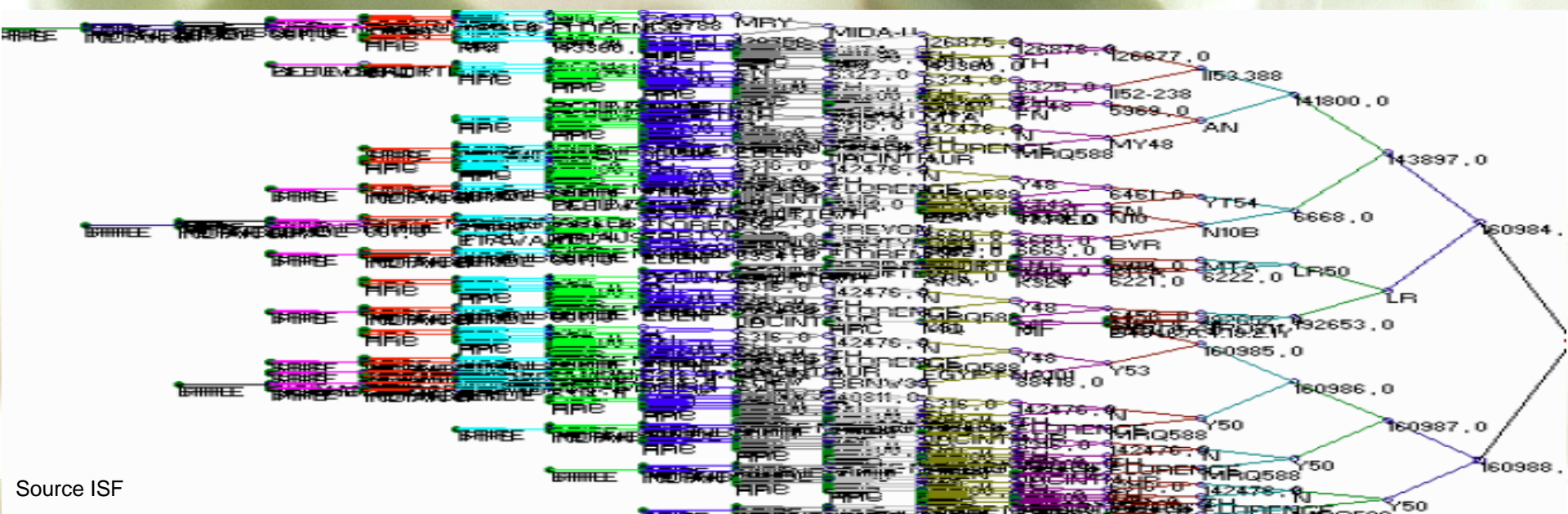


The political context of PGR conservation; CBD, ITPGRFA, ABS and other acronyms

Anke van den Hurk, April 2011



Sovereignty on plant genetic resources

- Convention on Biological Diversity (CBD, 1994)
 - Conservation
 - Sustainable use
 - Access and Benefit Sharing (ABS)
 - Article 15 sets the rules for ABS for countries
 - Bonn guidelines (2002)
 - » **Nagoya Protocol on Access and benefit sharing (2010)**
 - Prior informed consent (PIC) and mutually agreed terms (MAT)
 - Checkpoint, certificate of compliance
 - Global Multilateral Benefit Sharing mechanism (?)
 - ?

Adaptation International Undertaking

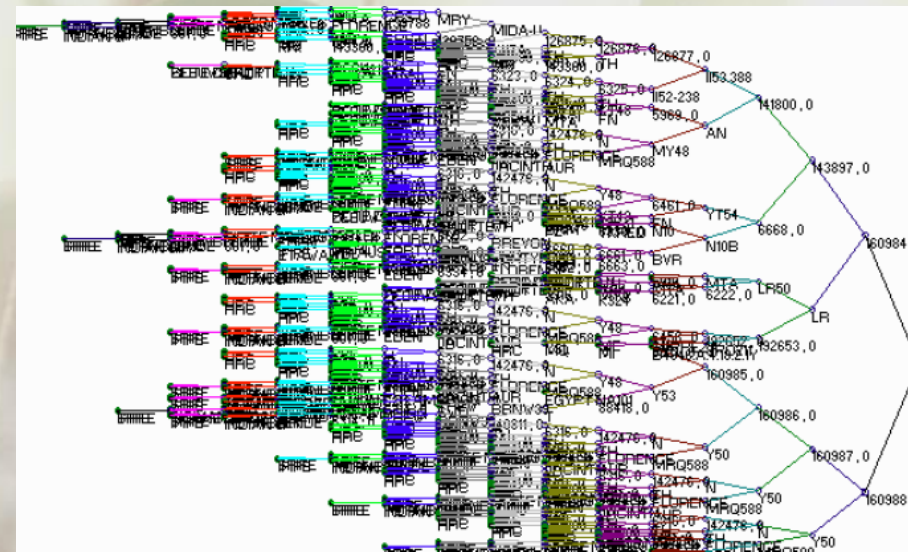
- International Undertaking (1983)
 - Common heritage
- International Treaty On Plant Genetic resources for Food and Agriculture (IT PGRFA, 2004)
 - Conservation
 - Sustainable Use
 - Access and Benefit Sharing
 - Article 12 and 13; multilateral system
 - **Standard Material Transfer Agreement (SMTA, 2006)**

Plant breeding and genetic resources

From genetic resource to genetic resource

Direct use

- Recombination
 - Modern varieties } 90-95%
 - Research materials } 5-10%
 - Landraces
 - Wild relatives



Source ISF

Indirect use

- Plants/Varieties as test plants for comparison
- Pathogens to check for resistances
- Pollinators for seed production

Role plant breeding sector in negotiations

- Explanation of the plant breeding sector
- Explanation on feasibility of text proposals for the plant breeding sector
- Provision of position papers
- Contribution of text proposals
- Breakthrough in the IT PGRFA with differentiation breeders' right and patent
- Large input in negotiations on SMTA

Consequences international conventions for plant breeding sector (1)

- Exchange of genetic have decreased
 - Breeders' exemption (continued use)
 - SMTA (some transactions, mainly from genebanks from developed countries)
 - PIC and MAT (few transactions, more negative experiences)
- Decrease of genetic base for plant breeding (?)

Consequences international conventions for plant breeding sector (2)

- More administration, time consuming and costs
- Lack of legal certainty CBD
 - Definition on country of origin is unclear
 - Mix with centre of origin
 - Intrinsic value; who can create that
 - National focal points and competent authorities
 - Checkpoints and certificates of origin
 - Limited national implementation of rules and regulation on ABS

Consequences international conventions for plant breeding sector (3)

- Lack of legal certainty IT PGRFA
 - System only available for Annex1 crops
 - Rules and regulation on non-Annex1 crops unclear
 - Limited national implementation and enclosure of genetic resources in the multilateral system

National implementation limited (2)

- Expectations high, but variable
 - Commercial license; 'eternal patent'
 - Agreement to cover conservation costs
 - Expectation bilateral higher than multilateral (?)
 - Non-monetary benefit sharing
- Capacity building needed (?)

Plant breeding sector continues benefit sharing

- Development of new varieties adapted to farmers' and consumers' needs
- Make available new varieties through breeders' exemption
- Support to national genebanks
 - Characterization and evaluation
 - Multiplication
 - Collecting missions
- Voluntary contributions
 - Global Crop Diversity trust
 - Interesting genebanks in exchange of material
- Development projects

Do the conventions fulfill their needs?

- When does the need for further tools and capacity building stop?
- When is negotiation phase really going over in the implementation phase?
- Is biodiversity not mixed with poverty alleviation?
- Does ABS support or undermine other objectives of the conventions?
- Is it time for a convention on poverty alleviation and move on with conservation and sustainable use of biodiversity?