Exercise 2. Interpreting the International Treaty on Plant Genetic Resources for Food and Agriculture

*(group work)*

*The aim of this exercise is to discuss the complexity of the Treaty and the issues that remain to be fully resolved.*

**Phase 1. Group work (40 minutes)**

1. Form four groups of participants. Each group elects a rapporteur.

2. The groups discuss the questions/concerns/problems listed below, related to the rationale for the Treaty (Presentation 1, Handout 6); overview of the provisions of the Treaty (Handout 7) and open issues and concerns (Handout 8). Remember that the *Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture* (which is available to participants as a separate publication) can also provide you with insights to carry out this exercise.

3. Keep in mind that there are different interpretations of some of the provisions of the Treaty. However, you need to make sure that your interpretation is in line with the rules of interpretation of treaties referred to in Handout 8.

4. The questions/concerns/problems are listed below. You can use Handout 16 to write down your answers:

   i. **Issues of definition/interpretation**
      What, in your view, do the following concepts mean or imply, and what issues are still open for clarification by the governing body?

      a) ‘genetic parts and components’ and ‘in the form received’
         — Article 12.3(d)

      b) ‘under development . . . during the period of its development’
         — Article 12.3(e)

   ii. **The list of crops**
      a) What does ‘Triticum, et al.’ mean?
b) What is likely to be the effect of changing taxonomic understandings, and how can these problems be resolved?

iii. Can PGRFA be distributed to farmers for direct use for cultivation? — Article 12.3(a)

iv. The multilateral system applies only to PGRFA of Annex 1 crops and forages. What are the rules governing transfers of non-Annex I crops?

v. What are the rules governing the restoration of PGRFA? What will be the situation in the case of non- Parties?

vi. How should non-Parties be treated?

vii. Practical Issues Related to Implementation:
How do you think on-going management issues, such as material held under ‘black box’ arrangements, intra- and inter-institutional transfers of PGRFA, etc., should be handled?

viii. What are the rules regarding amendments to the Treaty and to Annex 1?

5. The rapporteurs summarize the results of their group’s discussions on a flipchart to present to the audience in Phase 2.

Phase 2. Reporting and discussion (55 minutes)

6. Each group has 10 minutes to make its presentation. (40 minutes)

7. The trainer distributes Handout 17 (Practical Considerations), facilitates a discussion on the content of the presentations and provides feedback on the exercise. (15 minutes)