

A Call for Action on the International Undertaking on Plant Genetic Resources

The negotiations on the International Undertaking on Plant Genetic Resources (IU) are at a critical stage and need extra efforts to ensure they are completed in time for presentation to CBD/COP 6.

As public awareness of the implication of patents, corporate ownership of living organisms and genetic engineering becomes more sophisticated, the paradigm offered by the IU promises to be both inspirational and popular. It should be championed as a first, fundamental and practical step for a positive and more equitable system for sustaining life on this planet.

We would urge you to interest those working on TRIPs and GE issues to make the links with the IU negotiations, emphasising its importance for sustainable agriculture and as a model for keeping genetic resources in the public domain.

If we want to defend farmers' interests and follow through our commitments made over the last two decades, not least in the 1996 NGO lobbies in Leipzig and elsewhere which promoted Farmers' Rights, we have to work in favour of the rapid conclusion of the negotiations on the IU and its presentation as a legally-binding instrument to the CBD at its next Conference (COP 6) in 2002.

A lot of pressure must be brought to bear on governments to complete negotiations of an effective IU during the next twelve months. This will build on statements made by NGOs to governments at both the Global Forum on Agricultural Research (GFAR), Dresden and the 5th Conference of the Parties to the Convention on Biological Diversity (CBD/COP 5) in Nairobi in May 2000¹. See "Seeds for All" an NGO Position Paper on the International Undertaking developed at these meetings. Farmers' organisations, research institutions and NGOs worldwide should work together to raise the political profile of the IU, to inform the media and to build up pressure for an effective and legally-binding IU.

A public campaign for an International Undertaking is needed

The International Undertaking is the principal international agreement that could:

- protect the rapidly eroding genetic resources which underpin global food security
- recognise the ongoing contributions of farmers and provide incentives
- keep PGRFA and the genes in them in the public domain, not permitting either patents or other IPRs such as UPOV convention on these resources. An IU defined in this way will be in harmony with the CBD and will respond to the demands of southern countries for the revision of the World Trade Organization's agreement on Trade Related aspects of Intellectual Property Rights (WTO/TRIPs) Article 27.3(b) to include widening of the scope of exclusions from patentability to cover all life forms (and their components) and for a *sui generis* system in which the conservation and sustainable use of biological diversity and the promotion of Farmers' Rights are fully taken into account.

The IU is the world's best hope for providing protection for these vital resources against the spread of unsustainable agricultural technologies and practices. These pose a major threat to genetic resources for food and agriculture and the wider environment. The increasingly powerful trans-national 'Life Industry' is making multi-billion investments in these technologies and inputs including genetic modification and is able to protect their investments through patents and Plant Variety Protection. The IU would go some way towards helping to protect PGRFA from this corporate threat.

¹The NGOs and Farmers' Organisations that participated in the Global Forum on Agricultural Research (GFAR), held in Dresden in May, adopted a statement which called, among other things, for '*the immediate completion of the International Undertaking*', taking into account '*the contributions to the world's food system and the research needs of farming communities*'.

At about the same time, NGOs coordinating their action in the CBD/COP 5 in Nairobi issued similar calls "*The Parties to the Convention must send a strong message to FAO to rapidly complete the harmonisation of the International Undertaking on Plant Genetic Resources with this Convention to include forceful Articles on Farmers' Rights; a multilateral system of Access, outlawing proprietary ownership through patents and Plant Variety Protection of all designated materials and the genes they contain; and Benefit Sharing related to end use i.e. food security.*"

If we want an effective International Undertaking there is a lot of work to do to convince governments that a rapid conclusion of these negotiations is necessary, that Farmers' Rights must be recognised and that tangible and real benefits must be provided back to farmers so that their work in developing and sustaining these resources will continue.

Farmers, research institutions and NGOs worldwide should work together to make the IU a topic of public concern, to inform the media in order to build up political pressure for an effective IU.

While the IU's capacity to be a functioning part of international initiatives for defending plant genetic resources for food and agriculture and farmer practices, it will depend on the political and economic support of richer nations (defined by both their financial and germplasm reserves). The embodiment of the IU's principles within the context of the CBD will greatly enhance the exploration of innovative models of democratic and practical resource sharing.

The inclusion of these principles in the CBD will encourage a broader approach to sustaining agricultural biodiversity outside of the constraints of outmoded, commercial laws on IPR, which are based on, and more suited to, mechanical concepts of invention.

An International Undertaking, in harmony with the CBD would ensure:

- Multilateral access to these genetic resources for current and future generations, outlawing Intellectual Property claims on any of the material, the genes they contain or knowledge in the system;
- Benefits are linked to the commercial use of the resources for:
 - Plant breeding - to produce seeds and other propagating material that will enhance food security
 - Food - some contribution directly or indirectly from consumers to reflect the contribution that PGRFA has made to the food they eat
- Benefits to farmers are commensurate with and compensate them for their historical contribution to developing the resources for global food security
- Farmers' Rights to save, use, exchange and sell seeds and other propagating material and, in the case of seeds and other material restricted by national law, the right to sell them in their customary manner and markets;
- Committed financing for the IU and for associated programmes such as the Leipzig Global Plan of Action.

We must convince all governments that it is in everyone's interests to complete the IU negotiations

Proposed Actions:

We invite NGOs, Farmers institutions and other Civil Society Organisations to:

- Adopt the Position Paper "Seeds for All"
- Circulate this Call to Action, the Position Paper "Seeds for All" and related information (e.g. GRAIN paper on the IU) to other interested NGOs
- Lobby both Agriculture and Environment Ministers to support the points raised in the Position Paper and urging them to find sufficient funds to enable rapid completion of the negotiations within a timeframe that allows its adoption by CBD/COP 6 (for detailed demands see: "Seeds for All" - A Position Paper on the International Undertaking)
- Follow the negotiations of the FAO/CGRFA and publicise these through email and websites in order to identify where pressure needs to be brought to bear
- Interest media in the importance of the IU, as a countervailing force to Patenting and GE, for protecting these resources for food security.

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Also see: <<http://www.ukabc.org/iu2.htm>>; <www.evb.ch/bd/food.htm> and <www.grain.org>.