



Canadian Food  
Inspection Agency

Agence canadienne  
d'inspection des aliments

# Sharing Canada's Experience: ITPGRFA Article 9

*UN FAO – Farmers' Rights AHTEG  
Rome, 2018*



Canada 

# ITPGRFA

## **Preamble:**

*“Recognizing that this Treaty and other international agreements relevant to this Treaty should be mutually supportive with a view to sustainable agriculture and food security”*

*“Affirming that nothing in this Treaty shall be interpreted as implying in any way a change in the rights and obligations of the Contracting Parties under other international agreements”*

## **Article 9:**

*“...the responsibility for realizing Farmers’ Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments.”*

# Art 9.2(a): Traditional Knowledge

- Indigenous communities in Canada possess traditional knowledge (TK) that has been cultivated through cultural expression and interaction with the environment.
- Government activities to support TK include:
  - Three Sisters Project (maize, beans, and squash)
  - Participatory Plant Breeding for Organic Production (University of Manitoba, Bauta Family Initiative on Canadian Seed Security, Agriculture and Agri-Food Canada).
  - Promotion of Indigenous food plant production
- Canada supports a non-prescriptive approach, allowing flexibility in determining the most appropriate measures to protect TK.

# Art 9.2(b): Benefit Sharing

- Farmers equitably participate and share in the benefits arising from the use of plant genetic resources.
- The continuous release of new varieties (e.g. improved yield, adaptability, quality, disease resistance, choice/options, etc.), facilitated by the ITPGRFA and UPOV based *PBR Act*.
- ITPGRFA Standard Material Transfer Agreement (SMTA) and UPOV breeder and researcher exemption are critical to ensuring access to plant genetic resources for the purpose of breeding better varieties for farmers

# Art 9.2(b): Canola example

- Turnip rape (*B. rapa*) first introduced by a Polish immigrant in 1936
- First low-erucic *B. napus* variety 'Oro' introduced in 1968
- 50 years of continuous improvement in canola varieties, and adoption by farmers, have increased canola production by 3,500%

Canola production in Canada



Source: CANSIM 001-0017



## TOTAL IMPACT on THE CANADIAN ECONOMY

**250**  
THOUSAND  
JOBS

**\$11.2**  
BILLION  
IN WAGES

**\$26.7**  
BILLION  
TOTAL ECONOMIC ACTIVITY

Annual averages for the period 2012/13-2016/17, including direct, indirect and induced impact

# Art 9.2(c): Farmer Participation in Decision-Making

## ***Parliamentary:***

House of Commons Standing Committee on Agriculture and Agri-Food, and Senate Standing Committee on Agriculture and Forestry

## ***Legislative:***

*Plant Breeders' Rights Act - Advisory Committee*

## ***Regulatory:***

Canada Gazette

## ***Agricultural Programming:***

Variety Registration Recommending Committees

Value Chain Round Tables (e.g. Seed, Grains, Pulses, etc.)

Canadian Agricultural Partnership



# Plant Breeders' Rights (PBR) – Advisory Committee (AC)

## Farmer Organizations

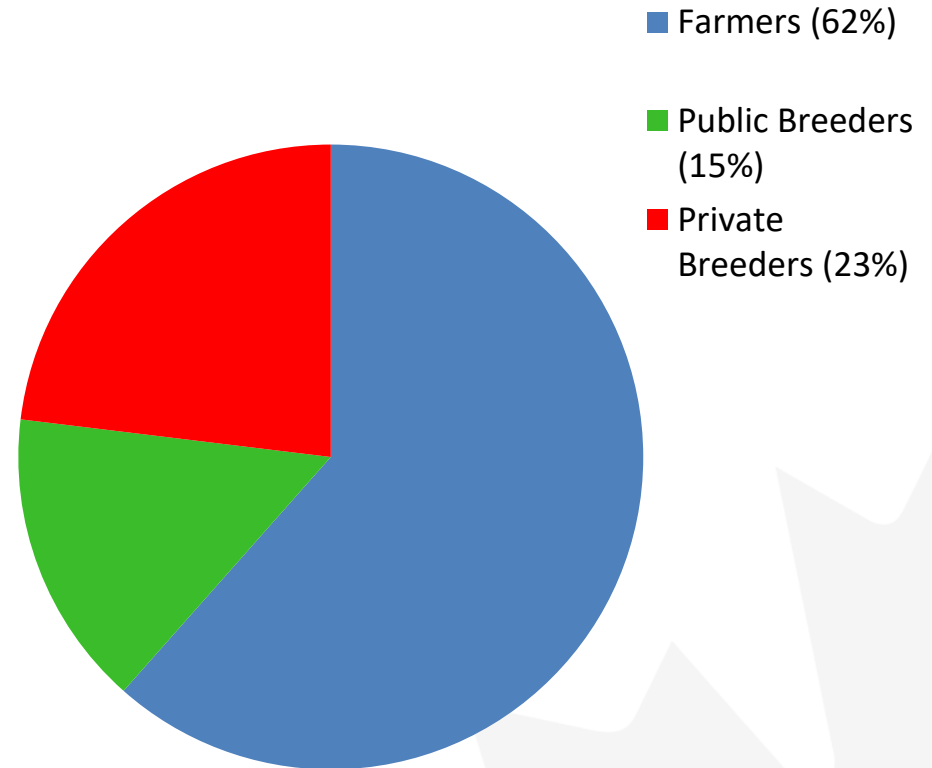
- Canadian Federation of Agriculture
- Grain Growers of Canada
- Producteurs du Grains de Québec
- Canadian Horticultural Council
- Canadian Ornamental Horticultural Alliance
- Canadian Potato Council
- Canadian Seed Growers Association
- Canadian Organic Trade Association

## Public Breeders

- Agriculture and Agri-Food Canada
- University of Saskatchewan

## Private Breeders

- Canadian Seed Trade Association
- Syngenta
- Canterra Seeds



# Art 9.3: Seed and Farmers

*“Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.”*

- *PBR Act* (UPOV’91 compliant) - supports farmers by ensuring continued investment and innovation in plant breeding
- *Seeds Act* – protects farmers by ensuring seed varieties meet performance and quality standards
- *“subject to national law and appropriate”* provides farmers with choice and an opportunity to access the best available varieties, supporting high production and prosperity



# Conclusions

- farmers participate in the benefits of using genetic resources (e.g. improved yield, adaptability, quality, disease resistance, choice/options, etc.)
- farmers participate in all decision making processes regarding plant genetic resources - key to developing effective agriculture policy
- farmers can save, exchange and sell farm-saved seed, subject to national law (e.g. *PBR Act* and *Seeds Act*). Farmers have choice and opportunity to access the best varieties to meet their needs.
- Education and awareness is the key to effective implementation