

The International Treaty on Plant Genetic Resources for Food and Agriculture. (Research Note)

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ABSTRACT

The International Treaty on Plant Genetic Resources for Food and Agriculture entered into force in June 2004 and now has some 73 Parties. The Treaty is of vital importance to food security and to sustainable agriculture in that it allows for the continued flow of plant genetic resources for food and agriculture (PGRFA) on which all countries and regions are dependent. The Treaty, which is in harmony with the Convention on Biological Diversity, responds to the special characteristics and needs of PGRFA. The Treaty establishes a Multilateral System of Access and Benefit-sharing for PGRFA that are of special importance for food security and on which countries are most interdependent. For these PGRFA, access and benefit-sharing is to be on standard terms and conditions, agreed by the Parties at a multilateral level and implemented through a standard Material Transfer Agreement. A Contact Group is now negotiating the format and terms of the standard Material Transfer Agreement. Much work remains to be done on the implementation of the Treaty, but the Treaty remains a significant achievement for the world's agricultural community. The first session of the Treaty's Governing Body is scheduled to be held in Spain in June 2006.

KEYWORDS: Treaty, Genetic Resources.

INTRODUCTION

The International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) entered into force on 29 June 2004, ninety days after its ratification by forty States, and only two and a half years after its adoption by the FAO Conference in November 2001. As of the date of writing this article, some 72 States and the European Community are Contracting Parties to the Treaty. The first Meeting of the Governing Body will be held in Spain in June 2006.

The Treaty is of vital importance to Plant Genetic Resources for Food and Agriculture (PGRFA) and ultimately for food security. Its importance lies in the fact that it allows for the continued flow of the PGRFA most critical to the world's food security and on which countries are most interdependent. The Treaty also provides a comprehensive framework for the conservation and sustainable use of all PGRFA.

The Treaty, which took over seven years to be negotiated within the framework of the FAO Commission on Genetic Resources for Food and Agriculture, is designed to be in harmony with the Convention on Biological Diversity, a Convention that deals generally with all aspects of the conservation and sustainable use of the world's genetic resources. The Treaty, however, is

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also designed to be responsive to the special characteristics and needs of PGRFA, and in this sense is essentially an agricultural treaty.

What then are the special characteristics and needs of PGRFA that called for special treatment through the new Treaty?

First, PGRFA, at least of cultivated crops, are essentially a man-made form of biodiversity. Cultivated crops, on which man depends for his food and survival, have been created by man, and, for the most part, cannot exist without his continued intervention. Over the millennia, farmers have domesticated wild plants and, through a process of selection and breeding, made them suitable for modern agriculture. This has been done by breeding out the natural traits, such as shattering of seed-heads prior to maturity or seed dormancy, that allow those plants to survive in the wild. It has also been done by breeding in new traits such as higher yields, and drought or disease resistance.

Second, PGRFA have, for centuries, been freely and widely exchanged across the world's continents and regions. Potatoes originated in the Andes mountains of Latin America; barley and wheat were first domesticated in the Near East; rice originated in South-East Asia. All of these crops are now staple crops throughout the world. The exchange of PGRFA has continued over the ages, and almost all countries in the world are now heavily interdependent on PGRFA from other parts of the world for their agricultural development.

Finally, continued access to PGRFA is essential to preserve the world's food security. Farmers and breeders depend on PGRFA as building blocks for the improvement of their crops. On many occasions, breeders have had to go back to the centres of origin and biodiversity of crops in order to find natural resistance to disease or other environmental challenges. The Irish potato famine of the 1840s is a prime example, where

natural resistance to the phytophthora infestans potato blight had to be sought in the centres of origin of the potato in South America, in order to save Europe's potato harvests. A more recent example is the taro leaf blight, which threatened one of the staple food crops of Samoa. Samoa had to look to Palau and the Philippines to find blight resistant stock. Conserving PGRFA is not just a question of preserving the diversity of consumer choice for tomatoes or potatoes: it is a matter of ensuring that tomatoes and potatoes, and any other crops for that matter, can continue to be available to feed the world!

The Convention on Biological Diversity took great steps in protecting the world's genetic resources and biodiversity, and ensuring equitable regimes of access and benefit sharing. But it was not able, on its own, to respond fully to the special needs and characteristics of PGRFA. In particular, the increasing tendency towards negotiating access to genetic resources on a case-by-case bilateral basis, with the consequent high transaction costs involved, threatened to stifle the continued exchange of PGRFA on which modern agriculture depends. The CBD also left unsettled the issue of the *ex situ* collections, such as those held by the CG Centres, acquired prior to the entry into force of the Convention. Hence, the need for a new Treaty, within which terms for access and benefit sharing for the PGRFA most important for food security could be mutually agreed on a multilateral basis by the Contracting Parties. Both FAO and the Conference of Parties to the CBD have welcomed the Treaty as providing a special solution for plant genetic resources for food and agriculture that is responsive to the needs of farmers, breeders and sustainable agriculture in general.

The Treaty establishes a special Multilateral System of Access and Benefit Sharing for PGRFA of crops listed in an annex to the Treaty and chosen for their importance for food security as well as the interdependence of countries on them. For these PGRFA, access is to be facilitated in accordance with detailed terms and conditions set out in the Treaty. Access is to be provided

through a standard Material Transfer Agreement, to be drawn up by the Governing Body. Benefit sharing will be on a multilateral basis, and will include the sharing of monetary and other benefits of commercialization, including the payment of an equitable share of the benefits arising from commercialization of products incorporating material received from the Multilateral System. Such payments will be mandatory where restrictions are placed on the availability of the products to others for further research and breeding, as for example, may be the case for some types of patents. Where the product continues to be available without such a restriction, the payment will be voluntary, though "encouraged". Proceeds will be paid into a multilateral fund or other mechanism and will flow, directly and indirectly to farmers, especially those in developing countries and countries with economies in transition, that conserve and sustainably utilize PGRFA.

Of equal importance are the general provisions of the new Treaty which provide a general framework for the conservation and sustainable use of PGRFA, as well as the provisions regarding the supporting components, such as the Global Plan of Action, the *ex situ* collections of PGRFA held by the International Agricultural Research Centres of the CGIAR¹, international Plant Genetic resources networks and the global information system on PGRFA.

The new Treaty is essentially a dynamic instrument. Many issues have still to be settled by the Governing Body of the Treaty, including the exact terms of the

standard MTA under the Multilateral System and the terms of the monetary benefit sharing on commercialization of products incorporating material accessed from the Multilateral System². The list of crops contained in Annex I of the Treaty also does not yet cover all crops that are most important for food security: groundnuts, soybeans and African leafy vegetables in particular are not on the list. Amendments to the list, as well as to the main body of the Treaty, will require the consensus of all Contracting Parties present at the session of the Governing Body at which they are to be considered.

The Governing Body, which must operate by consensus, will also have to formulate and adopt a funding strategy for the Treaty. One essential element of the funding strategy is the Global Crop Diversity Trust recently established by international agreement. The Trust is an independent international fund, which will, however, operate in accordance with general policy guidance provided by the Governing Body of the Treaty. The Trust is an endowment fund, aiming at securing funding for PGRFA collections in perpetuity.

Much work thus remains to be done. But this does not detract from the importance of the Treaty and the significance of the achievement of the world's agricultural community in bringing it into force.

¹ The collections will be brought under the Treaty by means of agreements signed by the individual Centres with the Governing Body of the Treaty.

² An Expert Group on the Terms of the Standard Material Transfer Agreement (SMTA) explored options for the major elements of the SMTA at its meeting in Brussels in September 2004. A first meeting of the Contact Group set up by the FAO Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty was held in Tunisia in July 2005.

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