ICRAF Policy Guidelines Series

Genetic Resources

June 2004

World Agroforestry Centre
Policy Guidelines on Genetic Resources

ICRAF's mission and genetic resources

ICRAF's mission is to advance the science and practice of agroforestry, and in so doing to transform landscapes and the lives of the rural poor in developing countries. In pursuit of this mission, ICRAF researchers are working with germplasm from a wide range of tree species, the majority of which are indigenous. In addition, the Centre also maintains a significant collection of germplasm materials, which is managed through its Genetic Resources Unit. Because the germplasm work is carried out largely with farmers and partner organizations, this document outlines the principles and protocols that will guide our researchers.

Purpose

Describe the principles and protocols ICRAF expects staff, students and consultants to adopt in relation to genetic resources.

Principles

1. Through this policy the World Agroforestry Centre (ICRAF) aims to strengthen its links with researchers in NARS and to promote the benefits of agroforestry germplasm to farmers;

2. In adherence with the Convention on Biological Diversity (CBD) and the FAO Code of Conduct for Germplasm Collection and Transfer, ICRAF respects the sovereign rights of nations to their genetic resources, while wishing to promote facilitated access to germplasm;

3. ICRAF holds relevant collections of germplasm in trust for humankind in accordance with the FAO/ICRAF agreement signed on 26 October 1994, and as outlined in the International treaty on Plant Genetic Resources for Food and Agriculture, placing CGIAR germplasm collections under the auspices of FAO trusteeship. ICRAF's primary responsibility is to ensure the conservation of germplasm through its sustainable use;

4. ICRAF recognizes the indispensable role of farmers and scientists in developing countries in the domestication and conservation of the valuable genetic resources of agroforestry tree species and will seek to promote and support this role;

5. Germplasm collecting missions between ICRAF and its national partners will be done in a participatory mode. ICRAF will cooperate with authorized national institutions to facilitate duplicate storage of this germplasm in the donor country;

1. Agroforestry tree genetic resources of wild origin

1.1 ICRAF will make genetic resources that it holds in trust freely available, in accordance with policies specified in Protocol I.

1.2 In accordance with the Convention on Biological Diversity, and the Agreement of 26th October 1994 between ICRAF and the Food and Agriculture Organization of the United Nations (FAO), ICRAF will supply germplasm to recipients under a Material Transfer Agreement (MTA). This measure is designed to ensure the free availability of the materials, and of genes derived directly from them, which are designated collections of plant germplasm held in trust under the auspices of FAO. In this regard, ICRAF will endeavour to facilitate the equitable sharing of benefits accruing from distributed germplasm with those countries from which it was collected.

{PRIVATE **}** ***Protocol I: Intellectual Property Rights on Agroforestry tree genetic resources of wild origin***

1. The wild tree and shrub germplasm collected by ICRAF is maintained in the genebanks at ICRAF in trust for the global community. ICRAF adheres to the principle of unrestricted availability of the genetic resources it holds in trust providing this does not conflict with regulations pertaining to National Laws and International Conventions (such as the Convention on Biological Diversity).

2. ICRAF will agree to place germplasm, and related information, under conditional distribution under the terms of a Material Transfer Agreement (MTA).

3. ICRAF will not claim legal ownership nor apply intellectual property protection on the wild germplasm it holds in trust for humankind.

4. The genetic resources held "in trust" by ICRAF will be made available through MTAs on the understanding that the recipients, where permitted by national regulatory mechanisms, will take no steps which restrict their further availability to other interested parties.

2. Agroforestry tree genetic resources from domestication activities

2.1 All clones, breeding materials, elite germplasm, and parental lines of hybrid trees and shrubs that are derived from domestication activities carried out by ICRAF will be made freely available in accordance with the policies detailed in Protocol II.

2.2 MTAs, similar to those described above in paragraph 1.2, will be used for these materials.

2.3 The majority of ICRAF's domestication activities are farmer-participatory and, in these cases, ICRAF will ensure that the rights and benefits of farmers are protected.

{PRIVATE **}** ***Protocol II: Intellectual Property Rights on Agroforestry tree genetic resources from domestication activities***

1. ICRAF adheres to the policy of free availability of the clones, breeding lines, elite germplasm and parental lines of hybrid trees produced by its domestication programme.

2. ICRAF will not seek intellectual property protection on the clones, breeding lines, elite germplasm and parental lines of hybrid trees emanating from its domestication programme unless it is necessary to ensure effective delivery of the improved material to farmers. In all such cases, ICRAF will disclose the reasons for seeking protection.

3. ICRAF will provide clones, breeding lines, elite germplasm and parental lines of hybrid trees to both public sector institutions and private organizations on the understanding that:

   (a) The material is not intended for exclusive use by any single organization
   (b) ICRAF retains the right to distribute the same material to other organizations
   (c) The use of ICRAF materials will be publicly recognized when a derived variety or hybrid is released.

4. Collaboration with profit-making organizations for the production and development of superior germplasm will proceed, where appropriate, after consultation with relevant partners.

5. Protocol II does not cover materials derived from genetic engineering.

3. Agroforestry tree genetic resources and inventions derived from biotechnology programmes

3.1 Any kind of information, invention, or biological material developed through biotechnology at ICRAF will be made freely available. Where applicable, publication or contractual provisions will be used to ensure that such information, invention, or material remains in the public domain.

3.2 Exceptions to this principle will only be made where the acceptance of limitations on distribution or publication is essential to ensure availability to developing nations, as specified in Protocol III.

3.3 In the instance described in Article 3.2, ICRAF will, exceptionally, apply for intellectual property protection for the technologies or materials, or provide them to a collaborator on a restricted basis, but only on the conditions specified in Protocol III. In all such cases, ICRAF will disclose the reasons for seeking protection.

{PRIVATE **}** ***Protocol III: Intellectual Property Rights on Agroforestry tree genetic resources and inventions derived from biotechnology***

1. In negotiating collaboration arrangements for the development of products and techniques derived from biotechnology, ICRAF will seek to ensure free access to the products of the research.

2. To make advanced biological technologies and techniques available to developing nations, ICRAF may, but only to the extent necessary, apply intellectual property protection or limitations on publication and distribution of the derived and associated materials. In all such cases, ICRAF will disclose the reasons for seeking protection.

3. In obtaining and exercising any form of intellectual property rights over biological material, ICRAF will observe regulations of Convention on Biological Diversity and other relevant agreements.

4. In all of its biotechnology associated work, and biotechnology orientated collaborative agreements, ICRAF will meet appropriate biosafety standards and include clauses designed to ensure as far as possible that its collaborators meet such standards and to protect itself against any corresponding liabilities.