



# The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



## Item 4 of the Provisional Agenda

### FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 7 – 11 March 2011

## REPORT OF THE CHAIRPERSON OF THE FOURTH SESSION OF THE GOVERNING BODY

### *Note by the Secretary*

- i) *At its Third Session, the Governing Body elected Ms Cosima Hufler (Austria) as Chairperson of the current session of the Governing Body, in accordance with Rule II of the Rules of Procedure of the Governing Body.<sup>1</sup>*
- ii) *The Chairperson, in this document, reports, for information, on major developments affecting the International Treaty since the Third Session of the Governing Body, and on certain actions taken in accordance with the decisions of the Governing Body.*
- iii) *The Governing Body is being invited to note the Chair's Report.*

<sup>1</sup> Rule II.1 The Governing Body shall elect a Chairperson and one Vice-Chairperson per FAO region other than the region of the Chairperson (hereinafter collectively referred to as “the Bureau”) and in addition a *Rapporteur* from among the delegates, alternates, experts and advisers (hereinafter referred to as “representatives”) of the Contracting Parties.

Rule II.3 The Chairperson shall preside at all sessions of the Governing Body and shall exercise such other functions as may be required to facilitate the work of the Governing Body.

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## I. INTRODUCTION

1. The Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) elected its Bureau in accordance with its Rules of Procedure at the close of the Third Session, which was held in Tunis (1 - 5 June 2009). The Bureau comprises myself as the Chair (Ms Cosima Hufler, Austria for the European Region), alongside the Vice Chairs Mr Mohamed Kharrat (Tunisia for the African Region); Mr Mohd Shukor Nordin (Malaysia for the Asian Region); Mr Gustavo de Brito Freire Pacheco (Brazil for the Latin and Caribbean Region); Mr Javad Mozafari Hashjin (Iran for the Near East Region); Mr Marco Valicenti (Canada for the Northern American Region) and Ms Fiona Bartlett (Australia for the South West Pacific Region).

2. During the intersessional period, Mr Nordin, Mr Pacheco and Ms Bartlett were replaced by Mr Azman Mohd Saad, Ms Maria Cecília B. Cavalcante Vieira and Mr Travis Powers, respectively, who continued to fulfil their duties as members to the Bureau.

3. I would like to commence my report by thanking all of the previous and current fellow Bureau members for their good spirit of cooperation during this time, which made our work a pleasant and efficient experience. I also wish to thank the Executive Secretary, Mr Shakeel Bhatti, and all members of his team for their continuous support during this time and for their readiness to facilitate the Bureau's activities.

4. The Bureau's task as outlined in the Rules of Procedure of the Governing Body in Rule 2.2 was to "*provide guidance to the Secretariat with regard to the preparations for, and conduct of, sessions of the Governing Body*". Additionally, there were further tasks explicitly delegated to the Bureau by the Governing Body. To this effect, the Bureau held meetings at various occasions and also held contacts by e-mail exchanges. Its work during this intersessional period mainly focussed on providing guidance to the Secretariat with regard to management and budget-related matters in the run-up to GB4; selection of two candidates for the Executive Board of the Global Crop Diversity Trust; the project cycle for the 2010-11 biennium; and preparations for the 4<sup>th</sup> session of the Governing Body, to be held in Bali, Indonesia (14 – 18 March 2011). The Bureau was also consulted on the reappointment of the Executive Secretary for continuing his services for a second term of office, and it expressed its unanimous support in this regard.

5. Further, the Bureau also held joint meetings with the Bureau of the Commission on Genetic Resources for Food and Agriculture to develop further cooperation between the two bodies and to prepare the relevant decisions of the Governing Body and the Commission, and in particular with regard to the updating of the Global Plan of Action, of the genebank standards and with regard to the policy coherence and complementarity of the work of the Commission and of the Governing Body.

6. All of the Bureau members stayed in close contacts with their respective regions during this period, therefore my report represents an overview of the most important developments during the intersessional period.

## II. IMPLEMENTATION OF THE WORK PROGRAMME

7. In the previous year, the Executive Secretary had to revert to borrowing from the Special Fund for Agreed Purposes to fill a serious short-fall in the Core Administrative Budget. The Bureau noted the necessity of this at that time, however strongly advised against continuing this practice, as the borrowed monies would need to be paid back at a later date.

8. In the subsequent year, there were positive developments with regard to contributions to the Core Administrative Budget; some also foresaw that part of their contribution be used for

paying back the borrowings from the Special Fund for Agreed Purposes. However, this is certainly not a practice that is healthy for the future and further development of the Treaty.

9. Acknowledging difficulties in the funding situation, the Executive Secretary needs to continue with prudent management and undertake priority setting, under the guidance of the Bureau, and Contracting Parties need to match policy decisions with projected funding availability when it comes to setting the work programme of the Treaty at its Governing Body sessions, alongside stepping up their own efforts to provide their contributions to the Core Administrative Budget.

10. In this regard, it will also be necessary to undertake an objective assessment of the mandates and further need of the ad hoc committees in order to be able to set up the most efficient system for intersessional work and support in the best interest of the Contracting Parties to the Treaty.

### **III. IMPLEMENTATION OF THE FUNDING STRATEGY OF THE TREATY**

11. The Bureau was also closely engaged with the *Ad Hoc* Advisory Committee on the Funding Strategy on a number of issues, as this biennium was vital for the developments of the Benefit-sharing Fund. The Committee also supported the Bureau in the first phase of the selection process for the 2010-11 Call for Proposals.

12. Through the commissioning of external consultancy services, CCS, the benefit-sharing fund started to receive greater attention and interest has been shown by a number of important donors and partners.

13. While this showed that there is a realistic chance for development of the Benefit-sharing Fund, it also showed that the relationship with donors and recipients cannot be undertaken in a piecemeal fashion. The project cycle needs to develop a stable structure where its implementation is standardised. With regard to the relationship with donors, it is clearly acknowledged that such relationships depend on personal engagement, however, we also need to live up to the realities, limited human resources, given that the Treaty Secretariat cannot perform functions of an implementing agency in addition to the tasks already at hand. Therefore, it is vital for the Treaty to enter relationship agreements with partners that help nurture a stable basis for the future development of the project cycle, as well with other partners that can support the implementation of the cycle. Thus, this will allow freeing resources from the Treaty Secretariat and to enable them to undertake the coordinative role that will be central with all partners engaged.

14. Furthermore, the Funding Strategy encompasses a wider realm than only the Benefit-sharing Fund. The Global Crop Diversity Trust is an essential element of the Funding Strategy, and in recognition thereof, both the Secretariat of the Treaty and the Trust have entered into reflections of how cooperation can be taken forward at a practical level, so as to underline the mutually supportive character of their partnership on a day-to-day and long-term basis, especially as the Trust can offer valuable experiences relevant for the implementation of the Treaty's project cycle.

### **IV. IMPLEMENTATION OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING**

15. With the Treaty in force for nearly seven years, the functioning of the Multilateral System is becoming stronger every year. Similarly, as implementation is progressing, practical issues become more apparent. While the *Ad Hoc* Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System has acted in part as a vehicle to address practical implementation, there is a need to provide a mechanism for Contracting Parties and users seeking answers and advice for matters other than those that are of a standard nature. This is

certainly not an easy task, as advice, when being asked for, should usually be provided in a timely and legitimized manner, where the current process in the intersessional period has its limitations. It also would need to clearly distinguish between political and technical issues, as the Governing Body is the competent forum for decisions and guidance on policy matters relating to the ITPGRFA. This does not preclude the need to take into account that some policy decisions require preparations at a technical level as and when mandated by the Governing Body.

## **V. RELATIONSHIP WITH THE CONVENTION ON BIOLOGICAL DIVERSITY**

16. In October 2010, the 10<sup>th</sup> Conference of the Parties to the Convention on Biological Diversity (CBD) adopted a range of decisions that also relate to the ITPGRFA. Most importantly, the COP adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising out of their Utilisation. The adoption of the Protocol can be depicted as a success, especially when it comes to the recognition of the ITPGRFA for what it is. This is in particular reflected in the decision with which the Protocol was adopted that depicts the international ABS regime as being constituted of “the Convention on Biological Diversity, the Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising from their Utilization, as well as complementary instruments, including the International Treaty on Plant Genetic Resources for Food and Agriculture and the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of the Benefits Arising out of their Utilization”. Furthermore, the Protocol acknowledges that for instances where a specialised ABS regime applies, in this case the ITPGRFA, the Protocol does not apply and therefore lays down the basic principle that now also needs to be translated into the national legislation and regulatory requirements that will be developed in the upcoming months and years for the implementation of the Nagoya Protocol. It furthermore is another basis for furthering and strengthening the harmonious cooperation between the ITPGRFA and the CBD and its Nagoya Protocol, both at Secretariat and Contracting Party levels.

## **VI. CONCLUSION**

17. The Governing Body at its Fourth Session will have a range of important decisions to take, in relation to those matters described above, especially with regard to definitive decisions for the funding strategy, but also in areas that will be crucial for facilitating the Contracting Parties’ efforts in implementation of the Treaty and that will make up the entire picture of the circular system of the Treaty. At this session the Governing Body is also expected to give full effect to the compliance committee, as is mandated in Article 21 of the Treaty.

18. In closing, I am hopeful that the Fourth Session of the Governing Body will have a successful session and will be able to adopt decisions that allow for the further development of the Treaty and even greater progress in its implementation.