ITDG

PRACTICAL ANSWERS
TO POVERTY

The Rt Hon Margaret Beckett, MP
Secretary of State for the Environment, Food and Rural Affairs
London

29 October 2001

Dear Ms Beckett

Re: **FAO Conference and the International Undertaking on Plant Genetic Resources for Food and Agriculture**

You may recall that I wrote to you on 11 June concerning the negotiations on the International Undertaking on Plant Genetic Resources for Food and Agriculture. This treaty is likely to be agreed at the forthcoming Conference of the UN Food and Agriculture Organisation, and may become a Convention.

Together with 400 farmers' networks, NGOs and other civil society groupings from around the world, ITDG has argued throughout the negotiations for a treaty that is fair, equitable and comprehensive.

ITDG has led a number of NGO meetings with the UK's negotiator, under the auspices of the UK Food Group/ UK*abc*, and has been grateful for his attention to our concerns. We are conscious that you and your ministers have been especially interested in this Treaty and whether it is just and provides real benefits to poor farmers in developing countries.

As the FAO Conference begins, there are serious weaknesses in the text which we fear will severely undermine the fairness and effectiveness of new multilateral system for governing these life-sustaining resources.

These weaknesses concern

- limits to intellectual property rights (IPRs)
- the relationship of the IU with the WTO and other international agreements
- the list of crops and forages to be included in the new syste
- and consensus decision-making by the proposed Governing Body,

However, our interpretation of the clauses relating to IPRs, especially in Article 13.3 (d) where text remains bracketed pending the outcome of the FAO Conference, strongly differs from that of your department. The current text reads:

"Recipients shall not claim any intellectual property or other rights that limit facilitated access to the plant genetic resources for food and agriculture, [or their genetic parts or components,] [in the form] received from the Multilateral System;"

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These clauses are ambiguous and will require interpretation by the Governing Body, leading to potential conflict and an inability to provide clear governance. Leaving both bracketed clauses intact carries the danger of the genes and genetic materials being ***excluded*** from a treaty to protect genetic resources.

In the opinion of ITDG and other civil society organisations, the removal of the three bracketed words "in the form" before the word "received" would clarify this treaty's aim to keep PGRFA in the public domain, accessible to all who need the resources, including researchers, industry and farmers.

As a related point, the definitions of PGRFA and of 'genetic materials' would also require further clarification to specify that not only the original seeds collected from farmers' fields, but also their genes and genetic components, are within the treaty's scope.

On other outstanding issues, we welcome the EU's intention to insist that the IU is harmonised with the Convention on Biological Diversity, and not subordinated to the WTO. We would also welcome a vigorous diplomatic campaign at the Conference by the EU and its members governments to persuade those individual developing countries who are reluctant to place vital crops on the list to do so.

Although the proposed treaty is weak and potentially damaging to developing country farmers' interests, we would ,on balance, (taking into account the delicate political role of FAO) support its conclusion and ratification, in principle and subject to the final text changes.

A treaty that will keep PGRFA in the public domain, recognise and reward farmers contribution and Farmers' Rights, protect international gene banks, facilitate implementation of the Global Plan of Action on PGRFA and provide a political space for PGRFA governance is potentially a contribution to sustainable development, farmers' livelihoods and food security.

We hope that you will support our suggested amendments so that negotiations around the International Undertaking result in a fair, equitable and comprehensive treaty.

Yours sincerely,

Cowan Coventry

Cowan Coventry
Chief Executive

cc: The Rt Hon Michael Meacher, MP
Martin Smith (DEFRA)
Linda Brown (DFID)