



11 April 2025

## Main features, obligations and benefits under the *International Treaty on Plant Genetic Resources for Food and Agriculture*

### OVERVIEW

Plant genetic resources for food and agriculture are the genetic material of plant origin of actual or potential value for food and agriculture. They are the most important assets to address the large-scale erosion of traditional varieties and farmers' landraces. Plant genetic resources are essential for food security, as they provide the foundations for the evolution or the breeding of useful new crop varieties, allowing their permanent adjustment to the changing environment.

On 3 November 2001, the Thirty-first Session of the FAO Conference approved the [International Treaty on Plant Genetic Resources for Food and Agriculture](#) (ITPGRFA or the Treaty). This global treaty provides a distinctive solution for plant genetic resources for food and agriculture and entered into force on 29 June 2004. It currently has 153 Contracting Parties and one Member Organization.

### OBJECTIVES

The ITPGRFA aims at the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security. The Treaty recognizes that plant genetic resources for food and agriculture are the raw material indispensable for crop genetic improvement, whether by means of farmers' selection, classical plant breeding or modern biotechnologies, and are essential in adapting to unpredictable environmental changes and future human need.

The ITPGRFA calls on Parties to take measures to protect and promote Farmer's Rights and sets up a multilateral system of facilitated access and benefit sharing for those genetic resources which are essential to food security and on which countries are most interdependent. The Treaty has also put in place a Benefit-Sharing Fund that supports farmers in developing countries to conserve and adapt their plant genetic resources.

### MAIN ELEMENTS

The ITPGRFA imposes general obligations on Parties, allowing significant flexibility in their implementation. The main obligations for Contracting Parties are the following:

- **Multilateral System of Access and Benefit-sharing:** Contracting Parties must take legal or appropriate measures to provide facilitated access to other Contracting Parties through a multilateral system to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources ("the Multilateral System"). This access must also be available to legal and natural persons under any of the Contracting Parties' jurisdiction (Art. 12.2). Only plant genetic resources for food and agriculture under the Contracting Parties' management, control, and in the public domain are included in the Multilateral System, with other resources included voluntarily. Contracting Parties should also take measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources listed in Annex I to the Treaty to include them in the Multilateral System (Art. 11.3). These measures are generally a public information and administrative nature.



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- **Standard Material Transfer Agreement (SMTA):** Adopted by the ITPGRFA's Governing Body, the SMTA used for the facilitated transfer of genetic materials under the Multilateral System. It sets out the terms and conditions on which the material is transferred. According to FAO, more than 84 000 SMTAs were used to transfer plant material for research, training and plant breeding from 2007 until mid-2021.
- **Recourse for Disputes and Legal Conformity:** Contracting Parties must ensure that their legal systems provide opportunities for recourse in case of contractual disputes arising under the SMTA, recognizing that obligations under such SMTAs rest exclusively with the parties involved (Art. 12.5). Most judicial systems, especially in common law countries, allow for such recourse. Contracting Parties must also ensure their laws, regulations, and procedures conform to the Treaty's obligations (Art. 4).

Article 18.3(f) foresees the provision of voluntary contributions by Contracting Parties, the private sector, non-governmental organizations and other sources for activities under the Treaty, including the funding strategy.

## POTENTIAL BENEFITS FOR PARTIES

### A. PARTICIPATION TO GLOBAL STANDARD-SETTING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Contracting Parties will ensure their national interests are considered and their voice heard, as the Treaty has become the main intergovernmental policy-making body for plant genetic resources for food and agriculture.

### B. FACILITATED ACCESS TO PLANT GENETIC RESOURCES

Contracting Parties may obtain facilitated access to plant genetic resources from public gene banks worldwide, which are important to broaden the genetic base for crops, counter the threat of potentially disastrous diseases, and adapt to the rapidly changing climatic conditions. The Multilateral System provides plant breeders and farmers with access to more than 2.5 million crop samples stored in national and international ex situ collections gene banks, which can be accessed through a standard procedure for free or at a minimum cost.

### C. THE BENEFIT-SHARING FUND (BSF)

Through the Benefit-sharing Fund (BSF), the Treaty shares monetary benefits primarily with farmers in developing countries who promote the conservation and sustainable use of PGRFA (Article 13). The Benefit-sharing Fund has invested USD 35 million in 108 projects in 78 developing countries since its establishment, benefiting more than one million people with better access to improved seeds and plant genetic diversity.

### D. SCIENTIFIC AND TECHNICAL COOPERATION

Contracting Parties will be able to participate in activities and initiatives on conservation and sustainable use (Art. 5 and 6 of the Treaty), in international scientific and technical networks, and in the Global Information System (Art. 16 and 17 of the Treaty).

**FOR MORE INFORMATION** on the ITPGRFA, model instruments for adherence to the ITPGRFA and treaty processes in FAO, please contact: [treaties@fao.org](mailto:treaties@fao.org)



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