

DAY ONE

Session 2
History and Development of Law and Policy Related to Plant Genetic Resources and the FAO Global System

Historically, PGRFA have been freely exchanged and this has been instrumental in the development and improvement of crops. These patterns of use and their importance are reflected in the concept of the common heritage of mankind in the International Undertaking. The relatively recent development of privately held intellectual property rights over PGRFA (Plant Breeders' Rights and Patents, which reward formal innovators) has stimulated the development of the concept of national sovereignty, which underscores the rights of countries to control access to genetic resources within their boundaries (as encapsulated in the Convention on Biological Diversity [CBD]), and Farmers' Rights, which seek to reward farmers' efforts in developing PGRFA over the centuries. There is a growing body of anecdotal evidence that when it has been implemented through bilaterally agreed upon access arrangements, the CBD has contributed to slowing down exchanges of PGRFA, with a negative result on research and conservation efforts. The International Treaty on Plant Genetic Resources for Food and Agriculture ('the Treaty') provides a remedy to this situation by providing for a multilateral system of access and benefit sharing to a list of crops and forages. This session sets the stage for the module by explaining the historical factors and interplay of interests that have shaped the development of international law and policy relating to PGRFA and the main contributions of the FAO Global System.

Instructions to Trainers**SESSION 2****10:45 – 12:00****History and Development of Law and Policy****Policy**

Related to Plant Genetic Resources and the FAO Global System

OBJECTIVES

By the end of this session, the participants will be able to do the following:

- Describe how legal regimes governing genetic resources have evolved, responding to changes in perceptions of sovereignty and intellectual property rights
- Describe the main contributions of the FAO Global System to the conservation and sustainable use of plant genetic resources for food and agriculture

Use overhead 1.2.2 to present the session's objectives.

PROCEDURE

Learning Strategies: presentation, plenary session.

Make sure that handouts 1.2.2 and 1.2.3 are sent to the participants prior to the workshop. Prepare extra copies for distribution if necessary.

PRESENTATION

(experience) Give a brief presentation on history and development of law and policy. Before you begin your presentation distribute the Summary of Overheads (Handout 1.2.10) and Exercise 2 (Handout 1.2.4). You will find the information in handouts 1.2.2 and 1.2.3 very useful to support your presentation. Twenty-four overheads (1.2.3 to 1.2.26) support the presentation. Make sure that the participants understand that this presentation will be followed by a plenary discussion. Invite the participants to take notes during the presentation, using handout 1.4.4. At the end of the presentation distribute handouts 1.2.2 and 1.2.3 and be sure to ask the participants if clarification is needed. (25 minutes)

EXERCISE 2

Exercise 2. History and development of law and policy
(45 minutes)

Handout 1.2.5 provides ‘practical considerations’ regarding this exercise. Please be sure to read these considerations before the session. Distribute Handout 1.2.5 *only* after the participants have completed Exercise 2.

Phase 1. Plenary discussion

1. *(process, generalization)* Facilitate a plenary discussion based on the questions in handout 1.2.4. Reinforce lessons learned from this exercise. (20 minutes)
2. *(generalization)* Distribute Handout 1.2.5 to the participants and invite them to discuss the major issues related to the ‘practical considerations’ of this exercise. (15 minutes)
3. *(generalization)* Summarize the discussion and provide feedback on the participation. Ask questions such as, ‘How did you feel doing this exercise?’ and ‘What did you learn?’ to stimulate discussion of the process. (10 minutes)

CLOSURE

Closure (5 minutes)

1. *(application)* Ask the participants ‘What might you do differently in your job as a result of what you have learned?’
2. Make a transition to the next session.