GOVERNING GENETIC RESOURCES

Since the IU was first agreed on voluntaristically in 1981, all the rules on intellectual property, trade, access, and benefit sharing have been rewritten and new agreements on conservation and sustainable use have been ratified.

The original IU was agreed before the first Life Patent was awarded and before the WTO was even discussed. Genetic engineering was in its infancy.

Later still, after the 1996 landmark agreement in Leipzig on a Global Plan of Action on FGRPA, related CBD and FAO Conference decisions, the alarming spread of genetically modified crops, the debate of the WTO Ministerial meeting in Seattle and the successful agreement of the Biosafety Protocol, the IU entered its final and decisive stages of negotiation. It is unsurprising that these negotiations have been difficult, given the turbulent context in which they have been conducted.

It is now important to ensure that the IU reflects agreements negotiated elsewhere, for example in the Biosafety Protocol, to ensure that it is not subordinate to other agreements in general and the WTO in particular.

DEMANDS OF CIVIL SOCIETY ORGANISATIONS (CSOs)

- Some governments still need to be convinced that the free access to and exchange of genetic resources is a key to food security and food sovereignty.
- The International Undertaking on Plant Genetic Resources (IU), though not perfect, should be adopted by FAO Conference in November as planned.
- The IU should be equitable - it should deliver benefits to farmers in developing countries. Mandatory payments and the financial mechanism should be implemented, so that farmers receive benefits that are commensurate with the benefits humankind derives from the use of plant genetic resources for food and agriculture. These funds will also serve to implement the Leipzig Global Plan of Action to save agricultural biodiversity.
- The IU should be comprehensive - i.e., it should contain a full list of the crops and forages that are vital for food security. Also, public agricultural research on these resources, proportional to the massive benefits rich people get from food.
- The IU should be fair - a level playing field on access rules without any threat of privatisation and biopiracy. No IPRs should be allowed on agricultural crops or forage. The IU should ensure guaranteed access to the genetic resources for food and agriculture required by farmers and Breeders.
- The IU should be sustainable - it must ensure that the IU reflects agreements negotiated elsewhere, for example in the Biosafety Protocol, to ensure that it is not subordinate to other agreements in general and the WTO in particular.

Later still could decisively strengthen the IU. Success or failure to adopt a fair, equitable and comprehensive IU will swing back full circle on the world’s agricultural biodiversity. Mandatory payments and the financial mechanism should be implemented, so that farmers receive benefits that are commensurate with the benefits humankind derives from the use of plant genetic resources for food and agriculture. These funds will also serve to implement the Leipzig Global Plan of Action to save agricultural biodiversity.

The challenge for governments is simply whether the world’s agricultural biodiversity is to be nurtured to provide profit for a few or food for all. The IU, while not perfect, could provide the start of an answer, and the World Food Summit, although potentially distracted by development targets, biotechnology and food aid, could be the medium to convey this good news.
The International Undertaking on Plant Genetic Resources (IU) covers major food crops and forages. It aims to ensure the conservation, sustainable use and ‘free flow’ of the genetic resources of these crops and forages, and when they are used commercially, that farmers in developing countries receive a fair share of the benefits.

A Multilateral System is foreseen in which a list of food and feed crops is freely accessible to the countries that sign the treaty. A governing body will oversee the International Undertaking, and a financial mechanism will ensure its working.

The IU is due to be adopted by the FAO Conference in November 2001; however, it will be adopted only if the following three decisive issues can be resolved in time:

- Whether genetic resources for food and feed covered by the IU are excluded from International Property Rights (IPRs) restricting access, like patenting, keeping the resources in the public domain, and facilitating access to these resources for present and future generations;
- Ensure the implementation of Farmers’ Rights - that farmers, especially the world’s smallholder farmers on whom the food security of billions of people rests, can save, use, exchange and sell seeds and other propagating materials; and
- Ensure farmers receive a reasonable share of the benefits from the commercial use of these resources.

The IU is the only international agreement with the objectives to:

- Protect the rapidly eroding genetic resources which underpin global food security, and encourage their sustainable use;
- Put pressure on governments to keep these genetic resources in the public domain, and facilitate access to these resources for present and future generations;
- Ensure the implementation of Farmers’ Rights - that farmers, especially the world’s smallholder farmers on whom the food security of billions of people rests, can save, use, exchange and sell seeds and other propagating materials; and
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The relationship between the IU and other international agreements, most notably the World Trade Organization (WTO) agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), is another area of concern. The WTO TRIPs agreement restricts access to genetic resources, and the IU presently only covers a list of 35 food crops and 29 forages. The IU would be an empty treaty if it is not agreed in November.

The IU presently only covers a list of 35 food crops and 29 forages. These represent a too small proportion of the 105 food crops of importance to food security, the many others that have nutritional significance and some 18,000 forages of value to food and agriculture. This list is important not only for food security, per se, but also to ensure that international public research as well as gene banks can continue to work on these crops and continue to gain access to the wild relatives of these crops. Not being on the IU list gives a signal that this crop or species is unimportant to food security and research on the crops will cease. High-level bilateral and inter-regional negotiations need to press for more inclusions in the list of crops and forages or else the IU will be an empty treaty and it will not be agreed in November.


don't empty the treaty

Wild West wheeling-and-dealing: Some developing countries rich in genetic resources, especially Brazil, prefer bilateral deals, within the scope of the CBD, to ensure farmers receive a reasonable share of the benefits from the commercial use of plant genetic resources for food and agriculture from IPR systems, than the WTO TRIPs agreement that protects inventions for the private interest.