revised edition: Susanne Schellhardt

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