



A Treaty on agrobiodiversity



Seven years of often difficult negotiations bore fruit on 3 November 2001 when the 180-nation FAO Conference adopted an International Treaty on Plant Genetic Resources for Food and Agriculture. Hailed by FAO Director-General Jacques Diouf as "a milestone", the Treaty represents global agreement on a critical issue: management of the world's agricultural biodiversity.

Food security has always depended on the open exchange of crops and crop germplasm, which farmers throughout the world have built up over 10,000 years. Since agriculture began, more than 7,000 species have been used as food or animal feed, and 30 crops now provide 95% of our food energy (wheat, rice and maize alone provide more than 50%). Most of these plant genetic resources cannot survive in the wild and are maintained, literally, in farmers' fields, mainly in developing countries.

But the widespread adoption of a small number of modern cultivars has led to the rapid erosion of diversity. In an attempt to save it, large-scale *ex situ* genebanks have been established worldwide: the CGIAR's International Agricultural Research Centers, for example, now hold more than 600,000 crop samples. For its part, FAO adopted in 1983 an International Undertaking on Plant Genetic Resources for Food and Agriculture, a voluntary agreement adhered to by 113 countries and aimed at promoting "international harmony in matters regarding access" to plant agrobiodiversity.

The new Treaty goes much further. "The Treaty is historic because it represents a legally-binding, international commitment to the improvement of the world's key food and feed crops," says Clive Stannard, of FAO's Commission on Plant Genetic Resources, who closely followed the Treaty negotiations. "Its centrepiece is a Multilateral System of Facilitated Access and Benefit-Sharing that directly supports the work of breeders and farmers everywhere..."



► What are the Treaty's objectives and when will it come into force?

"The Treaty's objectives, set out in Article 1, are 'the conservation and sustainable use of plant genetic resources for food and agriculture and 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'. It covers all plant genetic resources relevant to food and agriculture, and will come into force once it has been ratified by 40 governments. Each ratifying government agrees to ensure the conformity of its laws, regulations and procedures with its obligations under the Treaty. The governments that have ratified the Treaty will then form its Governing Body."

► How does the system for access and benefit sharing work?

"The multilateral system applies to a list of over 60 plant *genera*, which include 35 crops and 29 forages, agreed on the basis of interdependence and food security. The conditions for access and benefit-sharing will be set out in a standard 'Material Transfer Agreement' (MTA), to be established by the Governing Body, at its first meeting, after entry into force.

"Access will be provided for utilization and conservation in research, breeding and training

for food and agriculture, and subject to property rights and access laws. A key point is payment of an equitable share of the monetary benefits from the commercialization of a product that uses plant genetic resources from the multilateral system. This is voluntary when the product is available without restriction for further research and breeding, and mandatory when it is not. The Treaty's Governing Body can also decide, within five years of its entry into force, whether there should also be mandatory payment when such commercial products are available for further research and breeding without restriction.

"There are also provisions for benefit-sharing through information-exchange, access to and transfer of technology, and capacity-building, and the Treaty foresees a funding strategy to mobilize funds for priority activities, plans and programmes, particularly for small farmers in developing countries. The Governing Body will regularly set itself a target, taking into account the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture, which was agreed by 150 governments in Leipzig in 1996. Parties to the Treaty will take measures, within the governing bodies of relevant international organizations, to ensure the allocation of agreed and predictable resources for this purpose. The monetary benefits paid on commercialization are part of this funding strategy."

► **What does the Treaty say about Farmers' Rights?**

"The Treaty recognizes the enormous contribution that farmers and farming communities have made and continue to make to the conservation and development of plant genetic resources, and gives governments responsibility for realizing Farmers' Rights. This could be done through, for example, the protection of relevant traditional knowledge, and the right to take part equitably in benefit-sharing

and in decision-making regarding the conservation and sustainable use of plant genetic resources."

► **Who else benefits from the Treaty and how?**

"Since it aims at guaranteeing food security, all humankind benefits. But there are immediate, clear benefits in several key sectors. For plant breeders (particularly for small-scale breeders in developing countries), the Treaty ensures access to the plant genetic resources they need, and prevents their monopolization, in particular, by large players. For the first time, it provides the International Agricultural Research Centres of the CGIAR with a long-term, secure legal framework for the ex situ collections which they hold in trust, and on which their research programmes are based. For the private sector, it sets out a clear and predictable framework for access to plant genetic resources, which will promote investment in agricultural research.

"No less importantly, the Treaty provides the agriculture sector with a new forum, on a par with the trade and environment forums, in which to address the special needs and problems of agriculture. This will lead to greater equilibrium in international policy development."

► **What's next?**

"Ratification. The adoption of the Treaty is the first step in a complex, ongoing process, and a sign of trust and goodwill among governments. It now needs to be completed by ratification by 40 or more countries. We hope that it will enter into force within two years. This will allow the Treaty's Governing body to address such questions as the level, form and manner of the monetary payments on commercialization, the terms of the standard MTA, the funding strategy, and cooperation with other relevant international bodies."