The Nagoya Protocol and the Multilateral System

Secretariat of the International Treaty, FAO

14th ECPGR Steering Committee meeting, Višegrad, 1st June 2016

www.planttreaty.org
Overview

- Background
- PGRFA and food security
- The Multilateral System of Access and Benefit-sharing
- Interface between the MLS and the Nagoya Protocol
- Conclusion
What is the International Treaty?

An international legally binding instrument aimed 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,

for sustainable agriculture and food security,

in harmony with the Convention on Biological Diversity.
Part IV of the Treaty
Articles 10-13

2001

Treaty launches Multilateral System

2007

Programme of Work on the Global Information System

2015

Accessions transferred to breeders, farmers and researchers

More than 3.2 million accessions already transferred
The scope of the Treaty:

ALL plant genetic resources for food and agriculture
PGRFA and food security

Why facilitated access?
PGRFA & food security on the Global Agenda

- A profound change of the global food and agriculture system is needed if we are to nourish today’s 795 million hungry and the additional 2 billion people expected by 2050, especially under the impact of climate change on agricultural systems.

- The food and agriculture sector offers key solutions for development, and is central for hunger and poverty eradication, including the ITPGRFA.
The Sustainable Development Goals give great importance to the contribution of plant genetic diversity to food security, through its conservation, access and benefit-sharing. Particular in targets 2.5 and 15.6:

- **2.5:** By 2020, maintain the genetic diversity of seeds, cultivated plants and farmed and domesticated animals and their related wild species, including through soundly managed and diversified seed and plant banks at the national, regional and international levels, and promote access to and fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed.

- **15.6:** Promote fair and equitable sharing of the benefits arising from the utilization of genetic resources and promote appropriate access to such resources, as internationally agreed.
Agriculture has always been based on access and exchange, not on exclusivity

- People have always swapped their crops and “landraces”
- Farmers exchange seeds and breed exotic material into their crops, in order to avoid productivity declines
Conserving and exchanging varieties for food security and climate change adaptation

Agrobiodiversity must be made accessible to every farmer and used by scientists and people to enhance our options to ensure food security.
The Multilateral System of Access and Benefit-Sharing
Basic features of the MLS

- Applies to a list of crops established according to criteria of food security and interdependence.
- These provide about 80% of our food from plants.
- To facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from their use.
What is it in the MLS?

- Annex I material under the management and control of Contracting Parties (Art. 11.2)
- Material included by natural and legal persons (Art. 11.3)
- Annex I material from *ex situ* collections of CGIAR centres (Articles 11.5 and 15.5)
- Material from Benefit-sharing Fund projects
- Voluntary inclusions: Non-Annex I material from CGIAR Centres, Contracting Parties and natural and legal persons voluntarily included.
Opinions and advice on the use of the SMTA and the MLS

- Published in July 2015
- Useful guidance to Contracting Parties in implementing their obligations under the Treaty
Type of Opinions (O) and Advice (A)

- O2: Identification of PGRFA under the management and control of CPs and in the public domain
- O4: Practical and legal implications for natural and legal persons putting material into the MLS
- O5: *In-situ* material and the MLS: Standards for access
- O9: Non-food / non-feed uses of PGRFA
- O10: Transfer and use of PGR under the MLS – transfer by providers and recipients, other than CGIAR centres and other institutions, to farmers for direct use for cultivation
- A1: The practical and legal implications for natural and legal persons putting material into the MLS – frequently asked questions
- A2: Inclusion of material into the MLS

Exchange of PGRFA under the MLS

- The Multilateral System “pools” these crucial plant genetic resources

- Facilitates access under the Standard Material Transfer Agreement (SMTA)

- The SMTA is a standard contract, not to be changed or negotiated.
PGR exchange for food security

- >1.7 million included accessions documented
- 47,000 SMTA transferred since 2007
- More than 3.2 million accessions transferred

<table>
<thead>
<tr>
<th>Region</th>
<th>PGRFA Received (Jan 2016)</th>
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<tbody>
<tr>
<td>Africa</td>
<td>596,340</td>
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<tr>
<td>Asia</td>
<td>1,033,024</td>
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<tr>
<td>Europe</td>
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<td>Latin America and the Caribbean</td>
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<td>Near East</td>
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<td>North America</td>
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<tr>
<td>Southwest Pacific</td>
<td>153,548</td>
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Improving the System
The MLS Enhancement Process

- GB decided to develop a range of measures that will
  (a) increase user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner
  (b) enhance the functioning of the Multilateral System by additional measures

- Options and measures (Resolution 1/2015):
  (a) Revised SMTA to make provision for a Subscription System and to possibly include a termination clause, user/crop categories, differentiated payment rates;
  (b) Adapting the coverage of the MLS;
  (c) Issues regarding genetic information associated with the material accessed from the MLS.

- CP regions, stakeholder groups, consultations and submissions
Core GLIS obligations

17.1 facilitating exchange of info on scientific, technical and environmental matters related to PGRFA. Cooperation on development sought from CHM-CBD

17.2 Early warning

17.3 SOW-PGRFA

13.2(a) GLIS must contain catalogues and inventories, information on technologies, results of technical, scientific and socio-economic research, including characterization, evaluation and utilization, regarding PGRFA under the MLS

SMTA art 6.9 GLIS must enable recipients to make available non-confidential information that results from R&D carried out on the material received

5.1(e) cooperation on ex situ documentation
7.2(b) international cooperation and activities on documentation and access to information

5.1(a) inventory of PGRFA
5.1(b) collection of relevant information
6.1 sustainable use
12.3(c) sharing passport data and information with the transfer of PGRFA
13.2(b) access to & transfer of technology
13.2(c) Capacity-building

Treaty obligations that may support, be supported by, or be included in the GLIS
The Global Information System

Vision: GLIS integrates and augments existing systems to create the global entry point to information and knowledge for strengthening the capacity for PGRFA conservation, management and utilization. (Oct. 2015)

- Adoption of the first PoW-GLIS (2016-2022);
- Establishment of the Scientific Advisory Committee (The CBD is invited. 10 and 11 October 2016 in Rome)
Impact of the Treaty: MLS and BSF

- 3508 new varieties of rice, maize, barley, millet, sorghum, etc. evaluated against resistances to biotic and abiotic stresses
- almost 130,000 direct project beneficiaries (including 114,000 farmers)
- directly or indirectly reached approx. 10.5 million beneficiaries (95% farmers)
- 16 community seed banks established, fully operating to conserve 1120 crop varieties
- 310 capacity building workshops and training courses, directly involving 16,000 participants have been provided
- 55 applications have been submitted, for rice, millet, wheat, chickpea and sesame varieties for registration to the Plant Variety Authority of India
- 60 research theses – from BSc to PhD directly supported through the implementation of BSF projects
Interface between the Treaty, the MLS and the Nagoya Protocol
A glimpse at the Nagoya Protocol

(COP X/1)

Recognizing that the International Regime is constituted of the Convention on Biological Diversity, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, as well as complimentary instruments, including the International Treaty on Plant Genetic Resources for Food and Agriculture and the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization;
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;

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;
4. This Protocol is the instrument for the implementation of the access and benefit-sharing provisions of the Convention. Where a specialized international access and benefit-sharing 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.
A glimpse at the Nagoya Protocol (COP X/1)

Preamble (12): The **ITPGRFA constitutes a specialised international access and benefit-sharing instrument within the meaning of Article 4(4) of the Nagoya Protocol** that should **not be affected** by the rules implementing the Nagoya Protocol.

Article 4.4: Users acquiring Plant Genetic Resources for Food and Agriculture (**PGRFA**) in a country that is a Party to the Nagoya Protocol which has determined that PGRFA under its management and control and in the public domain, **not contained in Annex I to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)**, will also be subject to the terms and conditions of the **standard material transfer agreement** for the purposes set out under the ITPGRFA, **shall be considered to have exercised due diligence** in accordance with paragraph 3 of this Article.
The International Treaty and the Nagoya Protocol

The main **conceptual differences** between the two instruments...
Collaboration for harmonious and mutually supportive implementation

- Request for collaboration between the Secretariats of the Treaty and the CBD in the text of the Treaty
- Repeated requests by Governing Body for close cooperation to promote harmonious and mutual supportive implementation, including capacity-building
- Memorandum of Cooperation, Joint Initiative
- Joint workshops, technical assistance, exchange of information.
Collaboration for harmonious and mutually supportive implementation

- **Requests** the Secretariat to [...] *promote practical, harmonious and appropriate interfaces among them, both nationally and internationally.*

- **Requests** the Secretary [...] to continue exploring with the Secretariat of the [CBD], *practical means and activities to further enhance to this cooperation* [...].

- **Requests** the Secretary [...] to continue facilitating such interaction on the mutual supportiveness, harmonious and appropriate implementation of the instruments.

- GB-6 Resolution 3/2015 – Reference to the ABS Clearing House Mechanism as part of advice to be provided by the Scientific Advisory Committee in relation to cooperation with other organizations and initiatives.
Conclusion

- Importance of facilitated access and exchange of PGRFA for agrobiodiversity and food security
- Need for creating legal space for the implementation of the Treaty and its Multilateral System, especially in the broader context of ABS legislation
- Need for establishing clear administrative rules for users that consider the special characteristics of PGRFA and their uses
Thank you!

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