

The International Treaty and the Nagoya Protocol

Treaty

- Adopted in 2001
- In force since 2004
- Current membership:
128 Contracting Parties



What are the Treaty's objectives?

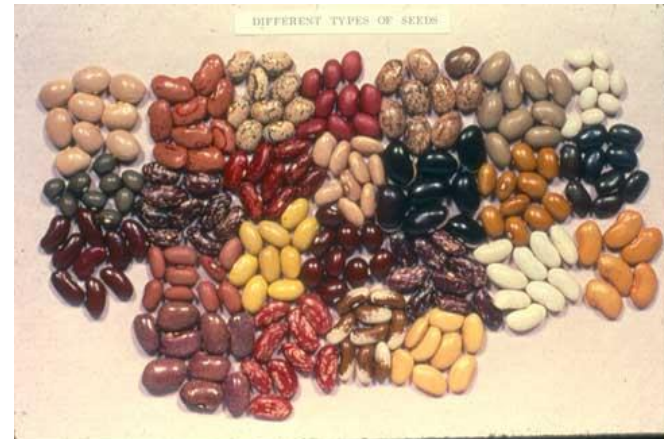


- The conservation and sustainable use of plant genetic resources for food and agriculture
- The fair and equitable sharing of benefits derived from their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security

What is special about PGRFA?

- Value in agriculture genetic resources lies in **diversity within a crop**, not at species level
- **Farmers maintain this diversity within their farming systems.** Unless conserved *ex situ*, it dies when no longer used – **Use them or loose them**
- To **feed the world**, we need all these resources
- Countries and regions are “**interdependent**”: that is, they all depend on genetic resources that originated elsewhere for their food and agriculture
- High **number of transfers of PGRFAs**
- Many contributed to the development of genetic resources for food and agriculture over many years

Article 3: Scope of the Treaty



The Treaty provides an internationally agreed framework for the conservation and sustainable use of all PGRFAs

Article 5: Conservation, Exploration, Collection, Characterization, Evaluation and Documentation



Each Contracting party shall ... , in cooperation with other Contracting Parties ... ,

- promote **an integrated approach** to the exploration, conservation and sustainable use of PGRFAs

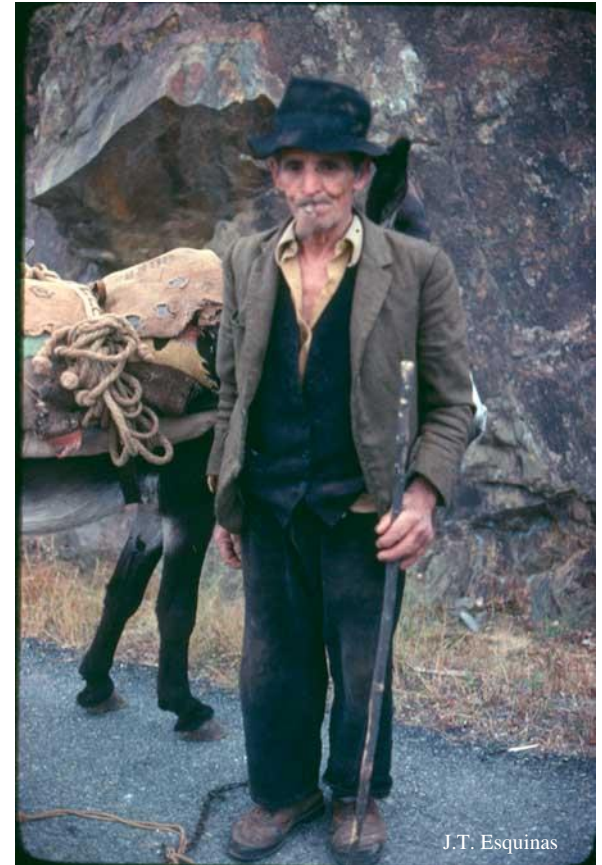
Article 6: Sustainable Use of Plant Genetic Resources



The Contracting parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of PGRFAs.

Article 9: Farmers' Rights

- Recognition of the enormous contribution that farmers and their communities have made and continue to make to the conservation and development of plant genetic resources.
- Farmers' Rights include the protection of traditional knowledge and the right to participate equitably in benefit-sharing and in national decision-making about plant genetic resources.
- Governments are responsible for recognizing these rights, *inter alia*, by protecting TK, making provision for farmers to share the benefits & participate in decision-making.



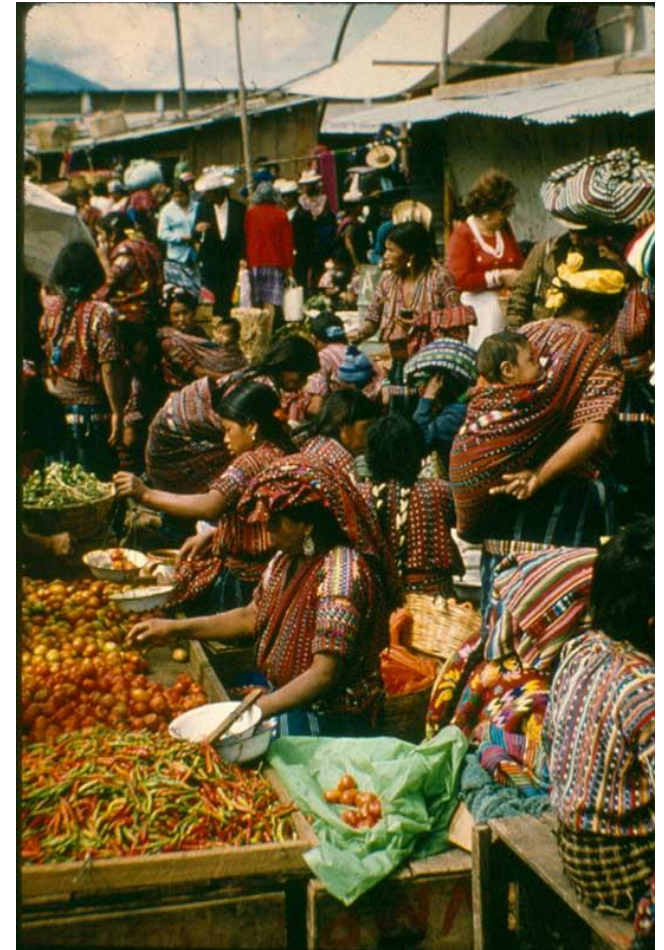
The Multilateral System of Access and Benefit-sharing



- The Treaty establishes a multilateral system, both to facilitate access to PGRFA, and to share, in a fair and equitable way, the benefits arising from their use.
- Under the NP, discussions have been launched regarding the need for, and modalities of, a global multilateral benefit-sharing mechanism to address sharing of benefits from GR & ATK occurring in transboundary situations

The Multilateral System ...

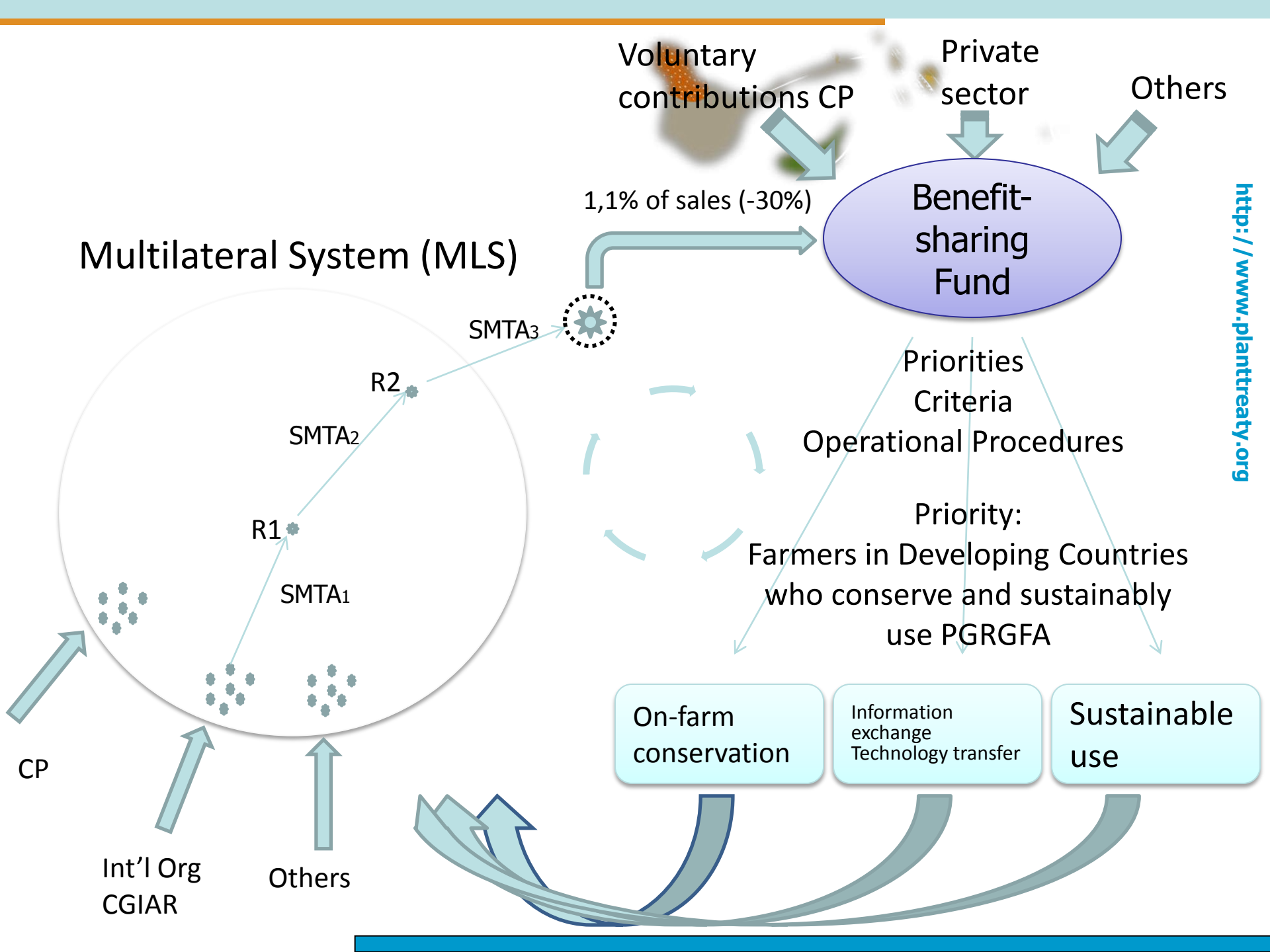
- ... consists of genetic material of a set of crops, listed in *Annex 1* to the International Treaty, and other crops;
- Those crops provide about 80% of our food from plants.





Benefit-sharing includes

- Facilitated access is itself a major benefit
- Exchange of information
- Access to and transfer of technology
- Capacity-building



Relevant Provisions of the Nagoya Protocol



PREAMBLE

Recognizing the interdependence of all countries with regard to genetic resources for food and agriculture as well as their special nature and importance for achieving food security worldwide and for sustainable development of agriculture in the context of poverty alleviation and climate change and acknowledging the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture and the FAO Commission on Genetic Resources for Food and Agriculture in this regard,

Acknowledging ongoing work in other international forums relating to access and benefit-sharing,

PREAMBLE

Recalling the Multilateral System of Access and Benefit-sharing established under the International Treaty on Plant Genetic Resources for Food and Agriculture developed in harmony with the Convention,

Recognizing that international instruments related to access and benefit-sharing should be mutually supportive with a view to achieving the objectives of the Convention.

RELATIONSHIP WITH INTERNATIONAL AGREEMENTS AND INSTRUMENTS (Art.4)

3. This Protocol shall be implemented in a mutually supportive manner with other international instruments relevant to this Protocol. Due regard should be paid to useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of and do not run counter to the objectives of the Convention and this Protocol.
4. This Protocol is the instrument for the implementation of the ABS provisions of the Convention. Where a specialized international ABS instrument applies that is consistent with, and does not run counter to the objectives of the Convention and this Protocol, this Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource covered by and for the purpose of the specialized instrument.

SPECIAL CONSIDERATIONS (Art.8)

In the development and implementation of its access and benefit-sharing legislation or regulatory requirements, each Party shall:

- (a) Create conditions to promote and encourage research** which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research;

- (c) Consider the importance of genetic resources for food and agriculture and their special role for food security.**

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MoC between the CBD and ITPGRFA Secretariats

- Signed on 27 October 2010
- The two Secretariats agreed to:
 - Cooperate in their respective activities, and to mutually support one another in the undertaking and promotion of activities and projects relevant to their respective mandates
 - Provide technical support to each other in relation to capacity-building and development and awareness-raising activities to support the ratification and implementation of the two treaties
 - Promote the exchange of views and experiences among

Parties

Conclusions

- Concept of the international ABS regime is broader than the Nagoya Protocol or the International Treaty individually;
- Successful implementation will require continued collaboration and mutual support of the different ABS instruments, institutions and processes;
- Nagoya Protocol provides an opportunity to re-launch dialogue on ABS between environment, agriculture and other sectors, based on clarity of respective legal obligations, development of concrete interfaces between the processes and institutional collaboration to structure the interfaces.