

COMMISSION ON
GENETIC RESOURCES
FOR FOOD AND
AGRICULTURE



Access and benefit-sharing for different subsectors of genetic resources for food and agriculture: CGRFA developments

ABS informal EU Expert Meeting
Advancing together on Nagoya Protocol implementation

Rome, 4-5 September 2014

Dan Leskien

Commission on Genetic Resources for Food and Agriculture (CGRFA)
Food and Agriculture Organization of the United Nations (FAO)



Commission (CGRFA)

- **Statutory body of FAO**
- **Established in 1983 to deal with PGRFA**
- **Mandate covers *all* GRFA since 1995**
- **177 member countries + EU**
- **Permanent forum specifically addressing biodiversity for food and agriculture**
- **Strategic Plan 2014-2023**
- **Major achievements: SoW reports; GPA; ITPGRFA**



Background (I)

- FAO 1983** **International Undertaking on Plant Genetic Resources**
- 1992** **Convention on Biological Diversity**
“Left-overs”: ex situ collections/ Farmers’ Rights
- FAO 2001** **International Treaty on Plant Genetic Resources for Food and Agriculture: Multilateral system of access and benefit-sharing**
- CGRFA 2004** **FAO and CGRFA contribute to work on ABS**
- 2007** **Importance to consider ABS for all GRFA**



Background (II)

CGRFA 2009	Consideration of ABS arrangements (sub-sectoral studies) FAO Conference Resolution 18/2009
CBD 2010	Nagoya Protocol
CGRFA 2011	Ad Hoc Technical Working Group on ABS for GRFA Longyearbyen (Svalbard), Norway
CGRFA 2013	Team of Technical and Legal Experts on ABS/ WG meetings: <i>Draft Elements to Facilitate Domestic Implementation of ABS for Different Subsectors of GRFA (TTLE ABS-1/ TTLE ABS-2: 2014)</i>
ITPGRFA 2013	OWG-EFMLS



Special Nature of agricultural biodiversity

"the special nature of agricultural biodiversity, its distinctive features, and problems needing distinctive solutions" (COP decision V/5, Appendix)

- Essential to satisfy **basic human needs** for food and livelihood security
- **Shaped and developed through human activities** and practices over generations (farmer communities play key role/ local and traditional knowledge are integral part of agricultural biodiversity management)
- Because of **human management**, conservation is inherently linked to sustainable use
- Many farming systems are based on alien crops introduced from elsewhere ("high degree of **interdependence between countries** for GRFA")
- Interaction between environment, genetic resources and management practices *in situ* contributes to maintaining a **dynamic portfolio of agricultural biodiversity**

For further reading: CGRFA-14/13/Report, Appendix E



National ABS measures and GRFA

- Absence of **special provisions for GRFA**
- Few ABS laws **distinguish between GRFA and other uses** of genetic resources.
- **Special provisions on non-commercial/ research** activities will often not apply to breeding
- ABS laws are often **more restrictive** than plant variety protection/ patent laws (no exemptions for private use, research, breeding; no time-limit)
- **Lack of involvement of food and agriculture authorities** in ABS decision-making
- Lack of special provisions for **exchange of GRFA among farmers**

For further reading: Nijar et al. BSP No. 42 (2009)



Nagoya Protocol and GRFA

- NP recognizes: special nature of agricultural biodiversity; interdependence of countries; role of ITPGRFA and CGRFA
- NP requires Parties to consider the importance of GRFA and their special role for food security (Article 8.c)
- NP addresses relationship with “specialized international ABS instruments” (Article 4.4)
- NP encourages development, update and use of model contractual clauses for MAT; voluntary codes of conduct; guidelines and best practices and/or standards in relation to ABS



Draft Elements

- Voluntary tools to assist national governments, not new international access and benefit-sharing instruments
 - Considerations for developing, adapting and implementing ABS for GRFA
 - ABS for GRFA: Legal background
 - Rationale of ABS measures for GRFA
 - Specific draft elements:
 1. Institutional arrangements
 2. Access to GRFA and associated traditional knowledge
 3. Fair and equitable sharing of benefits
 4. Awareness-raising and capacity-building
 5. Monitoring and compliance



Challenges - GRFA

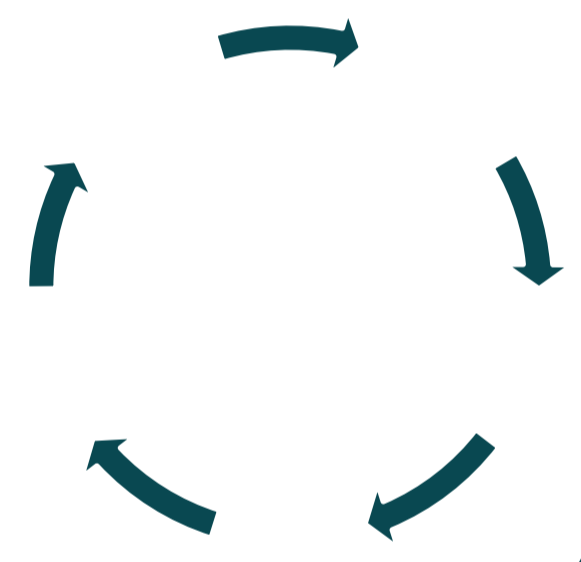
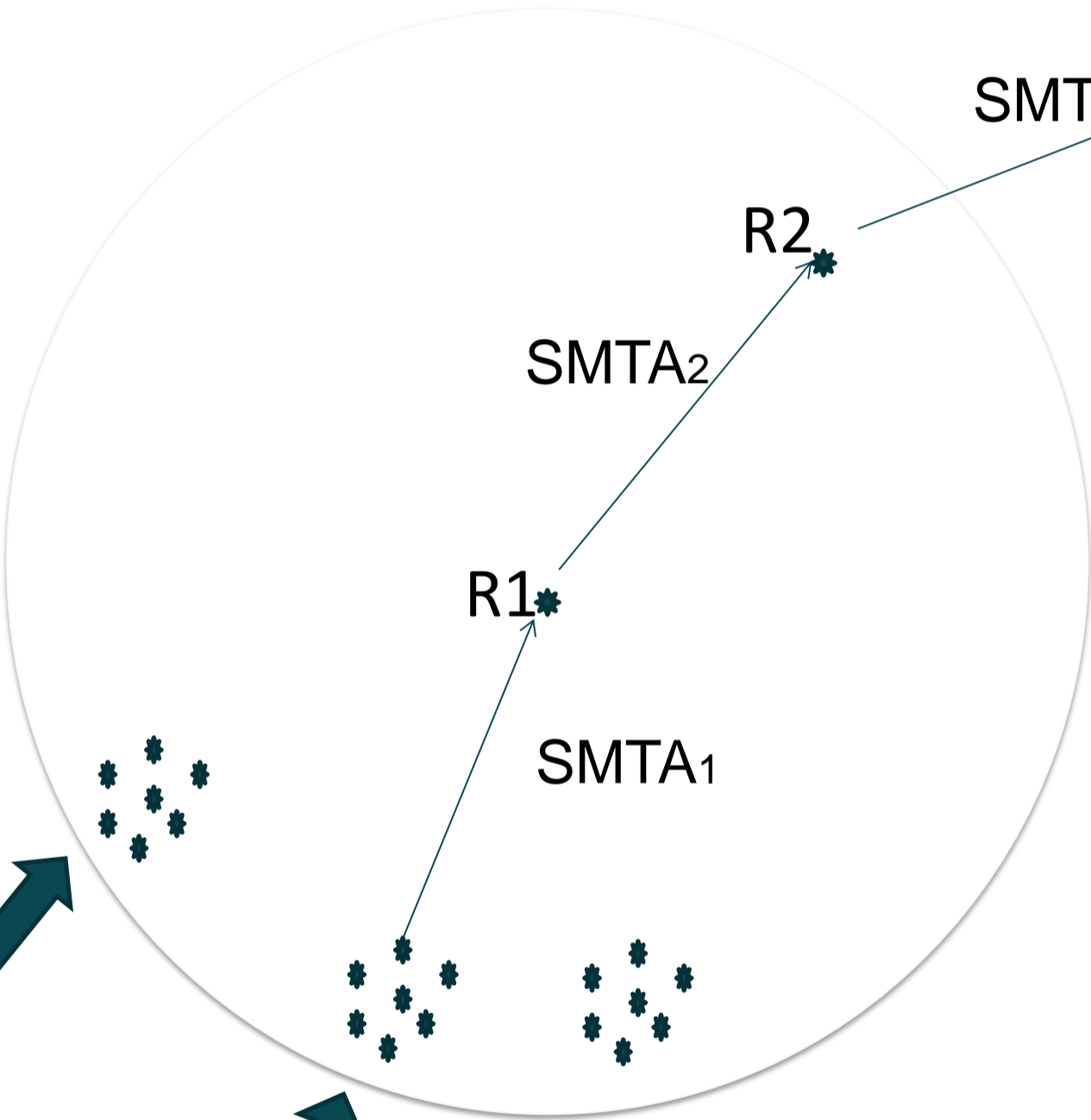
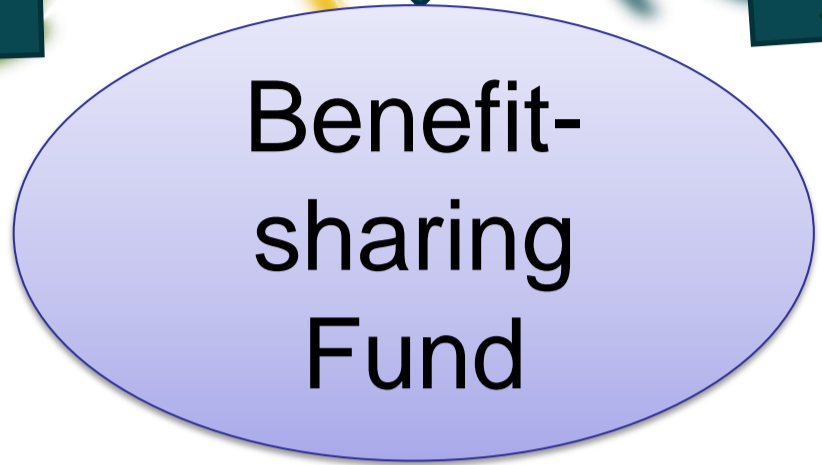
- **Temporal scope (incl. status of new uses of GR)**
- **“Utilization” (selection by farmers; provenance trials; genetic improvement through selection, domestication through fish farming)**
- **Entitlement to benefits (“distinctive properties”; “country of origin”; dependency/ reach through of sovereignty claims)**
- **Compliance measures and ‘provider countries’**



OWG-EFMLS

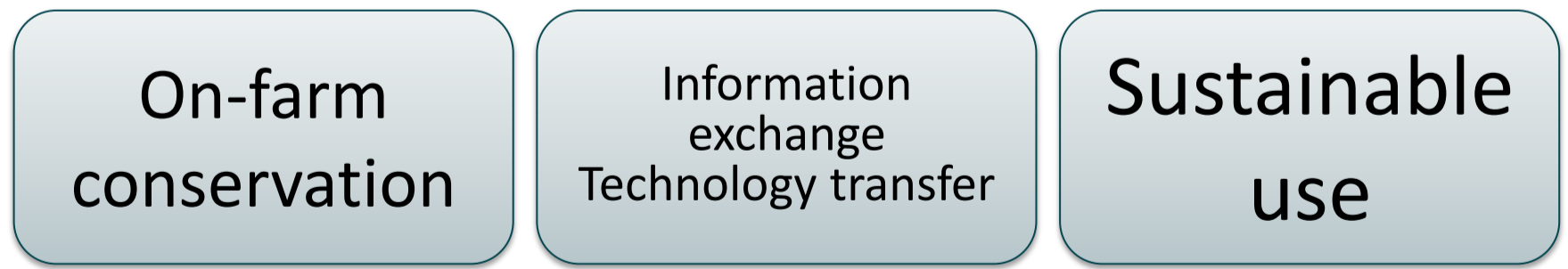
Voluntary contributions CP Private sector Others

1,1% of sales (-30%)/
or: voluntary



Priorities
Criteria
Operational Procedures

Priority:
Farmers in Developing
Countries who conserve and
sustainably use PGRGFA





Conclusions

- Outcome of discussions on *Draft Elements* remains to be seen
- TTLE-ABS-2: 27-30 November 2014; CGRFA-15: 19-23 January 2015
- Draft Elements will be “**voluntary tools to assist national governments, not new international access and benefit-sharing instruments**”
- Draft Elements will be “**work in progress**” to be reviewed on improving-by-implementing basis