

# Agricultural Biodiversity and Climate Change

International treaties and their impact

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# The relationship between agricultural biological diversity and climate change

- Agricultural biological diversity is critical for food security in the face of global change including climate change (resilience and adaptation)
- Agricultural practices have the potential for mitigation of climate change (carbon sequestration etc.)

# Main international legal instruments and issues

- Convention on Biological Diversity
- World Trade Organization Trade Related Aspects of Intellectual Property Rights
- International Treaty on Plant Genetic Resources for Food and Agriculture
- Equity and benefit-sharing
  - Intellectual Property Rights
  - Access to genetic resources

# Restricting exchange and interdependence

- The agriculture of virtually all countries is dependent on a supply of resources from other parts of the world
- The exchange and use of agrobiodiversity is therefore fundamental to agricultural production and food security

# World Trade Organization: TRIPS

- Article 27.3(b) requires WTO members to provide for 'effective' plant variety protection either by patents or by an effective sui generis system or by a combination thereof.

# The Convention on Biological Diversity: Access

- Reaffirms sovereignty over natural resources
- Access as mechanism to secure benefits
- Access on “mutually agreed terms” and subject to “Prior informed consent”
- Nothing precludes multilateral system of access being negotiated

# The International Treaty on PGRFA

- Objectives: conservation and sustainable use  
...and equitable sharing of benefits
- Part IV which establishes a multilateral system of access and benefit-sharing (MLS) for particular crops
- Treaty covers all PGRFA though MLS only an identified subset

# Impact on agricultural biological diversity

- Increased flow of PGRFA
- Emphasis grown from ex situ in 1970s to in-situ/on-farm today
- Attempts to harmonize TRIPS and CBD

# Climate Change Treaty

- Encourages parties “to promote sustainable management and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all GHGs not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine systems.”