

June 1995



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## Item 6 of the Provisional Agenda

### COMMISSION ON PLANT GENETIC RESOURCES

Sixth Session

Roma, 19 - 30 June 1995

#### REPORTS, PROGRAMMES AND ACTIVITIES ON PLANT GENETIC RESOURCES: 2. REPORTS ON THE ACTIVITIES OF INTER-GOVERNMENTAL AND INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

This document contains reports submitted during the session itself.  
They are available only in the language in which they were submitted, English.

## CONTENTS

	Page
I. <b>United Nations and Other Inter-governmental Organizations</b>	
The International Fund for Agricultural Development (IFAD)	1 - 2
II. <b>International Non-Governmental Organizations</b>	
Associated Country Women of the World	3
International Union for the Protection of New Varieties of Plants (UPOV)	4 - 6

W/77585



## INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT (IFAD)

1. IFAD, a specialized agency of the United Nations system, was launched in December 1977, as an international financial institution. According to Article 2 of the Agreement Establishing IFAD, the "objectives of the Fund shall be to mobilize additional resources to be made available on concessional terms for agricultural development in developing Member States. In fulfilling this objective the Fund shall provide financing primarily for projects and programmes specifically designed to introduce, expand or improve food production systems and to strengthen related policies and institutions within the framework of national priorities and strategies, taking into consideration: the need to increase food production in other developing countries; and the importance of improving the nutritional level of the poorest populations in developing countries and the conditions of their lives."
2. IFAD-financed projects and programmes are geared to enhancing food production systems and to strengthening related policies and institutions within the national policy framework. Specific objectives are: food security through increased agricultural production, and improvement of nutritional levels and incomes of the poorest rural populations, the landless, marginal farmers, pastoralists, artisanal fishermen, and indigenous peoples; and, cutting across all categories, poor rural women. In the 17 years of its operations, IFAD has developed specific approaches to fulfilling its overall mandate of rural poverty alleviation and has established a role for itself in financing innovative small-scale interventions that can be replicated on a wider basis.
3. A key ingredient in IFAD projects involves harnessing the promise held by plant genetic resources for food and agriculture. They represent both the raw material used in the production of new cultivars -- either through traditional plant breeding or the use of biotechnology -- and a reservoir of genetic adaptability which acts as a buffer against harmful environmental and economic changes. It has been recognized that the erosion of these resources severely threatens world food security. The urgent need to conserve and utilize plant genetic resources as a safeguard against an unpredictable future is clear. The advent of new biotechnologies, able to use a wider range of plant genetic resources, has also stimulated great interest in both public and private research institutions. The prospect of dwindling plant genetic diversity, coupled with dramatically increased demands on these resources, has propelled them into the centre of global discussions on the environment and sustainable development.
4. Much genetic diversity is held in farmers' fields in the form of landraces, other traditional crop varieties, and their wild and weedy relatives. Most areas of high diversity are located in developing countries. In the biodiversity debate, tropical forests are the areas singled out for greatest protection. Undoubtedly, great diversity exists in the forests, but drier ecosystems are far more important for crop resources, yet are relatively neglected. It is generally held that the centres of origin or diversity of major crops followed the lines of the main mountain ranges both in the New and Old Worlds. It is worth noting that these very areas, semi arid and mountain areas, are where most IFAD projects are now located. These areas may be "marginal" and "resource-poor" with respect to soil fertility, water, etc., but they harbour the richest diversity of plant genetic resources.
5. Since IFAD concentrates on resource-poor farmers in areas which have not been reached by Green Revolution and other technologies, IFAD is perhaps the primary multilateral agency which impacts on the remaining areas of on-farm genetic diversity. IFAD's annual lending programme is now in the region of USD 300 million, and through the demonstration value of its projects, the impact on the Fund's activities on agricultural development is several times larger than this figure suggests.
6. Plant genetic diversity is relevant to all three areas of IFAD's mandate: poverty alleviation; increasing food production; and improving nutrition. With increased attention by IFAD

on the greater productive use of the genetic potential of plants, whether by conventional plant breeding, farmer improvement, or the new biotechnologies, greater attention to plant genetic diversity is seen as an important issue for IFAD both in the context of its investment projects and its Technical Assistance Grants Programme for Agricultural Research and Training. IFAD has financed agricultural research and technology transfer initiatives, ever since its inception in 1977. This support has mainly been in response to the technology needs of its primary target groups which include, in particular, smallholder farmers. IFAD's support to technology generation and transfer in the context of resource-poor conditions began at a time when global agricultural research output was primarily directed to commercial farmers in high potential areas, largely by-passing many of the rural poor.

7. IFAD is building on the *ex-situ* biodiversity conservation approach, by proposing to support, through its Technical Assistance Grant Programme, an initiative by the International Plant Genetic Resources Institute (IPGRI) to develop instrumentalities for IFAD interventions designed to address genetic erosion caused by desertification in the dryland ecologies of Africa. The drylands of sub-Saharan Africa are bioclimatic zones subject to harsh weather conditions, yet possess a large number of genotypes and allele complexes ideally adapted to dryland habitat conditions, having evolved over millions of years, and providing the source of some of the most important smallholder crops, e.g., sorghum, millet, wheat, barley and pulses. Traditional farming systems in these desertification-prone drylands are often characterized by the rich species diversity present in traditional crop varieties, still popular, because farmers choose to maintain traditional varieties even when modern cultivars are available.

8. Another example involves supporting the International Centre for Tropical Agriculture's (CIAT) efforts toward the development of improved cassava germplasm. Cassava is one of the most important sources of food energy in many tropical and subtropical countries of Latin America and Africa. Because of its ability to thrive under unfavourable conditions, especially poor climate and soil, cassava is frequently viewed as a famine alleviation crop. For many farmers, the crop also represents a source of income and their only possibility for linkage to market economies. Cassava production in the subtropics can contribute genetic diversity to support crop improvement for large areas of Latin America and Africa, as well as genetic information relevant to other ecosystems.

9. IFAD's interest in plant genetic diversity is driven by its importance for small farmers themselves: IFAD's primary target group. Small farmers, particularly those in marginal areas depend upon farming systems based on diversity. Genetic diversity is vital to them, providing resistance to pests and diseases and to environmental extremes, higher yields in highly variable environments, and multiple outputs which contribute to the farm budget and to household nutrition.

## ASSOCIATED COUNTRY WOMEN OF THE WORLD (ACWW)

### Statement by the Representative of the Associated Country Women of the World (ACWW)

On behalf of the ACWW, I wish to express my great appreciation to the Secretariat for the excellent documentation prepared for this meeting.

The ACWW is the largest International Organization of rural women and home makers, having a membership representing millions, through its 485 member societies in 65 countries. ACWW is very much interested in the subject matter of this Commission. In fact, during the 21st Triennial Conference, held in New Zealand, Christchurch, in February 1995, the following main policy *resolutions* were passed:

1. *Ad Hoc Committee on Agriculture* to study ways and means for empowering rural women worldwide to achieve a balanced participation in agricultural decision-making.
2. *Plant Genetic Resources - Farmers' Rights*: That ACWW member societies urge their governments to support Farmer's Rights, by contributing to the International Fund on Plant Genetic Resources.
3. That ACWW member societies, recognising the necessity for women to participate in decision-making on plant genetic resources, urge their governments to provide adequate and sustained support to plant genetic resources conservation, both national and international. In addition, the following *recommendations* were made:

1. *Rights of Rural Women* - That ACWW undertake advocacy to ensure the rights of rural women, especially land rights, and their access to, and control of, other community resources, such as water and energy.
2. *Biotechnological Research* - That ACWW member societies urge their governments to redirect biotechnological research and developments, so as to concentrate on the needs of small-scale farmers, especially of women.
3. *Access to Biotechnology* - That ACWW member societies urge their governments to ensure the broadest possible access to biotechnologically-engineered plants, and parts thereof, and not allow legal ownership that restricts the availability and reasonable use of living organisms in the interest of society as a whole.

## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

*Promote Use of Genetic Resources in the Form of Improved Varieties*

### UPOV in Brief

1. UPOV is an intergovernmental organization which has its seat in Geneva (Switzerland) and currently comprises 27 member States:

*Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, Uruguay.*

The following States have initiated a procedure for accession to UPOV with the Council of UPOV:

*Chile, Colombia, Paraguay, Portugal, Russian Federation, Ukraine*

UPOV is not a member of the United Nations system, but is attached to it through an agreement for technical and administrative cooperation concluded with the World Intellectual Property Organization (WIPO). Its seat is located in the WIPO building.

2. UPOV has been established by the International Convention for the Protection of New Varieties of Plants (the "UPOV Convention") which was signed in Paris on December 2, 1961. The Convention was revised in Geneva in 1972, 1978 and 1991.

### The Effects of the Protection of New Plant Varieties

3. The UPOV member States grant to breeders of new plant varieties an exclusive right in the exploitation of their varieties, whose scope and duration are defined in national legislation. By granting such rights, the States acknowledge the merits of the creators and innovators in the field of plant breeding and provide a contribution to the safeguarding of the legitimate interests of breeders.

4. Breeders' rights are also - and mainly - granted with a view to promoting the development of agriculture.

5. The exclusive right of exploitation enables the breeder who has created a commercially valuable variety to recover his investment.

6. The breeder's right also promotes genetic diversity in the farmers' fields. This diversity results from the increased number of varieties available to farmers at any one time. The breeder is interested to promote higher rates of renewal; this facilitates rapid adaptation to changing agro-economic conditions.

7. Public research cannot satisfy all needs: the array of cultivated species and the diversity of agro-economic circumstances are too great. Public research, whose results have been, and still are, of primary importance in many countries may also benefit from the positive effects of protection, whether such effects are direct (financing) or indirect (competition, improved market structures). The UPOV member States offer various models for the sharing of tasks between the public and private sectors.

8. The exclusive right of exploitation enables the breeder to organize the optimal exploitation of his protected varieties, using his own commercial means or licence agreements for the production and marketing of seeds. The breeder is interested to ensure that seeds are available to farmers in

sufficient quantities and good quality; in particular, he will carry out the maintenance breeding of his varieties. All UPOV member States make it a condition for the grant of a breeder's right that the breeder maintains the protected variety throughout the term of the right.

9. Experience shows that protection encourages breeders and their partners from the seed trade to add services, such as crop husbandry advice and extension, to their task of producing and distributing seed of their varieties.

### Plant Variety Protection and Genetic Resources

10. All plant improvement, whether by farmers or by breeders in the formal seed sector, is based upon the improved plant material handed down by their predecessors. Breeders are thus conscious that their activity, to be successful, requires that genetic resources be freely available for further breeding; each breeder having used material from varieties of his predecessors must in turn accept that his variety shall be freely available to others for plant breeding purposes.

11. The principle of free availability is enshrined in the UPOV Convention. Its 1961 and 1978 Acts provide that "authorization by the breeder (of the protected variety) shall not be required either for the utilization of the variety as an initial source of variation for the purpose of creating other varieties or for the marketing of such varieties." The principle is repeated in the 1991 Act, but in different form as a result of the new wording used to define the exclusive right granted to the breeder. The member States have always held that no State may depart from this principle, which is frequently called "breeder's exemption"; this principle is a cornerstone of the plant variety protection system.

12. The restriction on the exploitation of an "essentially derived variety" introduced into the 1991 Act will only apply when such a variety retains virtually the whole genotype of the initial protected variety and departs from it only in respect of one or very few characteristics; the restriction is intended in particular to create a balance between the incentives for "classical" plant breeding (protected under the UPOV system) and "genetic engineering" (the inventions in that field being protectable under the patent system).

### UPOV's Normative Activities

13. In the legal field. - Modern society requires that the national plant variety protection systems - like many others - be harmonized. The UPOV Convention establishes an internationally harmonized system. The system must be periodically revised in the light of political, social, economic and technical developments. Between revisions, UPOV may establish complementary instruments such as agreed interpretations or recommendations.

14. The preamble to the 1961 and 1978 Acts of the Convention declares that the member States are "conscious of the special problems arising from the recognition and protection of the right of the creator in this field and particularly of the limitations that the requirements of the public interest may impose on the free exercise of such a right." The Convention has accordingly acknowledged that the breeder's right cannot extend to "acts done privately and for non-commercial purposes" - that is, for example to the use of a protected variety in subsistence farming; it also acknowledges that States may restrict the breeder's right to permit farmers to produce and use their own seeds ("farmer's privilege").

15. In the technical field. - To be eligible for protection, a variety must be commercially new, clearly distinct from any other variety whose existence is a matter of common knowledge, sufficiently homogeneous taking into account the particular features of its propagation, and stable. Protection is granted only after examination of the variety, comprising growing tests and, possibly also, laboratory tests.

16. UPOV deploys its normative activity and makes recommendations at two levels:

- (i) at a general level, it recommends testing methods, particularly in the field of biometry.
- (ii) at the species level, it recommends for each species the characteristics - or descriptors in genetic resources parlance - used to define and identify varieties, and also the practical details of the examination.

17. The results of this activity are not only used in the field of plant variety protection, but also in other areas such as the national lists of varieties admitted to trade and seed certification. Generally speaking, UPOV plays an essential role in the definition of the variety notion and its practical implementation in the light of the biological, economic, etc. constraints relevant to each species. An effect of protection is that the plant material released as variety is described and can be identified with precision.

### **International Cooperation**

18. UPOV provides a framework in which international cooperation may be organized. The examination of varieties offers the greatest potential for such cooperation. Bilateral agreements which are harmonized to a large extent enable a State to entrust the examination of varieties of a given species to another State, or to take over the test results from another State. This leads to savings both for the State and the breeder.

19. Certain States have been able to set up a protection system at minimal cost through cooperation in examination. It is to be noted that the examination may also be carried out by existing institutions or organizations, for instance by a research institute working on the species concerned.

20. Nomenclature is another area for which international cooperation is essential. UPOV has established legal norms and practical procedures to ensure that, as far as possible, each variety has a single denomination in all member States so that it may be identified without ambiguity. UPOV is setting up a database which will be distributed in the form of a ROM compact disk which will be regularly updated and will include a powerful data retrieval system.

### **Promotion and Development Activities**

21. Like the International Undertaking on Plant Genetic Resources, the UPOV Convention is an instrument based upon voluntary accessions. UPOV therefore endeavours to inform States which are not yet members about the nature of and rationale for the protection of plant varieties and about the benefits accruing from such protection and from membership in UPOV.

22. UPOV also assists non-member States in the drafting of their plant variety protection legislation and in the setting-up of the requisite administrative and technical facilities.