The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was adopted by the members of the Food and Agriculture Organization of the United Nations (FAO) in 2001 and entered into force in July 2004. It recognises that farmers worldwide play a leading part in the conservation of agricultural diversity - a diversity which is essential if agriculture is to adapt to climate change and the food supply of the human race is to be secured. Available plant genetic resources form the basis for the breeding of new plant varieties both commercially and non-commercially.

To date the Treaty has been signed by 116 countries and the European Union. It commits contracting states to conservation of their plant genetic resources for nutrition and agriculture, sustainable use of these resources, and equitable sharing of the benefits arising from their use through information exchange, technology transfer and capacity building in the developing countries. The ITPGRFA is thus in harmony with the Convention on Biological Diversity (CBD), which gives sovereign states the right to utilise their biological resources and regulate access to them by law. ITPGRFA implementation is supported and monitored in the individual signatory states by a Governing Body made up of representatives of all the contracting states.

The Multilateral System

The Multilateral System is at the heart of the ITPGRFA. It covers 35 food crops and 29 forages, which are listed in Annex 1 of the Treaty and which "are under the management and control of the Contracting Parties and in the public domain". It also includes the ex-situ collections in the gene banks of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR) and other international institutions which have established relevant agreements with the Governing Body of the ITPGRFA. The Multilateral System is also open to other partners from the signatory states, including natural and legal persons.

The purpose of the Multilateral System is to facilitate access to plant genetic resources for research and breeding although only in relation to food security. It covers the free distribution, propagation and breeding of such material. The use of genetic resources for other purposes (chemical, pharmaceutical, industrial) is not permitted. The selected crops and forages account for 80 % of world nutrition. They are represented by more than 600,000 varieties to which researchers and
breeders currently have access to. Enlargement of the list, for example to include soya or other plants, is technically possible at any time but is not currently being considered.

The precise conditions of access to the genetic resources of the plants covered by the Multilateral System are governed by the Standard Material Transfer Agreement (SMTA).

The exchange of plant genetic material under SMTA conditions has increased enormously since the ITPGRFA entered into force. 100,000 samples of plant genetic material were distributed under the terms of the SMTA in the nine months following its introduction. Critics point out, however, that this success should not be allowed to conceal the fact that so far the majority of Material Transfer Agreements take place within the CGIAR system. Nevertheless, an increasing number of national gene banks are becoming involved, and in Europe Germany has joined the Netherlands in being among the first countries to promote this. The German Leibniz Institute of Plant Genetics and Crop Plant Research (IPK) in Gatersleben and the German National Fruit Genebank (Julius Kühn Institute) make more than 100,000 gene bank samples available under the terms of the Multilateral System.

The Ad Hoc Open-ended Working Group on Access and Benefit-Sharing of the CBD regards the Standard Material Transfer Agreement as being so successful that at its meeting in January 2008 the group decided to consider setting up a similar system for natural resources.

### Farmers’ Rights and their implementation

Alongside the Multilateral System, Farmers’ Rights represent the second core element of the ITPGRFA. However, the Treaty does not define these rights in detail; it merely sets out in Article 9.2 the measures that should be taken by the governments of the contracting states to protect and promote these rights. The most important points are the protection of traditional knowledge, the right to equitably participate in sharing benefits arising from the utilisation of plant genetic resources for food and agriculture, and the right to participate in making decisions, at national level, on matters relating to the conservation and sustainable use of these resources.

The ITPGRFA is the first international agreement to recognise Farmers’ Rights with binding force. Responsibility for implementation lies with national governments (see issue paper “Farmers’ Rights and Agrobiodiversity”). Implementation is monitored by the international Farmers’ Rights Project, which is based at the Fridtjof Nansen Institute and supported by the Norwegian Ministry of Agriculture and Foreign Ministry, by the Development Fund, a Norwegian NGO, and by GTZ acting on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ). The project also has the task of drawing up recommendations for the further implementation of Farmers’ Rights. An electronic information platform on Farmers’ Rights (www.farmersrights.org) was launched during the Conference of the Parties to the CBD in May 2008.

Implementation of Farmers’ Rights in the contracting states has now commenced. However, the project’s first interim report (2006) reveals that, while many countries have enshrined the protection of traditional farmers’ knowledge in their legislation, other concrete measures have not been taken. The report states that, despite the existence of a large number of Standard Material Transfer Agreements, monetary benefit sharing exists only on paper, although some developing countries have adapted their legislation in this area. For benefit sharing does not become effective until marketable prod-

![Plant breeding by small farmers conserves diversity; knowledge that has been passed down through the generations is further developed.](Photo: GTZ)
The International Treaty enables women farmers to exercise their rights in their work with local varieties.

Photo: Johannes Kotschi

products are developed from the shared resources, a process which takes at least ten years if plant breeding is involved.

With regard to non-monetary benefit sharing the situation is more favourable. Successes quoted include access to seed, plant material and relevant information; better cooperation between farmers and plant breeders; improvement of farmers’ seed systems; more and better facilities for storing seed, for example in local seed banks; and greater use and sale of traditional varieties. (For more information on this topic see issue papers on promoting the diversity of useful plants and animal breeds through: “Argan trees in Morocco”, “Potatoes in the Andes”, “Cocoa from Ecuador”, “Stevia”, “Tourism.”)

In September 2007 an international conference on Farmers’ Rights took place in Lusaka, Zambia. The outcomes of this meeting together with those of the Farmers’ Rights project provided an important basis for the resolution on Farmers’ Rights adopted by the Governing Body of the ITPGRFA in 2007. The resolution encourages countries to submit their views and experience on the implementation of Farmers’ Rights. The resolution further confirms that the Governing Body will continue to include farmers’ organisations in its work.

Despite the progress on implementation, many farmers and NGOs view the ITPGRFA very critically and call for it to be suspended until the member states comply with its minimum requirements, particularly those relating to money. They take issue with the fact that, while the Treaty facilitates access for users – including the seed industry – it fails to provide farmers with the legal and political support that they need to maintain their traditional breeding and plant-growing practices. The FAO estimates that implementation of the ITPGRFA requires funds totalling up to 400 million USD, which at present are simply not available.

Funding and the role of the Global Crop Diversity Trust

The Global Crop Diversity Trust plays an important part in implementation of the ITPGRFA. The Global Crop Diversity Trust is an independent foundation located at the FAO in Rome; its purpose is the conservation of agricultural biodiversity. The Trust is funded by public and private donors, who provide funds at a level never before available for the conservation of agrobiodiversity. The Crop Trust has currently raised about 40% of its target endowment of 260 million USD.

Activities supported by the Trust include in particular the conservation of collections of plant genetic material of global importance (for example in gene banks or in vivo collections), training, and information systems such as databases, the documentation of collections and information-sharing via networks. The Trust’s funding guidelines are contained in regional strategies and strategies for individual plant species. Projects are not supported unless they meet these guidelines. Cooperation between the Global Crop Diversity Trust and the ITPGRFA was agreed in 2006.

Next steps

Much remains to be done to achieve full implementation of the ITPGRFA. The next steps are:

Seed storage by small farmers plays an important role in the conservation of agricultural resources. This must be scaled up in the future.

Photo: Johannes Kotschi
Funding
The parties must agree on a fair and reliable division of funding. The Secretariat of the ITPGRFA is dependent for its funding on voluntary contributions of the contracting states, which are currently very reluctant to provide the money.

Conserving

Building capacity
The implementation of Farmers’ Rights and the Multilateral System cannot be achieved without additional capacity building in the contracting states. The following questions need to be resolved:
- How can rural development be promoted in such a way that farmers can continue to use and develop their traditional seeds?
- What is the relationship at national and international level between farmers’ traditional seed systems and modern seed legislation? How can farmers be helped to continue functioning as “conservers and developers” of agricultural biodiversity?

Further information:
- International treaty on plant genetic resources for food and agriculture: www.planttreaty.org
- Farmers’ Rights Project: www.farmersrights.org
- German Federal Ministry of Food, Agriculture and Consumer Protection (Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz): www.bmelv.de
- GRAIN (2005): The FAO seed treaty: from farmers’ rights to breeders’ privileges. GRAIN, Seedling, October 2005. http://www.grain.org/seedling/?id=411