

Further Components of the International Treaty Supporting Conservation and Sustainable Use



LESSON 3

Learning objectives

At the end of this lesson, the learner will be able to:

- identify provisions of the International Treaty that are of direct relevance to conservation and sustainable use of crop diversity other than those of articles 5 and 6;
- apply the Second Global Plan of Action as an instrument to implement the provisions of the International Treaty related to conservation and sustainable use of crop diversity; and
- summarize the main achievements of the Governing Body of the International Treaty regarding conservation and sustainable use of crop diversity.

Target learner groups

Technical personnel including gene bank staff and plant breeders, as well as civil servants and other interested parties and institutions.



Solanum tuberosum, potato, by Elizabeth Blackwell (1739)

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3.1. Overview of the Lesson

This lesson complements lesson 2 (The Provisions of Articles 5 and 6 of the International Treaty), by presenting provisions of the International Treaty on Plant Genetic Resources for Food and Agriculture (hereafter “International Treaty”) that directly relate to conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), other than those contained in articles 5 and 6.

The section on Farmers’ Rights presents the interrelations between sustainable use of crop diversity and the protection of traditional knowledge and the right to participate in decision-making. The lesson further shows that the Multilateral System of Access and Benefit-sharing (hereafter “Multilateral System”) of the International Treaty facilitates access to samples of a number of the most important crops for food security with the aim to promote their use. The section on the Funding Strategy underlines in particular the priorities of on-farm management and conservation and sustainable use of the Benefit-sharing Fund of the Funding Strategy (hereafter “Benefit-sharing Fund”) of the International Treaty.

The lesson then proceeds to give an overview of the International Treaty’s supporting components that contribute to the conservation and sustainable use of PGRFA. It focuses in particular on the role of the Second Global Plan of Action for Plant Genetic Resources for Food and Agriculture (hereafter “Second Global Plan of Action”) in the framework of the International Treaty. It explains how the Second Global Plan of Action translates the International Treaty’s broadly formulated measures into elaborate policy recommendations and strategies. A table illustrates how the priority activities of the Global Plan of Action correspond to the provisions of the International Treaty dealing with conservation and sustainable use of PGRFA.

Finally, in its last section, the lesson gives a summary of the main decisions for the furtherance of the conservation and sustainable use of crop diversity that the Contracting Parties of the International Treaty have taken so far and provides an outlook on upcoming developments.

Cross-references:

- For the **text of the International Treaty** see: <ftp://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf>
- Refer to section 4.2. of lesson 4 of Module 1 (Main Components and Governance of the International Treaty) for more **background on Farmers’ Rights, the Multilateral System and the Funding Strategy**.
- For the **text of the Second Global Plan of Action** see: http://typo3.fao.org/fileadmin/templates/agphome/documents/PGR/GPA/GPA2/GPA2_en.pdf



3.2. Provisions of Relevance to Conservation and Sustainable Use other than those Contained in Articles 5 and 6

In addition to articles 5 and 6, the International Treaty contains a number of other provisions that are of direct relevance to conservation and sustainable use. These include some of the Farmers' Rights provisions, several of the provisions related to the Multilateral System, provisions related to the Funding Strategy, as well as the supporting components under part V of the International Treaty.

3.2.1. Farmers' Rights

Farmers' Rights are dealt with under Article 9 of the International Treaty. Some of the provisions of Article 9 are directly related to certain provisions of articles 5 and 6, and *vice versa*. A combined reading provides for a more comprehensive understanding of the International Treaty's approach to conservation and sustainable use of PGRFA.

For example, traditional knowledge of farmers, indigenous and local communities on PGRFA is often of direct relevance for the use of the materials, as it can exhibit information on valuable traits and purposes. However, as indigenous and local communities increasingly switch to modern lifestyles, and many landraces have been replaced by modern improved varieties, much of the traditional knowledge linked to PGRFA has been lost. Collection of information associated to PGRFA, when carried out with due diligence concerning ownership, access and use, as provided for by Article 5.1b), is a measure that can contribute to the protection of traditional knowledge of relevance to PGRFA, which is foreseen in Article 9.2a). Likewise, the promotion of on-farm management and conservation of PGRFA and *in situ* conservation of CWR and wild food plants as reflected in articles 5.1c), 5.1d) and 6.2f) can contribute to the protection of



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the traditional knowledge related to these plant genetic resources. This will only be the case, however, as long as farmers have sufficient incentive to continue managing traditional crop varieties and CWR *in situ* and no barriers are introduced to the continuous use and transfer of knowledge from one generation to the next.

Article 9.2c) provides that Contracting Parties should take measures to protect and promote the right of farmers to participate in making decisions on matters related to conservation and sustainable use of PGRFA. This could be done, for example, by including farmers' representatives in decision-making processes that lead to the adoption of such

policy and legal measures for the promotion of the sustainable use of PGRFA that Article 6.1 is asking for, and that are exemplified under Article 6.2a). Also participatory plant breeding (PPB), as proposed by Article 6.2c), increases farmers' capabilities to decide on the kind of breeding materials they want to use and the varieties they develop.

Finally, national seed regulations regarding quality control and variety release, as referred to in sub-section 2.2.2. of lesson 2 of this module, have a direct impact on the rights that farmers may or may not have, depending on national circumstances, to save, use, exchange and sell farm-saved seed, to which the International Treaty refers in Article 9.3.

Cross-references:

- For detailed explanations of **the measures to promote conservation and sustainable use of PGRFA as contained in articles 5 and 6** of the International Treaty, refer to lesson 2 of this module (The Provisions of Articles 5 and 6 of the International Treaty).
- Refer to sub-section 4.2.2. of lesson 4 of Module I (Main Components and Governance of the International Treaty) for more background on **the International Treaty's provisions on Farmers' Rights**.
- For an in-depth account on the International Treaty's provisions on Farmers' Rights, the history of their negotiation and examples of implementation at national and local level, refer to forthcoming Module III.
- For more information on **PPB** refer to sub-section 2.2.2. of lesson 2 (The Provisions of Articles 5 and 6 of the International Treaty) and to sub-section 4.2.2. of lesson 4 of this module (Implementation of Articles 5 and 6 from a Users' Perspective).
- For a description of **the International Treaty's provisions that relate to seed regulations** refer to sub-section 2.2.2. of lesson 2 of this module (The Provisions of Articles 5 and 6 of the International Treaty).



3.2.2. The Multilateral System

The Multilateral System is established by articles 10-13 of the International Treaty. It can be thought of as a global pool of PGRFA shared and managed jointly by all Contracting Parties. Contracting Parties, the International Agricultural Research Centers of the Consultative Group for International Agricultural Research (CGIAR Centres) and other organizations holding PGRFA collections share samples of a number of their most important food crops with each other under the Multilateral System. The Multilateral System is an important component of the international system of *ex situ* conservation, but comprises also crop diversity conserved *in situ* and on-farm.

The Multilateral System has been established to further the objectives of conservation and sustainable use. It does so by facilitating access to the crop diversity contained in

the Multilateral System for the purposes of conservation of the material, or its use in research, breeding and training for food and agriculture. In addition, under the Multilateral System monetary and non-monetary benefits arising from the use of PGRFA are shared with stakeholders that support the conservation and sustainable use of PGRFA, primarily farmers in developing countries.

In addition, the *exchange of information* on PGRFA in the form of catalogues and inventories including characterization and evaluation data, the *transfer of technologies* for the conservation, characterization, evaluation and use of PGRFA, and the *development of capacities and facilities* for conservation and sustainable use of PGRFA, including scientific research, are recognized as mechanisms for non-monetary benefit-sharing to support the conservation and sustainable use of PGRFA within the framework of the Multilateral System.

Cross-references:

- For more information on the **Multilateral System** refer to sub-section 4.2.3. of lesson 4 of Module I (Main Components and Governance of the International Treaty).
- For an in-depth presentation of the operation of the Multilateral System, refer to forthcoming Module IV.



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3.2.3. The Funding Strategy

The Funding Strategy is provided for in Article 18 of the International Treaty. It is of major relevance to the conservation and sustainable use of PGRFA. Its very aim is to facilitate the realization of the objectives of the International Treaty, i.e. the conservation and sustainable use of PGRFA and the sharing of benefits arising from their use. Especially developing countries depend largely on the availability of financial resources in order to cope with their commitments under the International Treaty by implementing, *inter alia*, the measures proposed in articles 5 and 6 and the policy guidance contained in the Second Global Plan of Action.

In particular the Benefit-sharing Fund of the Funding Strategy is a crucial mechanism that supports the conservation and sustainable use of PGRFA at the international level. Basically, any governmental or non-governmental organization, including gene banks and research institutions, farmers and farmers' organizations, and regional and international organizations, based in Contracting Parties that are developing countries, may submit project proposals and apply for funds from the Benefit-sharing Fund for the promotion of the conservation and sustainable use of PGRFA.¹ The first round of the project cycle of the Benefit-sharing Fund was launched in 2009. In August 2011, a second portfolio of 18 projects was approved for immediate

Box 3.1: Rebuilding Farmers' Safety Nets in Tanzania through On-farm Conservation

Tanzania's fields are losing their safety nets of plant genetic diversity, due to ongoing environmental challenges, changing farming systems, and even changes in taste preferences. In Tanzania, more than 80 percent of the population depends on agriculture for their livelihoods. In many parts of the country, this means subsistence agriculture practiced by smallholders who have traditionally mitigated the risks of extreme weather events, pests and market fluctuations by relying on the diversity of their locally adapted traditional crops. Biodiversity constituted a kind of insurance. However, as they adopted improved crop varieties in recent decades, they abandoned their local seeds.

The project of the Benefit-sharing Fund strengthens the on-farm conservation of crop diversity, by operating in eight districts of Tanzania's most drought prone areas. Farmers in these districts face a 33 percent decrease in annual grain yield due to projected temperature increases and rainfall decreases. The project recognizes that farmers' use of locally adapted crop species has the potential to mitigate the situation and works to strengthen on-farm conservation. Without well adapted crops, these areas of Tanzania could be rendered unsuitable for agricultural production.

Eating a diverse diet also provides the vitamins, minerals and micro-nutrients necessary for family nutrition and for sustaining patients dealing with the effects of HIV and AIDS. Thus, this project is designed to contribute to the overall improvement of food security through improving yields as well as improving both the nutritional quality of the production and the livelihoods of the resource poor farming communities.²

¹ Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2009d).

² Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2011d).





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disbursement from the Benefit-sharing Fund. An example of a project that received funding under the first round of the project cycle prioritizing on-farm conservation is presented in Box 3.1.

The funding priorities of the Benefit-sharing Fund are: on-farm management and conservation of PGRFA; promotion of characterization and evaluation of collections and the diversification of crop production, genetic enhancement and broadening of the genetic base of crops; and the development

of national capacities for the conservation and sustainable use of PGRFA.³

Another essential element of the Funding Strategy is the Global Crop Diversity Trust, (hereafter “Crop Trust”), notably in relation to *ex situ* conservation and availability of PGRFA. The Crop Trust is an endowment fund with the aim to conserve crop diversity in perpetuity. Its work focuses on strengthening the global system of *ex situ* conservation by supporting the activities of gene banks around the world.

Cross-references:

- For more information on the **Funding Strategy and the Benefit-sharing Fund** refer to sub-section 4.2.4. of lesson 4 of Module I (Main Components and Governance of the International Treaty).
- For more information on **projects funded by the Benefit-sharing Fund** under the first two rounds of the project cycle, including maps and lists of projects, see: <http://www.planttreaty.org/content/benefit-sharing-fund>
- For an in-depth presentation of the Funding Strategy, the project cycle of the Benefit-sharing Fund and the procedures to apply for funds under the Benefit-sharing Fund, refer to forthcoming Module V.
- For more information on the **Crop Trust** and its linkages to the Funding Strategy of the International Treaty, refer to sub-section 4.2.4. of lesson 4 of Module I (Main Components and Governance of the International Treaty) and sub-section 5.3.2. of lesson 5 of Module I (The Legal Architecture Governing Crop Diversity and Partnerships for Implementation).



³ Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2007a).

3.2.4. Supporting Components

The ‘supporting components’ relate to instruments, organizations and processes that are central to the furtherance of the International Treaty’s objectives, but fall not under the direct authority of the Governing Body. The first of these is the Global Plan of Action, which is presented in more detail under sub-section 3.2.5 below. The other supporting components are the *ex situ* collections of the CGIAR Centres and other international institutions, international plant genetic resources networks and the global information system on PGRFA.

Ex Situ Collections of PGRFA held by the CGIAR Centres and other International Institutions (Article 15)

The provisions under Article 15 provide the basis for CGIAR Centres and other relevant international institutions to participate in the Multilateral System, by entering into agreements with the Governing Body to officially include their PGRFA in the Multilateral System and to access the

material that is contained therein. By the end of 2011, eleven CGIAR Centres and six further international institutions holding PGRFA collections had entered into such agreements. In fact, the bulk of PGRFA samples contained in the Multilateral System, about 700 000 out of the over 1.3 million notified inclusions, are from the CGIAR Centres alone. An overview of the inclusions of germplasm samples from the different international institutions as notified by the end of 2011 is provided in Table 3.1.

The inclusion of the materials of these international institutions into the Multilateral System contributes in particular to the development of an efficient and sustainable system of *ex situ* conservation referred to in Article 5.1e) of the International Treaty. By making their collections available under the facilitated terms of the SMTA to agricultural researchers and breeders based in any Contracting Party, these international institutions play an important role both for the conservation as well as for enhancing the sustainable use of crop diversity worldwide.

Table 3.1: Inclusions of Materials held by International Institutions

Name of Institutions	Number of Accessions
Africa Rice Center (ARC)	26 098
Bioversity International	1 284
International Center for Tropical Agriculture (CIAT)	65 721
International Wheat and Maize Improvement Center (CIMMYT)	164 326
International Center for Agricultural Research in the Dry Areas (ICARDA)	134 741
International Crops Research Institute for the Semi-Arid Tropics (ICRISAT)	119 613
International Institute of Tropical Agriculture (IITA)	27 280
International Livestock Research Institute (ILRI)	19 215
International Potato Center (CIP)	16 061
International Rice Research Institute (IRRI)	117 417
World Agroforestry Centre (ICRAF)	1 996
Tropical Agricultural Research and Higher Education Center (CATIE)	entire collection
International Coconut Genebank for Africa and the Indian Ocean (ICG-AIO)	entire collection
International Coconut Genebank for the South Pacific (ICG-SP)	entire collection
Mutant Germplasm Repository of the FAO/IAEA Joint Division (MGR)	entire collection
International Cocoa Genebank (ICG)	entire collection
Centre for Pacific Crops and Trees (CePaCT)	entire collection





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International Plant Genetic Resources Networks (Article 16) and the Global Information System on Plant Genetic Resources for Food and Agriculture (Article 17)

Articles 16 and 17 are also directly related to Article 5.1e) related to the *ex situ* conservation system, that refers in particular to the need for the availability of adequate documentation, characterization and evaluation.

Under Article 16, Contracting Parties are to encourage relevant institutions holding PGRFA collections to participate in

international networks with the aim to achieve as complete coverage as possible of PGRFA. Article 17 provides for the creation of a global information system to facilitate the exchange of information on scientific, technical and environmental matters related to PGRFA.

Both international plant genetic resources networks and information systems contribute importantly to the sustainable use of crop diversity by facilitating access to PGRFA. The most comprehensive information system at the time is Genesys, containing information on about a third of the world's over 7.4 million gene bank accessions.

Cross-references:

- For the most up-to-date **status of inclusions** of PGRFA samples into the Multilateral System see: <http://www.planttreaty.org/inclusions>
- For more information on the **relationship of the CGIAR Centres and the International Treaty** refer to Box 3.1 of lesson 3 of Module I (History of the International Treaty) and lesson 5 of Module I (The Legal Architecture Governing Crop Diversity and Partnerships for Implementation).
- To learn more about the **importance of the availability of adequate documentation, characterization and evaluation** of PGRFA refer to sub-section 2.2.1. of lesson 2 of this module (The Provisions of Articles 5 and 6 of the International Treaty).
- For a **practical illustration of how documentation enhances the sustainable use of PGRFA** refer to sub-section 4.2.1. of lesson 4 of this module (Implementation of Articles 5 and 6 from a Users' Perspective).
- For more **information on Genesys** refer to Box 5.3 of lesson 5 of Module I (The Legal Architecture Governing Crop Diversity and Partnerships for Implementation).
- **Access Genesys** here: <http://www.genesys-pgr.org/>



3.2.5. Global Plan of Action

The Global Plan of Action has formally been included in the framework of the International Treaty with Article 14 requesting Contracting Parties to promote its effective implementation.

The Global Plan of Action is also linked to the Funding Strategy and the Multilateral System, with Article 13.5 stating that the ability to fully implement the Global Plan of Action depends largely on the benefits that are shared under the Multilateral System and the Funding Strategy. Further, the funding target of the Funding Strategy has been established based on the needs set out in the Global Plan of Action, and the priorities for the disbursement of funds under the Funding Strategy are equally derived from the priority activities of the Global Plan of Action.

The first Global Plan of Action was adopted in 1996 as an instrument to identify the

technical and financial needs for ensuring the conservation and promoting the sustainable use of PGRFA. In its essence, it recommends a set of programmes and activities to address these needs at the community, national, regional and international level. It is a ‘rolling instrument’, which means that it is periodically updated according to evolving needs and priorities with regard to crop diversity.⁴

In fact, the International Treaty’s provisions on conservation and sustainable use draw heavily on the priority activities of the Global Plan of Action, with the difference that they are formulated in broader terms as they are fixed once and for all. By embracing the Global Plan of Action, however, the International Treaty manages to retain the necessary flexibility to adapt to the evolving gaps and needs related to the conservation and sustainable use of PGRFA.

The updated Second Global Plan of Action was agreed upon by the FAO Commission on



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⁴ Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2011a), pp. 76, 77, 130.



Genetic Resources for Food and Agriculture and approved by the FAO Council, as mandated by the FAO Conference, in 2011. It has 18 priority activities that are organized into the four main groups of ‘*In Situ* Conservation and Management’; ‘*Ex Situ* Conservation’; ‘Sustainable Use’; and ‘Building Sustainable Institutional and Human Capacities’.

The Second Global Plan of Action takes into account new developments and

trends in agriculture such as increasing urbanization and further concentration of the international seed trade, the impacts of climate change requiring more focus on CWR and measures including targeted involvement of farming communities in crop improvement activities, major scientific and technology advances including in the areas of information technologies and molecular and genomic methods, as well as major policy developments with respect to conservation and use of PGRFA.

Table 3.2: Priority Activities of the Second Global Plan of Action and the Corresponding Provisions of the International Treaty

SECOND GLOBAL PLAN OF ACTION	INTERNATIONAL TREATY
<i>In Situ</i> Conservation and Management	
1 Surveying and inventorying PGRFA	5.1a)
2 Supporting on-farm management of PGRFA	5.1c), 6.2f)
3 Assisting farmers in disaster situations to restore crop systems	12.6
4 Promoting <i>in situ</i> management of CWR and wild plants	5.1d)
<i>Ex Situ</i> Conservation	
5 Supporting targeted collection of PGRFA	5.1b)
6 Sustaining and expanding <i>ex situ</i> conservation of germplasm	5.1e)
7 Regenerating and multiplying <i>ex situ</i> accessions	5.1e), 5.1f)
Sustainable Use	
8 Expanding the characterization, evaluation and further development of specific collection sub-sets to facilitate use	5.1e)
9 Supporting plant breeding, genetic enhancement and base-broadening efforts	6.2b), 6.2c), 6.2d), 6.2f)
10 Promoting diversification of crop production and broadening crop diversity for sustainable agriculture	6.2.c), 6.2d), 6.2f)
11 Promoting development and commercialization of all varieties, primarily farmers’ varieties/landraces and underutilized species	6.2.c), 6.2d), 6.2e), 6.2f)
12 Supporting seed production and distribution	6.2.g)
Building Sustainable Institutional and Human Capacities	
13 Building and strengthening national programmes	6.1, 7.1
14 Promoting and strengthening networks for PGRFA	16
15 Constructing and strengthening comprehensive information systems for PGRFA	17.1
16 Developing and strengthening systems for monitoring and safeguarding genetic diversity and minimizing genetic erosion of PGRFA	5.1.f, 5.2, 17.2
17 Building and strengthening human resource capacity	7.2a), 8, 13.2c)
18 Promoting and strengthening public awareness on the importance of PGRFA	





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The main aim of the Second Global Plan of Action is notably to strengthen the implementation of the International Treaty. Each provision of the International Treaty dealing with conservation and sustainable use of PGRFA corresponds to one or several of the priority activities of the Second Global Plan of Action. For each priority activity, the Second Global Plan of Action contains sections on the desired objectives, recommendations of national and international policies and strategic approaches to reach these objectives, as well as capacity development, research and technology needs.⁵

Consequently, the Second Global Plan of

Action is a key resource providing guidance to Contracting Parties for the attainment of their objectives and meeting their commitments related to conservation and sustainable use of PGRFA.

Table 3.2 links the priority activities of the Second Global Plan of Action with the respective provisions of the International Treaty. It is an indicative table only. More linkages than the ones shown exist, and it is strongly recommended to refer to the texts of the Second Global Plan of Action and the International Treaty in their entirety. This table may however be useful as a pointer to the most direct linkages between the two instruments.

Cross-references:

- For additional background on the **Global Plan of Action** refer to Box 3.3 of lesson 3 of Module I (History of the International Treaty).
- For the **text of the Second Global Plan of Action** see: http://typo3.fao.org/fileadmin/templates/agphome/documents/PGR/GPA/GPA2/GPA2_en.pdf

⁵ FAO (2011), pp. 9+11.



Key points to remember:

- A combined reading of Farmers' Rights and the provisions on conservation and sustainable use provides for a more comprehensive understanding of the provisions of the International Treaty; for example, collection of information associated to PGRFA can contribute to the protection of traditional knowledge related to PGRFA.
- The Multilateral System facilitates access to over 1.3 million PGRFA samples for their further conservation and use in research, breeding and training for food and agriculture, and promotes the information exchange, technology transfer and the development of capacities for conservation and sustainable use of PGRFA.
- The Benefit-sharing Fund of the Funding Strategy supports projects that focus on on-farm management and conservation and sustainable use of PGRFA; the Crop Trust is an essential element of the Funding Strategy to support *ex situ* collections around the world.
- By making their PGRFA available under the terms of the SMTA of the International Treaty, the CGIAR Centres and a number of other international institutions play an important role both for the conservation and for enhancing the sustainable use of global crop diversity.
- The main aim of the Second Global Plan of Action is to strengthen the implementation of the International Treaty. Each provision of the International Treaty dealing with conservation and sustainable use of PGRFA corresponds to one or several of the priority activities of the Second Global Plan of Action, which contains elaborate policy recommendations and strategies.



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3.3. Achievements and Decisions of the Governing Body that Relate to Conservation and Sustainable Use

As the objectives of the International Treaty are the conservation and the sustainable use of PGRFA, and the sharing of benefits that arise from their use, virtually all decisions of the Governing Body have a link to conservation and sustainable use of crop diversity.

The establishment and strengthening of the International Treaty's main mechanisms, the Multilateral System (with the adoption of the SMTA, entering into agreements with international institutions under Article 15 and receiving further inclusions of PGRFA from Contracting Parties and other relevant organizations, elaborating the Third Party Beneficiary Procedures, etc) and the Funding Strategy (the adoption of the Funding Strategy, its priorities, eligibility criteria, operational procedures, and launching notably the first two rounds of projects under the Benefit-sharing Fund,

etc), contributed very importantly towards increased conservation and sustainable use of crop diversity. In addition to that, the Governing Body has taken some decisions that are directly linked to articles 5 and 6 of the International Treaty.

The Governing Body notably stressed the importance of implementing Article 6 in the light of its linkages with other articles, in particular Article 5, and decided that the implementation of Article 6 should be a component of its programme of work and a standing priority item on its agenda. As a basis to assess progress in implementing Article 6, the Governing Body regularly invited Contracting Parties, other governments and relevant organizations to submit to the Secretary information on their views and experiences with regard to the implementation of Article 6, including on



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Box 3.2: Examples of Legal Measures for the Conservation and Sustainable Use of Crop Diversity

Several Contracting Parties of the International Treaty have enacted legislation that support the implementation of the provisions related to conservation and sustainable use of PGRFA at national level. What follows is a limited selection of examples:⁶

Syria: In 2009 Syria passed a law (Law No. 20) on PGRFA that includes provisions on access, benefit-sharing and Farmers' Rights. Among the main objectives of the law are the protection and preservation of PGRFA for academic purposes, scientific research, training and plant breeding for the development of new genotypes for commercial purposes.⁷

Ecuador: The National Constitution ratified in September 2008 strongly promotes the conservation of agricultural biodiversity. In particular, Article 281.6 holds the government responsible for "promoting the conservation and recovery of agricultural biodiversity and related ancestral wisdom, along with the use, conservation and free exchange of seeds".⁸

European Union: The European directive on 'conservation varieties' of June 2008 allows for marketing of seed and seed potatoes of old and locally used varieties that are threatened by genetic erosion, without the need to adhere to strict uniformity and stability rules nor possessing any proven value for cultivation and use.⁹

Mali: The Agricultural Orientation Law adopted in August 2006 encourages conservation, selection and breeding activities of local PGRFA. Particularly, its Article 141 provides for the definition of national seed policies to ensure the conservation and valorization of varieties threatened by genetic erosion, and foresees the establishment of a national seed catalogue.¹⁰

India: The 2001 Protection of Plant Varieties and Farmers' Rights Act provides for the registration of farmers' varieties on par with breeders' varieties. Farmers' varieties are required to meet the same criteria of distinctiveness, uniformity and stability, but are not required to meet the criterion of novelty. Furthermore, the Act introduced a 'Gene Fund' to support farmers who conserve or improve landraces or wild relatives of economic plants.¹¹

In addition, many of the International Treaty's currently 127 Contracting Parties have established national programmes for the implementation of the Global Plan of Action and 49 of its Contracting Parties participate in the World Information Sharing Mechanism on the Implementation of the Global Plan of Action.

policy and legal measures for the promotion of the sustainable use of PGRFA.¹² Box 3.2 presents a selected overview of examples of legal measures that have been reported to the Governing Body.

elements of the International Treaty, the Governing Body requested the Secretary to initiate a process towards the development of a programme of work on sustainable use of PGRFA.

At its fourth session, recalling that in many regions the implementation of Article 6 is lagging behind in comparison to other

It is foreseen that this programme of work will be based on the Second Global Plan of Action, in particular those elements that

⁶ Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2009a) and FAO (2010), pp. 129-137.

⁷ For more information on the Syrian Law on Plant Genetic Resources for Food and Agriculture, Access and Benefit-sharing, and Farmers' Rights (2009) see: <http://www.gcsar.gov.sy/gcsarEN/spip.php?article260>.

⁸ Constitution of the Republic of Ecuador (2008), chapter 3.

⁹ Commission of the European Communities (2008).

¹⁰ Loi d'orientation agricole (2006), title 5, chapter 1.

¹¹ Ministry of Law, Justice and Company Affairs (2001).

¹² Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2006), paras. 20-26, (2007b), paras. 71-72, (2009c), para. 46, (2011b), para. 5.



support the sustainable use of crop diversity at national, regional and international level. The programme of work will be devised in a participatory manner by means of a broad stakeholder consultation, in consultation with the Bureau of the Governing Body and in collaboration with relevant international organizations and key actors engaged in sustainable use of PGRFA. In addition, the Governing Body decided to establish an *Ad Hoc* Technical Committee (AHTC) on Sustainable Use of PGRFA. The main tasks of this AHTC will notably include the identification of needs and opportunities to facilitate the sustainable use of PGRFA and

to advise the Secretary and the Bureau on the elaboration of the draft programme of work on sustainable use.

The AHTC will also take into account Resolution 6/2011 whereby the Governing Body requested, subject to the availability of financial resources, the organization of regional workshops to discuss national experiences with the implementation of Farmers' Rights. The reports of these workshops would be compiled, together with submissions of Contracting Parties and other relevant organizations, and submitted to the AHTC for its consideration.¹³

Key points to remember:

- At its fourth session, the Governing Body requested the Secretary to initiate a process towards the development of a programme of work on sustainable use of PGRFA.
- This programme of work will be based on the relevant elements of the Second Global Plan of Action, and devised by means of a broad stakeholder consultation and in collaboration with relevant international organizations and key actors engaged in sustainable use of PGRFA.
- The Governing Body also decided to establish an *Ad Hoc* Technical Committee (AHTC) on Sustainable Use of PGRFA, which will advise the Secretary and the Bureau on the elaboration of the draft programme of work on sustainable use.
- The AHTC will also consider reports of regional Farmers' Rights workshops and submissions of Contracting Parties and other relevant organizations on their experiences with the implementation of Farmers' Rights.

Cross-references:

- For background information on the **Governing Body** refer to sub-section 4.3.1. of lesson 4 of Module I (Main Components and Governance of the International Treaty).
- For more information on the **World Information Sharing Mechanism** see: <http://www.pgrfa.org/gpa/selectcountry.aspx>
- Find all **submissions of Contracting Parties** regarding sustainable use as well as all **Governing Body resolutions** in the **Virtual Library** of the International Treaty's website: http://www.planttreaty.org/content/vl_panel

¹³ Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (2011c).





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3.4. Conclusive Summary

The lesson has shown clearly that conservation and sustainable use of crop diversity under the International Treaty is not restricted solely to its articles 5 and 6. All main components of the International Treaty including Farmers' Rights, the Multilateral System and the Funding Strategy, as well as its supporting components, are interrelated with the provisions under articles 5 and 6, and contribute directly to the conservation and the sustainable use of PGRFA.

The provisions on Farmers' Rights are closely linked with those on conservation and sustainable use, and they are in many ways mutually supportive. A combined reading of both topics therefore provides for a more comprehensive understanding of the International Treaty's approach to conservation and sustainable use. This is reflected in Resolution 6/2011 of the Governing Body, which encourages Contracting Parties to closely relate the realization of Farmers' Rights with the implementation of those provisions of the International Treaty that deal with *in situ* and on-farm management and conservation, and with sustainable use.

The Multilateral System comprises over 1.3 million PGRFA samples from Contracting Parties, CGIAR Centres and other institutions. By making their materials available to others under the facilitated terms of the SMTA through the Multilateral System, Contracting Parties, international organizations and other institutions holding PGRFA collections contribute very importantly to the enhanced and sustainable use of crop diversity.

The Funding Strategy has been developed with the aim to promote the full achievement of the objectives of the International Treaty, including namely the conservation and sustainable use of PGRFA. The Benefit-sharing Fund of the Funding Strategy supports projects that focus on on-farm management and conservation and sustainable use of PGRFA for food security and climate change adaptation. The Crop Trust - an essential element of the Funding Strategy - supports *ex situ* collections around the world.

The Global Plan of Action forms an integral part of the policy framework of the International Treaty, its main aim being to strengthen the International Treaty's implementation. It provides policy guidance and recommends strategies for the implementation of each of the provisions of the International Treaty dealing with conservation and sustainable use at international, regional, national and local level.

With a view to further promote the implementation of articles 5 and 6 by prioritizing and establishing clear goals and activities, the Governing Body, at its fourth session, requested the Secretary to initiate a process towards the development of a programme of work on sustainable use of PGRFA. This programme of work would notably be based on the Second Global Plan of Action, and devised with the participation of a wide range of stakeholders and in collaboration with relevant international institutions. The Governing Body also established an *Ad Hoc* Technical Committee to advise the Secretary and the Bureau in the development of such a comprehensive programme of work.



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