

CGRFA-7/97/REP

**REPORT OF THE COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

**Seventh Session
Rome, 15-23 May 1997**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 1997**

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I. INTRODUCTION¹

1. The Seventh Session of the Commission on Genetic Resources for Food and Agriculture met in Rome, Italy, from 15-23 May 1997. A list of delegates and observers is attached as *Appendix D*.
2. Mr. Jose M. Bolívar (Spain), the outgoing Chairman of the Commission, opened the meeting and welcomed the delegates and observers. He urged delegations to show flexibility and political will in the negotiations to complete the task of revising the International Undertaking.
3. Mr. A. Sawadogo, Assistant Director-General, Agricultural Department, welcomed the delegates and observers, especially the 21 new member countries who had joined the Commission since the Sixth Regular Session. During the Seventh Session, a further two countries joined the Commission, bringing membership to 154 countries. The full list of members is attached as *Appendix C*.

II. ELECTION OF CHAIR AND VICE-CHAIRS

4. The Commission elected Mr. Fernando Gerbasi (Venezuela) as Chairman. Mr. Tewolde G. Egziabher (Ethiopia), Mr. Eng Siang Lim (Malaysia), Mr. Mohammed Taeb (Iran), Mr. Gert Kleijer (Switzerland), Mr. Andrew Pearson (Australia) and Mr. Thomas Forbord (USA) were elected Vice-Chairmen of the Commission. Mr. Michel Chauvet (France) was elected *Rapporteur*.

III. ADOPTION OF THE AGENDA AND TIMETABLE FOR THE SESSION

5. The Commission adopted the Agenda as proposed as given in *Appendix A*.
6. It was agreed that for the rest of the first day regional groups would meet to prepare regional positions on the revision of the International Undertaking, followed on 16 May by inter-regional contacts on these positions. The Bureau would then over the weekend review and, where possible, consolidate the regional positions, in accordance with the decision of the Commission at its Third Extraordinary Session.
7. It was agreed that two *Ad Hoc* Working Groups should meet, one would consider Articles 3 and 11 of the consolidated text submitted by the Bureau, and the other to consider the Article 12.
8. The representative of the Secretariat of the Convention on Biological Diversity, at the invitation of the Chairman, made a statement on behalf of the Executive Secretary of the Convention, noting in particular that the Third Meeting of the Conference of the Parties had called for the speedy and effective completion of the revision of the International Undertaking, and the strengthening of the FAO Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture.

IV. REVISION OF THE TERMS OF REFERENCE AND PROCEDURES OF THE WORKING GROUPS, AND ELECTION OF OFFICERS²

9. The Commission considered that it was urgent to address activities relating to genetic resources for food and agriculture in the context of implementing relevant commitments of the World Food Summit Plan of Action.
10. In line with Conference Resolution C 3/95, and as provided for in its statutes³, the Commission established two Intergovernmental Technical Working Groups, one for animal genetic resources for food and

¹ CGRFA-7/97/1, CGRFA-7/97/1 Add.1, CGRFA-7/97/1 Add.2

² CGRFA-7/97/10, CGRFA-7/97/Inf.1, CGRFA-7/97/Inf.2, CGRFA-7/97/Inf.3.

³ As agreed by CL 110/1.

agriculture, the other for plant genetic resources for food and agriculture. The statutes are provided in *Appendices E and F* respectively.

11. The Commission agreed to elect, in accordance with the statutes, the member nations of the Commission designated by the region as their candidates for membership of the Intergovernmental Technical Working Groups. The Chairman requested the regional groups to inform the Secretariat of their designated members for the Commission's two Intergovernmental Technical Working Groups by 30 June 1997. The Secretariat should then inform the members of the Commission of the membership of these Technical Working Groups.

V. REPORT OF THE FOURTH INTERNATIONAL TECHNICAL CONFERENCE ON PLANT GENETIC RESOURCES⁴

12. The Commission noted that the FAO Secretariat had taken action to make the outcome of the Leipzig Conference widely known to appropriate national, regional, international, intergovernmental and non-governmental organizations. It welcomed the forthcoming publication of the full *Report on the State of the World's Plant Genetic Resources for Food and Agriculture*, as well as the production of a CD-ROM containing the Country Reports and other documents resulting from the preparatory process. The Commission urged the Secretariat to seek the necessary funds to publish the full *Report on the State of the World's Plant Genetic Resources for Food and Agriculture* in all official languages.

VI. PROGRESS REPORT ON THE GLOBAL SYSTEM ON CONSERVATION AND SUSTAINABLE USE OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE AND FOLLOW-UP TO THE FOURTH INTERNATIONAL TECHNICAL CONFERENCE ON PLANT GENETIC RESOURCES⁵

13. The Commission considered a progress report on the development of the Global System and recommended that the various elements of the Global System be further strengthened at national, regional and global levels.

(i) Cooperation with the Convention on Biological Diversity

14. The Commission stressed the importance of FAO's continued collaboration with other relevant intergovernmental fora, notably the Conference of the Parties of the Convention on Biological Diversity and the Commission on Sustainable Development. The Commission welcomed the close working relationship being developed between FAO and the Secretariat of the Convention, and the secondment of an agricultural biodiversity officer from FAO to the Secretariat of the Convention. In particular, it stressed the importance of the ongoing cooperation between the two Secretariats in implementing Decision III/11 of the Conference of the Parties, which established a multi-year work programme on agricultural biodiversity. Countries were encouraged to develop strategies, programmes and plans for agrobiodiversity in conformity with an ecosystem approach, including for the key areas of the Global Plan of Action.

15. The Commission recommended that FAO's monitoring and reporting activities in the area of agricultural biodiversity should be consistent with and complementary to those for reporting to the Convention, the Commission on Sustainable Development and other relevant intergovernmental bodies, as well as for the World Food Summit Plan of Action.

⁴ ITCPR/96/REP

⁵ CGRFA-7/97/3, CGRFA-7/97/4 (CGRFA-Ex.3/96/Inf.1), CGRFA-7/97/4 Annex (CGRFA-Ex3/96 Inf.1), CGRFA-7/97/5, CGRFA-7/97/6.

(ii) Implementation of the Global Plan of Action

16. The Commission noted that most countries were now taking measures to implement the Global Plan of Action, according to their capacities. A number of donor countries announced that they were taking measures, through bilateral and other channels, to support international and regional implementation of some of the priority activities in the Global Plan of Action, such as support to regional networks and measures to restore genetic resources to disaster areas.

17. The Commission stressed the need for a comprehensive study of all existing and potential sources for funding for activities on plant genetic resources for food and agriculture, including from national sources. In this context, the Commission noted that the Conference of Parties to the Convention on Biological Diversity, through its Decision II/5, had requested the Global Environment Facility, as its interim financing mechanism, to give priority to supporting efforts for the conservation and sustainable use of agricultural biodiversity, in accordance with Decision III/11, which had endorsed the priorities and policy recommendations of the Global Plan of Action. Many countries stressed the need for new and additional funding to implement the Global Plan of Action. In this respect, some countries emphasized the importance of the international fund, and others indicated that financial support of actions should be realized through existing instruments. It was suggested that this issue be discussed in the context of the revision of the International Undertaking.

18. The Commission agreed that the development and strengthening of national programmes, involving all stakeholders, was key to implementation of the Global Plan of Action at national level. It was considered that various national planning exercises related to the implementation of the Global Plan of Action should contribute significantly to the development of national biodiversity strategies and action plans, required by the Convention on Biological Diversity.

19. The Commission requested that FAO play a proactive and creative role in facilitating and monitoring implementation of the Global Plan of Action, providing assistance and guidance to countries upon request, including, where appropriate, help in identifying possible new, additional and innovative sources of funding. The Commission considered it important that FAO give high priority to facilitating and promoting implementation of the Plan, and ensure adequate resources for these tasks.

(iii) Monitoring of the implementation, and review, of the Global Plan of Action, and periodic updating of the *Report on the State of the World's Plant Genetic Resources for Food and Agriculture*

20. The Commission recalled the decision of the International Technical Conference that “overall progress in the implementation of the Global Plan of Action and of the related follow-up processes would be monitored and guided by the national governments and other Members of FAO, through the Commission on Genetic Resources for Food and Agriculture.”

21. It agreed to develop a monitoring process that was transparent and efficient. The Commission agreed that the Secretariat should prepare an overview report on the implementation of the Global Plan of Action for its next regular session. The Commission recommended that the report be in the framework of the priority activities of the Global Plan of Action, and that core sets of indicators should be established, with input from members of the Commission, to facilitate monitoring. The Commission requested that its survey of expenditures on activities on plant genetic resources for food and agriculture be updated in the framework of the priority activity areas of the Global Plan of Action, and presented to the Commission at its Eighth Regular Session. It was suggested that the Secretariat should report to FAO Council next year on the measures that FAO has taken to facilitate and monitor the implementation of the Global Plan of Action.

22. The Commission considered that monitoring of the Global Plan of Action, and the periodic updating of the Report on the State of the World's Plant Genetic Resources, were complementary activities that needed to be carried out in unison, requiring of each member country no more than one national report. The Commission recognized the importance of the cooperation and support of the International Plant Genetic Resources Institute (IPGRI) and other relevant bodies and requested that such partnership continue.

(iv) The World Information and Early Warning System on Plant Genetic Resources for Food and Agriculture

23. The Commission recalled that the Fourth International Technical Conference had recommended that the efficiency, purpose and value of the World Information and Early Warning System on Plant Genetic Resources for Food and Agriculture (WIEWS) be evaluated with a view to improving its performance, taking advantage of the recent developments in information management technologies and concepts. It welcomed the arrangements made by the Secretariat for an external review of the system, which would be undertaken in the latter part of 1997. Commission members were invited to suggest issues to the FAO Secretariat which might be addressed by the review panel. The review process should be reported to the Commission. The Commission recommended that the future of the WIEWS should be seen in the light of existing information systems, such as national germplasm systems, FAO's WAICENT and the Consultative Group on International Agricultural Research's SINGER, and await the results of the review.

(v) Codes of Conduct and Guidelines

24. The Commission agreed that the possible updating of the Code of Conduct for Germplasm Collecting and Transfer, and any further work on the Code of Conduct for Biotechnology as it Relates to Plant Genetic Resources for Food and Agriculture, should await the outcome of the revision of the International Undertaking.

25. The Commission noted that in line with its request at its Sixth Session, a draft of a decision guide on regeneration of accessions in seed collections had been prepared by IPGRI, FAO and the System Wide Genetic Resources Programme of the Consultative Group on International Agricultural Research, and had been made available to the Commission, for comment by members.

(vi) The International Network of Ex Situ Collections under the Auspices of FAO

26. The Commission recommended that the existing agreements between FAO and the twelve International Agricultural Research Centres of the CGIAR be extended, pending the revision of the International Undertaking.

(vii) Plant genetic resources and Crop-related Networks

27. The Commission recognized the useful role of crop-related and regional plant genetic resources for food and agriculture networks, including those supported by FAO, IPGRI and other organizations, in promoting implementation of the Global Plan of Action, in particular by strengthening practical linkages between conservation and utilization of plant genetic resources for food and agriculture and in reporting on the state of diversity in crops and regions covered.

VII. REPORTS FROM INTERNATIONAL ORGANIZATIONS

ON THEIR PROGRAMMES, POLICIES AND ACTIVITIES ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE⁶

28. The Commission, as in previous regular sessions, reviewed reports from a number of international organizations on their programmes, policies and activities, so that these organizations might be better able to acquaint countries with their objectives and programmes, and benefit from their comments. With the expansion of the mandate, the Commission for the first time received reports from organizations covering all fields of agricultural biological diversity:

United Nations and inter-governmental organizations: the Asian Development Bank (AsDB), the Commonwealth Secretariat (CS), the Convention on Biological Diversity (CBD), the Global Environment Facility, the Inter-American Institute for Cooperation in Agriculture (IICA), the International Atomic Energy Agency (IAEA), The International Centre for Agriculture and Biosciences (CAB International), the International Fund for Agricultural Development (IFAD), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Office of Epizootics (OIE), the United Nations Environment Programme (UNEP), the United Nations Industrial Development Organization (UNIDO), and the World Bank (WB). The International Organization for the Protection of New Varieties of Plants (UPOV) also provided a report on its activities,⁷ in response to the Commission's request, at its Third Session, for relevant background documentation that might inform the Commission in its important negotiations.

International Agricultural Research Centres of the CGIAR were individually requested to report. El Centro Internacional de Agricultura Tropical (CIAT), the Centre for International Forestry Research (CIFOR), the Centro Internacional de Mejoramiento de Maíz y Trigo (CIMMYT), the Centro Internacional de la Papa (CIP), the International Centre for Agricultural Research in Dry Areas (ICARDA), the International Crop Research Institute for the Semi-arid Tropics (ICRISAT), the International Centre for Living Aquatic Resources Management (ICLARM), the International Centre for Research in Agroforestry (ICRAF), the International Institute of Tropical Agriculture (IITA), the International Service for National Agricultural Research (ISNAR), the International Livestock Research Institute (ILRI), the International Rice Research Institute (IRRI), and the West African Rice Development Association (WARDA), submitted reports, some directly, and some through IPGRI, as the convening Centre of the CGIAR's System-wide Genetic Resources Programme (SGRP). IPGRI, in consultation with the individual International Agricultural Research Centres, then consolidated them into a joint report.

International non-governmental organizations: the International Association of Plant Breeders (ASSINSEL), the European Association for Animal Production (EAAP), the International Centre for Underutilized Crops (ICUC), the International Union of Forestry Research Organizations (IUFRO), the International Committee for Animal Recording (ICAR), Rare Breeds International, and Rural Advancement Foundation International (RAFI).

29. Verbal statements were made by the CBD Secretariat, UPOV, IPGRI on behalf of the International Agricultural Research Centres of the CGIAR, ASSINSEL and RAFI .

30. IPGRI and the CBD Secretariat asked the Commission for advice on several issues. Summaries of their statements are attached as *Appendices G* and *H*.

⁶ CGRFA-7/97/7.

⁷ CGRFA-7/97/Inf. 5

31. The Commission warmly thanked the organizations that had presented these reports, which were an important contribution to its task in promoting coordination of activities in the field of agricultural biodiversity. It encouraged organizations to continue to submit such reports to its regular sessions.

VIII. CONSIDERATION OF FAO'S PROGRAMME ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE⁸

32. The Commission welcomed the comprehensiveness and quality of the Organization's report on its activities in the various sectors of agricultural biodiversity covered by the Commission's broadened mandate, but expressed concern that the documentation for this item had been received late. It emphasized the importance it gave, in line with its terms of reference, to advising FAO on its policies, programmes and activities in genetic resources for food and agriculture, for which reason documentation needed to be received well ahead of time and welcomed the Secretariat's assurances that this would be done.

33. It welcomed FAO's innovative work on the economics of genetic resources and supported the continuation of this work, in line with the World Food Summit Plan of Action. The Commission noted the information that had been provided by the Secretariat regarding the arrangements that had been put in place in fulfilment of FAO's responsibilities, according to Decision III/11 of the Third Conference of the Parties to the Convention on Biological Diversity. The Commission also noted, in particular, that the forthcoming technical consultation between FAO and the Convention Secretariat on this topic, organized with support from the Government of the Netherlands, would facilitate the integration of a farming system and an ecosystem approach into FAO's activities in the field of agricultural biodiversity.

IX. CONTINUATION OF NEGOTIATIONS FOR THE REVISION OF THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES⁹

34. Following the consolidation of the regional positions by the Bureau, the two *Ad Hoc* Working Groups met as planned on 19, 20 and 22 May to review the consolidated text. One Working Group, chaired by the Chairman of the Commission, examined Articles 3 and 11 of the consolidated text prepared by the Bureau. The other Working Group, chaired by Vice-Chairman Gert Kleijer (Switzerland), examined Article 12. The negotiated text and the consolidated text of these Articles was reported to the Commission, and are attached as *Appendix I*.

35. The Commission recognized the significant progress, and the constructive interactions among the regions that had taken place during the session, which had created good conditions to move forward, having in mind the major importance of the conservation and sustainable utilization of plant genetic resources for food and agriculture, and the equitable sharing of the benefits arising from their utilization, in assuring global food security. The Regions considered that the negotiations during this Session had provided a much better understanding of each others' positions. The need for high-level political involvement in the negotiating process was highlighted.

X. FUTURE WORK OF THE COMMISSION¹⁰

36. In line with Conference Resolution C 3/95, the Commission agreed that priority in its future work programme should be given to the negotiations for the revision of the International Undertaking. An

⁸ CGRFA-7/97/8.1, CGRFA-7/97/8.2.

⁹ CGRFA/IUND/4, CGRFA/IUND/4 Corr.1, CGRFA/IUND/4 Add.1, CGRFA-7/97/9

¹⁰ CGRFA-7/97/2.

extraordinary session of the Commission should therefore be held to rapidly progress negotiations on the International Undertaking.

37. The Commission also agreed that, as far as possible, the Intergovernmental Technical Working Groups should meet during the next biennium.

38. The Commission requested that provision be made in the 1998-1999 Programme of Work and Budget of the Organization for the purposes of paragraphs 36 and 37.

39. It was agreed that the Panel of Experts on Forest Gene Resources should continue to report to the Commission.

40. In considering the future work of the Commission, some delegation stressed the importance of fisheries genetic resources. One delegation objected to fisheries being a priority for the present.

41. The Commission considered the priorities for its work, and that of its Intergovernmental Technical Working Groups, in the period until its Eighth Regular Session.

42. As first priority, it decided to submit to Council the proposal to convene an extraordinary session of the Commission, devoted solely to the continuing negotiations for the revision of the International Undertaking.

43. As second priority, it decided to convene a session of the Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture, with the task of furthering the development of the Global Strategy for the Management of Farm Animal Genetic Resources, for consideration of the Commission at its Eighth Regular Session.

44. As third priority, it decided to convene a session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture. The priority task would be to examine the implementation of the Global Plan of Action and related follow-up activities.

45. The Chairman would convene these sessions, on confirmation by the Director-General that the necessary funds were available in the Regular Budget of the Organization or from extra-budgetary sources, and after consultation with the Secretariat regarding the preparation of any necessary documentation.

46. The provisional draft agenda, agreed by the Commission, for its Eighth Regular Session is attached as *Appendix J*. The Commission agreed that its Eighth Regular Session be held during the second half of April 1998.

47. The Commission warmly welcomed the assistance that had been given by Switzerland, through FAO, to support the participation of some developing countries in the negotiations that had taken place during the session, as well as support provided directly by Sweden and Norway for regional consultations. The Commission appealed to donor countries to provide further such assistance for future negotiating sessions.

APPENDIX A

**COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE****Seventh Session****15 - 23 May 1997****AGENDA**

- I. Election of the Chair and Vice-Chair
- II. Adoption of the Agenda and Timetable for the Session
- III. Revision of the terms of reference and procedures of the Working Group(s), and election of its officers
- IV. Report of the Fourth International Technical Conference
- V. Progress Report on the Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture and Follow-up of the Fourth International Technical Conference
 - 5.1 Report on the *State of the World's Plant Genetic Resources*
 - 5.2 *Global Plan of Action*
 - 5.3 International Fund for Plant Genetic Resources
 - 5.4 World Information and Early Warning System
 - 5.5 Codes of Conduct and Guidelines
 - 5.6 International Network of *Ex Situ* Collections under the Auspices of FAO
 - 5.7 International Network of *In Situ* Conservation Areas
 - 5.8 Crop-related Networks
- VI. Reports from international organizations on their programmes, policies and activities on genetic resources for food and agriculture
- VII. Consideration of FAO's programme and activities on genetic resources for food and agriculture
- VIII. Continuation of negotiations for the revision of the International Undertaking on Plant Genetic Resources
- IX. Future Work of the Commission
- X. Other business
- XI. Date and place of the next session
- XII. Adoption of the Report

APPENDIX B

LIST OF DOCUMENTS
Working Documents

CGRFA-7/97/1 Rev. 1	Draft provisional agenda
CGRFA-7/97/1 Add. 1	Provisional annotated agenda
CGRFA-7/97/1 Add. 2	Provisional timetable
CGRFA-7/97/2	Establishment of, and terms of reference of, Inter-governmental Technical Sectoral Working Groups of the Commission
CGRFA-7/97/3	Progress report on the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture
CGRFA-7/97/4 (CGRFA-Ex3/96/Inf. 1)	Progress report on follow-up to the International Technical Conference on Plant Genetic Resources
CGRFA-7/97/4 Annex (CGRFA-Ex3/96/Inf. 1 Annex)	Revision of cost estimates for the Global Plan of Action
CGRFA-7/97/5	Monitoring of the rolling Global Plan of Action
CGRFA-7/97/6	Current expenditures on plant genetic resources
CGRFA-7/97/7	Reports from international organizations on their policies, programmes and activities on agricultural biological diversity: Part I: United Nations and Other Inter-governmental Organizations Part II: International Agricultural Research Organizations of the Consultative Group on International Agricultural Research (CGIAR) Part III and Part III Corr. 1: International Non-governmental Organizations
CGRFA-7/97/7 Add. 1 (multilingual)	Reports from Intergovernmental Organizations on their Policies, Programmes and Activities on Agricultural Biological Diversity: The attached reports were received following the preparation of document CGRFA-7/97/7.

CGRFA-7/97/8.1	They are circulated in the languages in which they were received only. Report from FAO on its policies, programmes and activities on agricultural biological diversity: (1) plant genetic resources
CGRFA-7/97/8.2	Report from FAO on its policies, programmes and activities on agricultural biological diversity: (2) sectors other than plant genetic resources
CGRFA-7/97/9	Characterization of various options for Scope and Access, and a notional assessment of the pros and cons (document submitted by IPGRI/FAO)
CGRFA-7/97/10	Report of the <i>Ad Hoc</i> Working Group of Experts on Animal Genetic Resources
CGRFA-7/97/11 Rev. 1	Proposed Draft Agenda for the Eighth Session of the Commission on Genetic Resources for Food and Agriculture
CGRFA/IUND/4	Fourth Negotiating Text of the International Undertaking for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture
CGRFA/IUND/4 Corr. 1	Fourth Negotiating Text of the International Undertaking for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture: Corrigendum

Information Documents

CGRFA-7/97/Inf. 1	Statutes of the Commission on Genetic Resources for Food and Agriculture
CGRFA-7/97/Inf. 2	Extract from the report of the Fourteenth Session of the Committee on Agriculture (COAG)
CGRFA-7/97/Inf. 3	Extract from the report of the Thirteenth Session of the Committee on Forestry (COFO)
CGRFA-7/97/Inf. 4 (multilingual)	Field programme activities with a crop genetic resources component (1995-1996)
CGRFA-7/97/Inf. 5 (English, French, Spanish)	Background documentation provided by the International Union for the Protection of New Varieties of Plants (UPOV)
CGRFA-7/97/Inf. 6 (UNEP/CBD/COP/3/REP)	Background documentation provided by the Convention on Biological Diversity
CGRFA-7/97/Inf. 7	Executive summary: Genebank regeneration decision guidelines

CGRFA-7/97/Inf. 8	Statement of competence and voting rights submitted by the European Community and its member states
CGRFA-7/97/Inf. 9	List of documents
CGRFA-7/97/Inf. 10	List of delegates and observers
ITCPGR/96/REP	Report of the International Technical Conference on Plant Genetic Resources
CPGR-6/95/REP	Report of the Sixth Session of the Commission on Plant Resources
CGRFA-Ex2/96/REP	Report of the Second Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture
CGRFA-Ex3/96/REP	Report of the Third Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture
Without number: set of three documents from the Fourth International Technical Conference on Plant Genetic Resources	<ul style="list-style-type: none"> • Report on the State of the World's Plant Genetic Resources ("Short Version") • Global Plan of Action for the Conservation and sustainable Use of Plant Genetic Resources for Food and Agriculture • The conservation and sustainable use of plant genetic resources for food and agriculture

Available at desk, on request

Documents from earlier sessions

The following documents from earlier sessions, prepared to facilitate the negotiation of the International Undertaking, which have not yet been discussed by the Commission, are also available. (The reference numbers of these documents remain those of the Commission's earlier sessions.)

CPGR-EX1/94/3	Revision of the International Undertaking on Plant Genetic Resources. Mandate, context, background and proposed process.
CPGR-6/95/8	Revision of the International Undertaking on Plant Genetic Resources. Issues for consideration in Stage II: access to plant genetic resources, and Farmers' Rights
CPGR-6/95/8 Supp.	Revision of the International Undertaking on Plant Genetic Resources. Analysis of some technical, economic and legal aspects for consideration in Stage II
CPGR-6/95/9	Revision of the International Undertaking on Plant Genetic Resources. Stage III - Legal and institutional matters

Without number	Access to plant genetic resources and the equitable sharing of benefits: a contribution to the debate on systems for the exchange of germplasm (document submitted by IPGRI)
CGRFA-Ex3/96/Lim/2	Options for access to plant genetic resources and the equitable sharing of benefits arising from their use (document submitted by IPGRI)
Background Study Paper No. 1 (English only)	The appropriation of the benefits of plant genetic resources for agriculture: an economic analysis of the alternative mechanisms for biodiversity conservation
Background Study Paper No. 2 (English only)	Sovereign and property rights over plant genetic resources
Background Study Paper No. 3 (English only)	Providing Farmers' Rights through <i>in situ</i> conservation of crop genetic resources
Background Study Paper No. 4 (English only)	Identifying genetic resources and their origin: The capabilities and limitations of modern biochemical and legal systems
Background Study Paper No. 5 (Spanish only)	Información sobre las colecciones <i>ex situ</i> conservadas en jardines botánicos
<i>New documents</i>	
Background Study Paper No. 6 cultivos (Spanish only)	Mejora genética para mantener la diversidad en los agrícolas
Background Study Paper No. 7 (Spanish only)	Contribución a la estimación de la interdependencia de los países en materia de recursos fitogenéticos
Without number (English only)	Resolution adopted by the Seventh International Barley Genetics Symposium and the Fifth International Oats Conference
Without number (English only)	CGIAR external review of genebank operations
Without number (English only)	Genebank regeneration decision guidelines

APPENDIX C

May 1997

MEMBERS OF FAO COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

AFRICA

Algeria*
 Angola*
 Benin*
 Botswana
 Burkina Faso*
 Burundi
 Cameroon*
 Cape Verde*
 Central African Republic*
 Chad*
 Comoros*
 Congo*
 Côte d'Ivoire*
 Equatorial Guinea*
 Eritrea
 Ethiopia*
 Gabon*
 Gambia
 Ghana*
 Guinea*
 Guinea-Bissau
 Kenya*
 Lesotho
 Liberia*
 Madagascar*
 Malawi*
 Mali*
 Mauritania*
 Mauritius*
 Morocco*
 Mozambique*
 Niger*
 Rwanda*
 Senegal*
 Sierra Leone*
 South Africa*
 Sudan*
 Swaziland
 Tanzania*
 Togo*
 Uganda
 Zaire
 Zambia*
 Zimbabwe*

ASIA AND THE SOUTH
WEST PACIFIC

Australia*
 Bangladesh*
 China
 Democrat. People's
 Rep. of Korea*
 India*
 Indonesia
 Japan
 Korea, Rep. of*
 Malaysia
 Maldives
 Mongolia
 Myanmar
 Nepal*
 New Zealand*
 Pakistan
 Papua New Guinea*
 Philippines*
 Samoa*
 Solomon Islands*
 Sri Lanka*
 Thailand
 Tonga*
 Vanuatu
 Vietnam

NEAR EAST

Afghanistan
 Azerbaijan
 Egypt*
 Iran*
 Iraq*
 Jordan
 Lebanon*
 Libya*
 Qatar
 Syria*
 Tunisia*
 Yemen*

EUROPE

Albania
 Armenia
 Austria*
 Belgium*
 Bosnia and
 Herzegovina
 Bulgaria*
 Croatia
 Czech Republic*
 Denmark*
 Estonia
 European Community
 Finland*
 France*
 Georgia
 Germany*
 Greece*
 Hungary*
 Iceland*
 Ireland*
 Israel*
 Italy*
 Latvia
 Lithuania
 Malta
 Netherlands*
 Norway*
 Poland*
 Portugal*
 Romania*
 Slovakia
 Slovenia
 Spain*
 Sweden*
 Switzerland*
 The Former Yugoslav Rep.
 of Macedonia
 Turkey*
 United Kingdom*
 Yugoslavia*

LATIN AMERICA AND
THE CARIBBEAN

Antigua and Barbuda*
 Argentina*
 Bahamas*
 Barbados*
 Belize*
 Bolivia*
 Brazil
 Chile*
 Colombia*
 Costa Rica*
 Cuba*
 Dominica*
 Dominican Rep.*
 Ecuador*
 El Salvador*
 Grenada*
 Guatemala
 Guyana
 Haiti*
 Honduras*
 Jamaica*
 Mexico*
 Nicaragua*
 Panama*
 Paraguay*
 Peru*
 Saint Christopher
 and Nevis
 Saint Lucia
 Saint Vincent and
 the Grenadines
 Suriname
 Trinidad and
 Tobago*
 Uruguay
 Venezuela

NORTH AMERICA

Canada
 United States of
 America

A total of 153 countries and the European Community are members of the Commission.

- * The countries marked with an asterisk are members of the Commission that have adhered to the International Undertaking on Plant Genetic Resources. In addition, a further six countries (Bahrain, Fiji, Kuwait, Liechtenstein, Oman and Russia) have also adhered to the International Undertaking. In total, 112 countries have adhered to the International Undertaking.

APPENDIX E

**STATUTES OF
THE INTERGOVERNMENTAL TECHNICAL WORKING GROUP
ON ANIMAL GENETIC RESOURCES****Article 1
Terms of Reference**

The Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture (the Working Group) shall:

- (a) review the situation and issues related to agrobiodiversity in the area of animal genetic resources for food and agriculture and advise and make recommendations to the Commission on these matters;
- (b) consider the progress made in implementing the Commission's programme of work on animal genetic resources for food and agriculture as well as any other matters referred to the Working Group by the Commission;
- (c) report to the Commission on its activities.

In order for the Working Group to carry out this mandate, the Commission will assign specific tasks to the Working Group.

**Article II
Composition**

The Working Group shall be composed of twenty-seven Member Nations from the following regions:

- 5 from Africa
- 5 from Europe
- 5 from Asia
- 5 from Latin America and the Caribbean
- 3 from the Near East
- 2 from North America
- 2 from Southwest Pacific.

**Article III
Election and term of office of Members**

The Members of the Working Group shall be elected at each regular session of the Commission and serve until the next regular session of the Commission. They will be eligible for re-election.

Article IV

Officers

1. The Working Group shall elect its Chairperson and one or more Vice-Chairpersons from among the representatives of Members of the Working Group at the beginning of each session. These officers shall remain in office until the next session of the Working Group and shall be eligible for re-election.
2. The Chairperson, or a Vice-Chairperson in the absence of a Chairperson, shall preside over the meetings of the Working Group and exercise such other functions as may be required to facilitate its work.

Article V Sessions

The Commission shall decide on the timing and duration of the sessions of the Working Group, when required. In any case, the Working Group shall hold no more than one regular session annually.

Article VI Observers

1. Members of the Commission which are not Members of the Working Group may participate, upon request to the Commission Secretariat, in the work of the Working Group in an observer capacity.
2. The Working Group, or the bureau on behalf of the Working Group, may invite experts, as well as representatives of specialized international organizations, to attend its meetings.

APPENDIX F

**STATUTES OF
THE INTERGOVERNMENTAL TECHNICAL WORKING GROUP
ON PLANT GENETIC RESOURCES****Article 1
Terms of Reference**

The Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (the Working Group) shall:

- (a) review the situation and issues related to agrobiodiversity in the area of plant genetic resources for food and agriculture and advise and make recommendations to the Commission on these matters;
- (b) consider the progress made in implementing the Commission's programme of work on plant genetic resources for food and agriculture as well as any other matters referred to the Working Group by the Commission;
- (c) report to the Commission on its activities.

In order for the Working Group to carry out this mandate, the Commission will assign specific tasks to the Working Group.

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2. The Working Group, or the bureau on behalf of the Working Group, may invite experts, as well as representatives of specialized international organizations, to attend its meetings.

APPENDIX G

SUMMARY OF A STATEMENT BY THE INTERNATIONAL PLANT GENETIC RESOURCES INSTITUTE

Speaking on behalf of the Consultative Group on International Agricultural Research (CGIAR), Mr. Hawtin, Director-General of the International Plant Genetic Resources Institute (IPGRI), informed the Commission of the measures that the CGIAR is taking to implement the Global Plan of Action and of its activities in the fields of aquatic, animal, forest and crop genetic resources. He also informed the Commission about the System-wide Network for Genetic Resources (SINGER) and the International Crop Information System (ICIS) databases, the *Decision Guide on Regeneration*, the Guidelines for field and *in vitro* genebanks, and the *External Review of the CGIAR Genebank Operations*. Referring to the CGIAR and FAO agreements putting *ex situ* germplasm held by the CGIAR Centres into the International Network of *Ex Situ* Collections under the Auspices of FAO, he said that the CGIAR felt that rolling over of the current agreements was the most appropriate course of action, pending the revision of the Undertaking. He informed the Commission that approximately 50,000 new accessions had been designated, so that nearly 500,000 accessions were now covered under the FAO-CGIAR agreements.

Mr. Hawtin said that the Centres of the CGIAR would welcome the advice of the Commission on a number of topics, for example: a) the strategy of the CGIAR System-wide Genetic Resources Programme, which is currently under development; and b) the CGIAR interim guiding principles on intellectual property protection in relation to genetic resources. With regard to the former, he indicated that he would send a draft to Commission members to solicit their input. However, with regard to the latter, and similar issues that may come up between meetings of the Commission, he requested that thought be given to ways in which the advice and guidance of the Commission can be provided in a comprehensive and timely manner, as foreseen in the agreements signed between the Centres and FAO.

APPENDIX H

SUMMARY OF A STATEMENT BY THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY

The CBD Secretariat referred to its report to the Commission (CGRFA-7/97/7) which outlines the key decisions adopted by the third meeting of the Conference of the Parties (COP-III), Buenos Aires, November 1996, that are of direct relevance to the ongoing negotiations for the revision of the International Undertaking. In particular attention was drawn to: Decision III/11, Conservation and Sustainable Use of Agricultural Biological Diversity; Decision III/15, Access to Genetic Resources; and Decision III/17, Intellectual Property Rights. It was noted that many of the delegates to the Commission had actively taken part in the negotiation process regarding Decision III/11 under which the COP decided “*to establish a multi-year programme of activities on agricultural biodiversity aiming: first, to promote the positive effects and mitigate the negative impacts of agricultural practices on biological diversity in agro-ecosystems and their interface with other systems; second, to promote the conservation and sustainable use of genetic resources of actual or potential value for food and agriculture; and, third, to promote the fair and equitable sharing of benefits arising out of the utilization of genetic resources...*”

Moreover, in recognition of the important contribution of the Global Plan of in the field of plant genetic resources action to implementing the Convention on Biological Diversity (CBD) for Food and Agriculture, the CBD Secretariat recalled, under Decision III/11, the COP’s encouragement to Parties to actively implement the GPA at national level. Noting the various options for the legal status of a revised International Undertaking, which include a voluntary agreement, binding instrument or protocol to the CBD, it urged the speedy completion and successful outcome of the ongoing negotiations:

In view of the broadened mandate of the Commission and in order to facilitate an integrated approach to agricultural biodiversity (Resolution 3/95 FAO Conference), the CBD Secretariat welcomed the interest of the Commission in making progress to address animal genetic resources, and later, other components of biodiversity of relevance to food and agriculture. Referring to the COP’s recognition of the importance of cooperation between the CBD and FAO and noting their complementary mandates and work programmes, it highlighted the ongoing efforts to strengthen and render more effective such collaboration, to avoid duplication and enhance the achievement of the objectives of the Convention. In this regard, mention was made of the secondment by FAO of a Programme Officer for Agricultural Biodiversity, to the CBD Secretariat/UNEP for one month during COP-3 and for two years as from February 1997 as well as the ongoing collaboration in the preparation of technical documents and participation in meetings. In addition, the Commission was also informed of the ongoing planning process to draw up a letter of agreement and a joint work programme between the CBD Secretariat and FAO including a two-day workshop supported by the Government of Netherlands on “Farming Systems Approaches for the Sustainable Use and Conservation of Agricultural Biodiversity and Agro-Ecosystems”.

As part of the process for developing the agricultural biodiversity work programme, the CBD Secretariat reminded delegates of the commitments of Parties to provide an assessment of ongoing instruments, activities and priorities at the national level, as well as information on the two case studies identified for further attention, pollinators and soil micro-organisms in agriculture. It highlighted the importance of providing such inputs, as requested by the CBD Secretariat, so as to allow complete and comprehensive reporting to the Subsidiary Body for Scientific, Technical and Technological Matters (SBSTTA) and thence to the Conference of the Parties. It also indicated support for the organization at national and

regional level of activities such as workshops and case studies to gather further information and to gain a better understanding of the situation regarding agrobiodiversity in different environments and contexts.

Further reference was made to Decision III/11, whereby the COP encourages Parties to develop national strategies, programmes and policies for the conservation and sustainable use of agricultural biological diversity, according to 14 action-oriented goals and focusing on, *inter alia*: “(a) the key elements of the Global Plan of Action, (b) the development of inventories which consider the status of farm animal genetic resources and measures for their conservation and sustainable use and (c) micro-organisms of interest for agriculture”. In this regard, it was noted that there is a need for appropriate mechanisms at national level to ensure that agricultural biodiversity activities and plans will be effectively integrated into the national biodiversity strategies, plans or programmes that Parties have been requested to prepare, and report on to COP-IV, as a priority activity in line with Article 6 of the Convention.

The need was also highlighted for mechanisms at national level to facilitate consultation between relevant bodies/organs, as well as coordination of the development and implementation of strategies, programmes and policies on agricultural biodiversity with other sectors of biodiversity and their incorporation into other national planning processes, such as national development plans, national environmental action plans (NEAPs), national agricultural strategies and national forestry action plans (NFAPs).

It was noted that the CBD and GEF focal points tend to be located in the ministries responsible for the environment while the focal points for programmes and plans in the agricultural sectors tend to be located in the ministries of agriculture. In accordance with Decision III/11 of the COP and the recommendations of the GPA, it was noted that there is a need for liaison between the different focal points and Government departments with a view to developing effective integrated approaches for the conservation of agricultural biodiversity.

The recent efforts made by the Global Environment Facility (GEF), the interim financial mechanism of the Convention, to incorporate COP-III guidance into its operational policy and programme and enabling activities criteria was welcomed. It was noted that the GEF guidelines refer the Parties to the 1995 WRI/IUCN/UNEP national biodiversity planning guidelines and that, to date, there are no specific guidelines on agricultural biodiversity. Appreciation was made of the GEF's support for the preparation of many national biodiversity strategies and plans, though it was noted that funding of national activities on agricultural biodiversity needs to be increased in line with the request of the COP to support, as a priority, efforts for the conservation and sustainable use of biological diversity important to agriculture, in accordance with Decisions III/5 and III/11.

The Commission was asked to consider: What mechanisms could be developed to promote the active participation of stakeholders in the development of agricultural biodiversity plans and programmes; How to integrate relevant national activities such as those under the Global Plan of Action into national biodiversity strategies and plans; and How to obtain more substantive financial support for the conservation and sustainable use of agricultural biodiversity. It was further asked to consider what mechanisms could be established at national level to ensure effective coordination and collaboration between the national focal point for the Commission and the respective national focal points for the CBD, for GEF, as well as those responsible for agricultural biodiversity planning, including the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources and other sectors including forestry, fisheries and animal genetic resources.

Finally, noting the importance of coordination between ongoing processes under the Commission and the Convention, the CBD Secretariat welcomed the reference in document CGRFA-7/97/5 (paragraphs 11-16 on the development of monitoring systems for the implementation of the Global Plan of Action), to its ongoing work on developing core sets of qualitative and quantitative indicators, benchmarks and measurable targets to evaluate the level of implementation of the Convention.

APPENDIX I

**THE NEGOTIATED TEXT AND THE CONSOLIDATED TEXT OF
ARTICLES 3 - SCOPE, 11 - ACCESS TO PLANT GENETIC RESOURCES
AND 12 - FARMERS' RIGHTS FOR THE REVISION OF
THE INTERNATIONAL UNDERTAKING**

NOTE: For the purpose of the present draft the terms "Undertaking" and "Parties" are used, without brackets, for simplicity, without prejudice to final formulations.

**Article 3
Scope**

- 3.1 This Undertaking relates to plant genetic resources for food and agriculture.

**Article 11
Access to plant genetic resources for food and agriculture**

- [11.1 Parties recognize the sovereign rights of States over their plant genetic resources for food and agriculture, including that the authority to determine access to those resources rests with the national governments and is subject to national legislation, and in the exercise of their sovereign rights, Parties shall facilitate access without imposing restrictions that run counter to the Convention on Biological Diversity and this Undertaking.
- 11.1 and 11.2 In furtherance of the Convention on Biological Diversity, Parties shall facilitate access to their plant genetic resources for food and agriculture without imposing restrictions that run counter to the Convention on Biological Diversity and this Undertaking, and in a manner which is efficient, effective and transparent.
- 11.2 Parties agree to establish a multilateral system, which is efficient, effective, and transparent, to facilitate access to plant genetic resources for food and agriculture, and to provide for the fair and equitable sharing of the benefits arising from the utilization of these resources, including the transfer of technology, capacity-building, exchange of information and funding.
- 11.2 Parties agree to establish a multilateral system, which is efficient, effective and transparent, to facilitate access to plant genetic resources for food and agriculture. Parties recognise that access to plant genetic resources for food and agriculture is the major benefit of this multilateral system.
- 11.3.1 Access shall be provided[free of charge or with only a modest handling fee]/[at the lowest possible charge], as rapidly as technically possible, using as few steps as possible and [, if possible upon simple exchange of correspondence] with the necessary documentation for shipment. [Formal requests for access shall not be denied.]
- 11.3.2 Recipients of material must be informed [and must formally agree] that by acceptance they (a) undertake that it will be used for research, breeding or training in food and agriculture, according to the terms of this Undertaking (b) [understand that any other use of this material may be subject to [different conditions, with particular reference to]/[other provisions of] the

Convention on Biological Diversity, and (c)] agree to redistribute samples of the material to third parties only under these same conditions.

- a. Any information generated on the material will be fed back to the source country. The recipient shall agree that the material received shall not be passed on to a third party without the prior informed consent of the donor.
- b. Recipients of plant genetic resources shall declare the intended use of such resources. Subject to national legislation, applications for use for food and agriculture, research, training, shall be granted access.
- c. Recipients shall undertake that no intellectual property rights or any other rights shall be claimed over the materials, processes related to the materials, and products arising from such materials.
- d. Plant genetic resources received for food and agriculture use and later utilized for any non-food or agriculture purposes shall also be subject to fair and equitable benefit-sharing arrangements for such uses.
- e. ...unless the provider does not require such documentation...[to be added as appropriate]
- f. Access to proprietary breeders' lines, farmers' varieties and other material under development, will be at the discretion of their developers during the period of their development.
- g. Access should be facilitated by the provision of adequate information on the material.
- h. When the acquisition is subject to specific conditions, access shall be provided consistent with those conditions.
- i. Access to material protected by intellectual property rights will be consistent with relevant international intellectual property rights legislation.]

THE FOLLOWING TEXT WAS THE BASIS FOR NEGOTIATIONS. IT WAS PREPARED BY THE BUREAU, BASED ON TEXTS SUBMITTED BY REGIONAL CONSULTATIONS.

11.2¹ 1* Parties shall take measures to provide or allow for unrestricted access to plant genetic resources for food and agriculture [for the material referred to in Annex A. Parties to this agreement are also encouraged to provide or allow for unrestricted access to additional material, not listed in Annex A.]/[for the material designated by the Parties for inclusion in the International Network, as defined in Article...]. Parties shall also take measures to provide or allow for unrestricted access to plant genetic resources for food and agriculture, acquired prior to entry into force of this agreement, except where the acquisition was subject to specific conditions, in which case access to the genetic resources shall be provided consistent with those conditions.

AND/OR

2* Parties agree to establish a multilateral system of access and exchange of plant genetic resources for food and agriculture under the auspices of FAO [for the material referred to in Annex B]/[for the material designated by the Parties]. Conditions of access and benefit-sharing under the multilateral system of access and exchange shall cover all categories of plant genetic resources for food and agriculture as an integral part of this Undertaking. Recipients of plant genetic resources for food and agriculture shall undertake commitments to share benefits derived from any commercial use to the country or countries of origin, or in the case of plant genetic resources for food and agriculture for which country or countries of origin cannot be determined, to the International Fund established under Article

AND/OR

3* Conditions of bilateral access and benefit-sharing [for the material referred to in Annex C]/[for the material designated by the Parties] shall be determined by the contracting parties concerned on mutually agreed terms, keeping in view the provisions of the CBD.

11.3 Any Party may propose an amendment to Annexes A, B and C for consideration by the CGRFA. The text of the proposed amendment shall be communicated by the Secretariat of the CGRFA to Parties at least three months before its meeting.

11.4 Parties agree that plant genetic resources received under the terms of this Undertaking for use for food and agriculture and later utilized for any other commercial purposes shall also be obliged to ensure fair and equitable benefit-sharing arising from such non-agricultural use.

11.5 Access to the material in the International Network will be allowed to non-participants under specific conditions to be negotiated by the [FAO CGRFA]/[governing body].

11.6 Prior to being granted access, applicants for access shall meet the requirements set out in any generally agreed international standards, including in particular the FAO Code of Conduct for Collecting and Transfer of Plant Germplasm.

¹ NOTE: In Article 11.2, 1*, 2* and 3* may be viewed as alternative regimes, or as components of a single regime. If they are to be viewed as components of a single regime, then the negotiations will need to establish which materials shall be dealt with under which component. The references in brackets to annexes relate to this possibility. It will also be necessary to establish which component should be the default category, that is, the category that covers all PGRFA not defined as being in other categories. Whether 11.3 is retained will depend upon such decisions.

- 11.7 Access to proprietary breeders' lines and farmers' varieties under development will be at the discretion of their developers during the period of their development, provided that the exercise of this discretion does not run counter to the objectives of this Undertaking.

[Annexes to Article 11

Annex A

Designated material in the International Network

OR

Plant genetic resources for food and agriculture (genus level) listed in this Annex, acquired after entry into force of this agreement, when they are held in national collections, in collections designated by their national government, or in areas for *in situ* conservation of plant genetic resources for food and agriculture designated by governments for the purposes of this agreement.

- | | | |
|----|-----------|---------------------|
| A. | Wheat | Rice |
| | Maize | Chickpea |
| | Sorghum | Bean (Phaseolus) |
| | Millet | Cowpea (Vigna) |
| | Rye | Faba Bean |
| | Oat | Soybean |
| | Barley | Pigeon Pea |
| | Yam | Peanut |
| | Potato | Lentil |
| | Tanier | Pea |
| | Taro | Sweet Potato |
| | Cassava | Banana and Plantain |
| | Coconut | Squashes |
| | Brassicas | Melons |
| | Tomatoes | Flax |
| | Citrus | Sunflower |
| | Sugarcane | Beets |
| | Allium | |

- B. Forages

OR

material not included in Annexes B or C

Annex B

Designated material

OR

Plant genetic resources for food and agriculture (genus level) listed in this Annex

OR

material not included in Annexes A or C

Annex C

Plant genetic resources for food and agriculture (genus level) listed in this Annex

OR

material not included in Annexes A or B]

Article 12 **Farmers' Rights¹**

12.1 [Parties recognize the enormous contribution that farmers of all regions of the world, particularly those in the centres of origin and crop plant diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world. These contributions form [a / the] basis for [Farmers' Rights as they relate to plant genetic resources for food and agriculture, as elaborated in Article 12.3.] [[the concept of [F/farmers' R/rights] as [[elaborated/dealt with] in earlier FAO resolutions], to be [implemented /adressed] by appropriate measures] [recognizing farmers' rights, as elaborated in Article 12.3, and undertaking] / [Farmers' Rights and] / [] appropriate measures, reflecting national capacities and needs, [which are non-discriminatory and non trade-distorting,]] necessary for Parties [and/or] farmers to continue to conserve, manage and improve plant genetic resources for food and agriculture.]

OR

[Parties recognize the enormous contribution that farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world. These contributions form [the / a] basis for [recognizing farmers' rights as they relate to plant genetic resources for food and agriculture[, as elaborated in Article 12.3. and undertaking] [the concept of Farmers' Rights as dealt with in FAO Resolution 5/89 to be adressed at national level by] appropriate measures [reflecting national capacities and needs,] [which are non-discriminatory and non trade-distorting,]] necessary for Parties and/or farmers to continue to conserve, manage and improve plant genetic resources for food and agriculture.]

12.2 [Parties recognize that the [principle] responsibility for realizing [the rights of [their] farmers, as they related to PGRFA,] [Farmers' Rights] [individually and/or collectively, where recognized by national law] , rests with [the national government] [national governments] [and the international community, as a beneficiary of the PGR developed and conserved by farmers]. The international community [, as a beneficiary of the PGR developed and conserved by farmers, also has the responsibility to] [recognize Farmers' Rights and to] [will] assist national governments for the purpose of [ensuring/encouraging] equitable benefits to present and future generations of farmers and farming [and indigenous] communities.]

¹ Definitions required for Farmers' Rights, farmers and farming communities throughout the entire text.

OR

[Parties recognize the need to promote the efforts of their farmers to conserve and sustainably use plant genetic resources for food and agriculture.]

12.3 [Each Party / Parties] [shall / should] therefore, as appropriate, take measures, including administrative, policy and legislative measures, according to [its needs and priorities] / [their respective priorities], to:

- a) Assist their farmers and [traditional] farming communities , [especially in areas of origin/diversity of plant genetic resources,] in contributing to the evolution, conservation, improvement, evaluation and sustainable use of plant genetic resources for food and agriculture, through the participation in and establishment or strengthening of appropriate arrangements, [and the participation of their farmers and their [traditional] farming communities therein] such as:
 - i) national [and regional] germplasm programmes;
 - ii) initiatives that promote the use of, and research into, crops which are not widely used.
- b) [[Subject to national legislation,] Ensure that international programmes [directly] benefit farmers by furthering their activities to conserve and sustainably use plant genetic resources for food and agriculture.]

OR

[Work with relevant international programmes to benefit farmers and to] further their activities to conserve and sustainably use plant genetic resources for food and agriculture.]

- c) [Actively implement the measures referred to in Article...² in accordance with their national capacities, so contributing to ensure benefits to farmers and [their] [traditional / farming /indigenous and local] communities.]
- d) Support measures for research, training and institutional capacity building activities at the local level, with the [full] participation of the communities concerned, particularly focusing on women farmers, [[including / and] measures for [review of] credit facilities and market provisions.] [governing farmers' access to plant genetic resources for enhancing traditional genetic resources, development and the exchange systems through, inter alia, the removal of financial and market barriers against such systems, for conservation, development and sustainable use, and transfer of technology that protect, integrate, enhance and develop [traditional farmers' / farmers' traditional] knowledge, know-how and practices.]
- e) [Facilitate the [integration] of [traditional farmers' /farmers' traditional] knowledge, know-how and practices, with modern technologies, as appropriate.]
- f) Promote national and international scientific and technological agricultural research that supports and enhances, as appropriate, farmer-based knowledge systems related to plant genetic resources for food and agriculture.

² The European Region proposes titling Article...(Article 5 in IUND/4) "National commitment towards the conservation and sustainable use of plant genetic resources for food and agriculture".

- g) [Recognize and protect traditional rights of farmers and their communities to keep, use, exchange, share and market their seeds and any other plant reproductive material, including the right to re-use farm saved seed.]³

OR

[[In accordance with national legislation,] Recognize [and protect] traditional [practices and] rights of farmers and their communities to keep, use, exchange, share and market [their] [/ [farmers' varieties /] landraces] [[seeds and [any other/ their] plant reproductive material], [of their local or farmer varieties,] including the right to re-use [their] farm-saved seed [under UPOV] [as appropriate].]

OR

Protect the ability of farmers and their communities to keep and use, including the ability to re-use, their farm-saved seed and their other plant reproductive material: as well as [consistent with national legislation, exchange, share and market seeds and other plant reproductive materials in the public domain.]

OR

[Protect, consistent with national and international legislation, as appropriate, the ability of farmers and their communities to keep, use, exchange, share and market seed and other plant reproductive materials of their farmers' varieties / landraces.]

- h) [Establish and implement an international fund (referred to in Article ...) and develop its operational mechanism to ensure conservation and sustainable use of plant genetic resources, and traditional farmers' knowledge, facilitate and ensure access to new technologies and equitable sharing of benefits derived from the products obtained through the use of plant genetic resources for the benefit of present and future generations of farmers.]

OR

[Make appropriate efforts to mobilize adequate financial resources to support farmers activities to conserve and use sustainably plant genetic resources for food and agriculture [without restricting or distorting trade]. In this regard, they should seek the full use and qualitative improvement of all national, bilateral and multilateral funding sources and mechanisms and the involvement of private sector sources and mechanisms: including NGOs.]

- i) [[Subject to national legislation, encourage] Recognize and [ensure the rights of [their] farmers in [fully] sharing]] [endeavour to share] the benefits arising from the [direct] use of plant genetic resources on a fair and equitable basis, [and] as mutually agreed, including [through transfer of technology,] participation in research, and access to the results of research and development,[where appropriate,] derived [at present, and in the future,] from the improved use of plant genetic resources through plant breeding[. and other modern scientific methods, as well as from their commercial use.]
- j) [Ensure that the [individual and/or] collective knowledge and plant genetic resources for food and agriculture held and developed by farmers and [farming / local] communities are protected and promoted by adopting and implementing appropriate legislation [in the form of a collective rights regime] that provides for the adequate protection of traditional or indigenous knowledge, innovations, materials and practices of and by farmers and [farming / local] communities [and promote the equitable sharing of benefits arising from the utilization of their plant genetic resources for food and agriculture] .]

³ **NB:** In the copy of the Report of the Seventh Session, submitted to the Hundred and Twelfth Session of the FAO Council, 2-7 June 1997 (as document CL 112/18), the first option of the four listed under para. 12.3 (g) was inadvertently omitted, and has been restored in this text.

- k) [Promote on the national level legal protection systems [and/or other mechanisms] in order to render effective the rights of farmers [and / relating to] the fair and equitable sharing of the benefits arising out of the utilization of plant genetic resources for food and agriculture.]

OR

[Establish systems on the national level [,including *sui generis* systems,] as appropriate, [pertaining to] / [to ensure / promote] the fair and equitable sharing of the benefits arising out of the utilization of plant genetic resources for food and agriculture .]

THE FOLLOWING TEXT, WITH AMENDMENT PRESENTED DURING THE WORKING GROUP MEETING, WAS THE BASIS FOR NEGOTIATIONS. IT WAS PREPARED BY THE BUREAU, BASED ON TEXTS SUBMITTED BY REGIONAL CONSULTATIONS.

- n [l]) [Promote the establishment and advise on the development of an international *sui generis* system for the recognition, protection and compensation of knowledge, innovations and practices of farmers and traditional communities.]
- o[m]) [Take the necessary measures to ensure that [their] farmers and [local] farming communities fully participate in the definition and implementation of the measures [provided under this article] [and legislation on Farmers' Rights at national and international levels], and including their active participation in the development, implementation and review of this Undertaking [and the International Fund referred to in Article ... A] [P] permanent and flexible consultative process will [processes \ should] be initiated to meet this aim.]
- p[n]) [Ensure that the prior informed consent of the concerned farmers and local communities is obtained before the collection of plant resources is undertaken; adapt current variety registration systems so as to identify and record, as appropriate, varieties of plant genetic resources provided by farmers and farming communities; and require disclosure of the origin of plant genetic resources utilized in the development of commercial varieties.]
- q [o]) [Review, assess and, if appropriate, modify intellectual property rights systems, land tenure, and seed laws in order to ensure their harmony with the provisions of this Article.]

APPENDIX J

**COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE****Eighth Session****DRAFT PROVISIONAL AGENDA**

1. Election of the Chair and Vice-Chair
2. Adoption of the Agenda and Timetable
3. Report(s) from the Intergovernmental Technical Working Group(s)
4. Revision of the International Undertaking on Plant Genetic Resources
5. Development of the Global Strategy for the Management of Farm Animal Genetic Resources
6. Progress Report on the Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, and the implementation, monitoring and review of the Global Plan of Action
7. Consideration of FAO's Policies, Programmes and Activities on Genetic Resources for Food and Agriculture
8. Reports from International Organizations on their policies, programmes and activities on genetic resources for food and agriculture
9. International Cooperation in the field of Genetic Resources for Food and Agriculture and cooperation with the Convention on Biological Diversity
10. Future work of the Commission and its Intergovernmental Technical Working Groups, and election of their member states
11. Other business
12. Date and place of the next session
13. Adoption of the report

APPENDIX D
ANNEXE D
APENDICE D

**LIST OF DELEGATES AND OBSERVERS
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