

Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture: Matters for National Legislation

El Tahir Ibrahim Mohamed
Plant Genetic Resources Unit,
Agricultural Research Corporation, Wad Medani, Sudan
E. Mail: eltahir81@yahoo.com

Summary

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) was adopted by the United Nations (UN) Food and Agriculture Organization (FAO) in November 2001. It entered into force by June 29, 2004. The Treaty was developed following a series of multilateral negotiations under the auspices of the FAO's Intergovernmental Commission on Genetic Resources for Food and Agriculture. The objective of such process was to review the FAO's International Undertaking on Plant Genetic Resources (1983) and develop an international legal framework on plant agricultural biodiversity that should be in harmony with the Convention on Biological Diversity (CBD) adopted in 1992.

The Treaty is a key element for ensuring food security, at present and in the future. It aims at developing an international commitment for conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA). It creates an international multilateral system (MLS) for facilitating access to plant genetic resources and sharing the benefits arising from their use. The MLS covers a list of more than 60 food crops and forages, which were selected on the basis of the importance for food security and their interdependence. The Treaty addresses, as well, issues of intellectual property rights (IPR) on PGRFA. It does so by recognizing the concept of Farmers' Rights, including their rights to save, use, exchange and sell farm-saved seed/propagating material. According to the Treaty, claiming by recipient of any IPR on any genetic resource in the form received from the MLS and that hinders access to such genetic resource is not allowable. The MLS regulates equitable sharing of benefits arising from the use of PGRFA including those derived from commercialization.

By adopting such set of principles and measures the ITPGRFA has laid down basis to ensure the conservation and availability of plant genetic resources for production, breeding and research for food and agriculture.

Sudan is a party to the Treaty since 2002. Compliance to such a treaty implies its implementation at the national level through setting of a number of domestic arrangements. These include technical, administrative, policy-related and legislative arrangements. However, developing and enacting of a national legislation would lay the foundation for different arrangements to be undertaken. A national legislation in this regard is proposed to cover different related aspects and matters that are handled by the Treaty including the followings:

- Major guiding principles and objectives for national policies and actions associated with conservation and sustainable use of PGRFA.
- Institutional arrangements necessary for conservation and sustainable use of PGRFA.

- Matters related to access to PGRFA that are either at *in-situ* or *ex-situ* conditions, including those related to the implementation of the MLS.
- Matters of relevance to ensuring fair and equitable sharing of benefits arising from the use of the PGRFA.
- Implementation of farmers' rights as well as any intellectual property rights of relevance.
- Arrangements for information management including those related to sharing of, and access to the information of PGRFA.