U.S ratification of the FAO International Treaty (IT) on Plant Genetic Resources for Food and Agriculture: what it means for you

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Background for FAO International Treaty (IT) on Plant Genetic Resources for Food and Agriculture

The IT, a legally-binding Treaty under the UN Food and Agriculture Organization (FAO), has these objectives:

• the conservation and sustainable use of PGRFA (Plant Genetic Resources for Food and Agriculture) and

• the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.
Background for the IT

• 130+ nations are Parties. The U. S. (Pres. G. W. Bush) signed in 2002; the U. S. Senate passed a Resolution of Advice and Consent on 28 September 2016.

• The U. S. will become an IT Party 90 days after deposit of its instrument of ratification at FAO in Rome—sometime in the near future.
Background for the IT

Nations have sovereign rights over “their” PGRFA and in exercise of those rights Parties agree to:

• Establish a Multi-Lateral System (MLS) for facilitated access to, and benefit-sharing of, certain PGRFA for utilization and conservation for research, breeding and training. These improve food security.

• Establish provisions for PGRFA in International Agricultural Research Centers (IARCs, e.g., CIMMYT, IRRI).
Background for the IT

The IT covers all PGRFA. But the MLS includes:

• PGRFA of 64 food and feed crops key to food security; more crops may be included in the future. See http://www.fao.org/3/a-i0510e.pdf for the list in Annex 1: includes maize, sorghum--not soybean.

• Under the management and control of national governments (e.g., US National Plant Germplasm System), in the public domain; or held by IARCs; or

• Made available voluntarily by private entities.
Background for the IT

Benefit-sharing under the IT:

• In a broad sense, benefit-sharing under the IT will come from the conservation of PGRFA and their availability for research and breeding.

• In a narrow sense, benefit-sharing will flow from individual PGRFA transactions via the Standard Material Transfer Agreement (SMTA) which details obligations of recipients and providers.
Background for the IT

Benefit-sharing under the IT:

• Funds generated by or donated to the IT do not flow back directly to the country of origin for the PGRFA: they go to a benefit-sharing fund that invests in projects to support farmers in developing countries who conserve crop diversity, and to assist farmers globally.

• Information exchange, access to technology, and capacity-building are other important benefits to be shared.
Background for the IT

Germplasm access and exchange under the MLS are via the SMTA, which includes conditions for end use (excludes non-food and non-feed), conservation, and benefit-sharing upon commercialization. See http://www.fao.org/3/a-bc083e.pdf for the SMTA text.
The USDA National Plant Germplasm System (NPGS) will need to undertake certain tasks including reporting, information-sharing and curation, but it is already doing nearly all of those. No new legislation is needed. Non-U.S. government public and private-sector PGRFA owners and users would incur no obligations.
Effects of the US becoming an IT Party

As a Party, the US government can more effectively represent US germplasm users at the IT’s Governing Body, advance US priorities and interests, and strive to improve some aspects of the IT and the SMTA.
Effects of the US becoming an IT Party

• U.S. PGRFA users, both public and private-sector, will have guaranteed access to PGRFA from other Parties and IARCs.

• Access will be granted according to the standardized terms of the SMTA; no additional negotiations needed.
Effects of the US becoming an IT Party

• U.S. government will provide access to Annex 1 NPGS PGRFA to non-U.S. users accompanied by the SMTA.

• Terms of access to NPGS PGRFA acquired without an SMTA would not change for U.S. users.

• Does not affect use of PGRFA acquired pre-IT, nor domestic U.S. PGRFA exchange.
Current access to PGRFA in the NPGS

PGRFA acquired and maintained **without** an SMTA

Distributed **without** an SMTA

PGRFA acquired and maintained **with** an SMTA

Distributed **with** an SMTA
Access for US requestors to PGRFA in the NPGS in the future

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Access for **non-U.S. requestors to PGRFA in the NPGS in the future**

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