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y la
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Item 5 of the Provisional Agenda

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

SECOND SESSION OF THE GOVERNING BODY

Rome, Italy, 29 October – 2 November 2007

REPORT OF THE CHAIR

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I. INTRODUCTION

1. The Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture elected the Bureau for its Second Session at the close of the First Session held in Madrid, Spain, 12-16 June 2006. I was elected Chair (Zambia) with Mr. Campbell Davidson (Canada), Mr. Modesto Fernandez Diaz Silveira (Cuba), Mr. Mohamed Khalifa (Egypt), Mr. John Madden (Australia), Mr. Sugiono Moeljopawiro (Indonesia) and Mr. Francois Pythoud (Switzerland) elected as Vice Chairs in accordance with the Rules of Procedure of the Governing Body adopted at its first session.
2. As you may recall, the Bureau commenced its term of office immediately following the closure of the First Session of the Governing Body and worked to provide guidance to the Treaty Secretariat in the preparations for the Second Session of the Governing Body as well as carry out other tasks arising from the decisions of the Governing Body during its First Session. These tasks included making arrangements for the *Ad Hoc* Advisory Committee to convene and undertake outstanding work on the Funding Strategy, selection of four candidates to be appointed by the Governing Body to the Executive Board of the Global Crop Diversity Trust and selection of the Secretary of the Treaty.
3. The Bureau in conjunction with the Secretariat, both *ad interim* and substantive, embarked on a programme of work during the inter-sessional period to carry out the tasks outlined above. The Bureau also reviewed the performance of the Treaty with regard to the implementation of specific decisions of the First Session of the Governing Body.
4. Allow me to pay tribute to all Bureau members and Secretariat staff for exhibiting a spirit of tremendous cooperation and commitment in the course of conducting the business of the Bureau, which enabled smooth progress in the work of the Bureau and led to timely accomplishment of the tasks undertaken.
5. The Bureau held four regular meetings and one meeting acting as the screening committee for the selection of the Secretary. These meetings were held during 13-15 November 2006, 5-6 February 2007, 16-17 June 2007 and 28 October 2007 respectively. The Bureau acting as the interview panel for the selection of the Secretary held a meeting from 20-21 December 2006. All the meetings were held at FAO headquarters in Rome, Italy. The Bureau also held electronic consultations by e-mail on a variety of issues in the course of this period.
6. I consider it imperative to give you my report on what the Bureau has managed to do with regard to the tasks referred to above as a logical starting point before getting into the substantive agenda of this meeting.

II. ARRANGEMENTS FOR THE AD HOC ADVISORY COMMITTEE ON THE FUNDING STRATEGY

7. In accordance with Resolution 1/2006 of the First Session of the Governing Body, the Bureau worked with the Secretariat to constitute the *Ad Hoc* Advisory Committee and facilitate its meetings to draft the priorities, eligibility criteria and operational procedures for the allocations of funds under the direct control of the Governing Body. I am grateful to the Bureau members for the important role they played in facilitating the nomination of representatives from their respective regions. It was decided that the Committee could hold three (3) meetings of 3 days

each and, in order to keep costs down, the Committee should work in English only. The Bureau also provided suggestions on the documentation to be prepared by the Secretariat for the first meeting which took place from 26-28 March 2007.

8. The Bureau expressed concerns on the very low level of financial contributions made by Contracting Parties to fund the Budget adopted by the Governing Body and the Funding Strategy as well as on the limited response from Contracting Parties in providing information on a number of issues as requested by the Governing Body, including to facilitate the work of the *Ad Hoc* Advisory Committee. The urgency of the situation made it necessary for me, with the concurrence of Bureau members, to write a letter, on 6 February 2007, to all Contracting Parties urging them to make their contributions to the Core Administrative Budget of the Treaty and the Funding Strategy, and to provide the requested information. This is contained in the *annex* to this document.

9. The Bureau felt that the issue of fund raising for voluntary contributions to the Funding Strategy was a major challenge and emphasized the need for Contracting Parties to make contributions as this would signify their commitment and therefore encourage other parties to contribute to the Treaty's Funding Strategy. It was the Bureau's view that the Secretariat develops ideas and specific proposals on the issue of fund-raising and the possible action that the Governing Body could take.

10. The Bureau noted with satisfaction the successful and efficient manner in which the Committee conducted its work, making it possible to conclude its work in two meetings. It was felt that the format of an *Ad Hoc* Advisory Committee provided a focused, cost-effective, time-efficient and outcome-oriented arrangement for the inter-sessional preparation of technical inputs to the Governing Body.

III. SELECTION OF FOUR CANDIDATES TO BE APPOINTED BY THE GOVERNING BODY TO THE EXECUTIVE BOARD OF THE GLOBAL DIVERSITY TRUST

11. The Bureau met on 5 and 6 February 2007 to select the Governing Body's four nominees to the Executive Board of the Global Crop Diversity Trust from the names put forward by Contracting Parties and compiled by the Interim Secretary. The Bureau elected the four members to serve in their personal capacity, in accordance with the procedures established by the Governing Body and requested the Secretariat to contact them, confirm their willingness to serve, and agree with them which of the staggered appointments they would accept. The Secretariat subsequently contacted them and they all signified their acceptance to serve on the Executive Board.

12. The following are the nominees with their terms:

- Ms Wangari Maathai (Kenya), to serve a 6 year term (a first term of three years followed by a second three year term);
- Mr. Peter Crane (United Kingdom), to serve a 5-year term (a first term of two years, followed by a second three year term);
- Mr. Adel El-Beltagy (Egypt), to serve a 4-year term (a first term of one year, followed by a second three-year term);
- Mr. Karl Erik Olsson (Sweden), who will serve a single term of three years.

13. I communicated the above details of the Governing Body's nominees to the Executive Secretary of the Trust on 19 February 2007.

IV. APPOINTMENT OF THE SECRETARY

14. I chaired both the screening committee and the interview panel for the selection of the Secretary of the Governing Body conducted in accordance with the procedures adopted by the Governing Body at its First Session on the appointment of the Secretary. The Screening Committee successfully conducted the selection, which resulted in the recommendation of one candidate to the Director General of FAO and his subsequent appointment as Secretary of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture. I am happy to present to you, on behalf of the Bureau, Dr. Shakeel Bhatti, the new Secretary of the Governing Body.

V. ARRANGEMENTS FOR THE SECOND SESSION OF THE GOVERNING BODY

15. The Bureau during its meetings worked closely with the Secretariat to make the necessary preparations for this Session. Due to delays in the effective establishment of the substantive secretariat and the mobilization of the required funds, it became obvious that this session could not be held back to back with the Eleventh Session of the Commission on Genetic Resources for Food and Agriculture (CGRFA), scheduled for June, 2007. It is for this reason that this Session is being held during this period.

16. The major task in the preparations for the Second Session of the Governing Body was the development of the agenda and programme and agreeing on the relevant documentation required for the various agenda items. I am happy to report that this task was successfully undertaken and led to the draft agenda and programme you have before you. Since the Treaty Secretariat was staffed only for a very short period prior to the Session of the Governing Body, a certain delay in completing the working documentation in relation to standard publication deadlines was natural and unavoidable. Despite the challenging circumstances, however, the entire working documentation was successfully completed in time for the Session of the Governing Body due to the hard work of the Secretariat. Upon request from Bureau members, the Secretary also circulated an advance copy of the Work programme and budget for 2008-09 to members of the Bureau at an early stage of its preparation for reviewing and commenting by the Bureau members. Throughout the preparations, the Secretary continued to be in constant consultations with me and other members of the Bureau in finalizing the agenda, programme and documentation.

VI. TREATY IMPLEMENTATION CHALLENGES

17. I wish to share with you what I consider to be key challenges in the implementation of the ITPGRFA, which you may reflect upon as you engage in discussions on the various agenda items during this Governing Body session.

18. Most of you may agree with me that the Treaty is at a critical stage of implementation. Overall, the major challenge is to implement the Multilateral System and the Funding Strategy of the Treaty in an effective, balanced and coherent manner. A clear focus on these two priorities will address the need to make the Treaty attractive to both Contracting and non-Contracting Parties by ensuring a balance in the implementation of the key provisions of the Treaty, taking into account the interests of all key stakeholders. What further actions the Governing Body needs

to take and the roles Contracting and other parties can play towards the realization of this goal, is a key question that may need to be considered during this session. However, it is important that there is policy coherence and consistency in the implementation of the Treaty, guided by the Governing Body and its Secretariat, including cooperation with relevant bodies and stakeholders, and appropriate coordination of relevant activities by the Governing Body through its Secretariat.

19. There has been limited commitment on the part of Contracting Parties in making voluntary financial contributions to both the Core Administrative Budget and the Trust Funds, which they had undertaken to make at the First Session of the Governing Body. The timely availability of financial resources under the administrative budget is, among other things, critical to the effective establishment of the Treaty Secretariat. The flow of contributions to the Core Administrative budget has been slow, making it difficult for the timely implementation of activities under the agreed work programme. One of the consequences of this is the delay in the recruitment of support staff for the Secretariat. Partly due to this, it has been difficult for the Secretariat to prepare the documentation required for this session and have them circulated in good time as required in the Rules of Procedure.

20. At this early implementation stage, one important challenge relates to issues of governance and the role of the Governing Body and its Secretariat. The Bureau considered the issue of the functional autonomy of the Secretariat of the Treaty, as affirmed at the First Session of the Governing Body, and requested me to raise the issue in this report to the Governing Body. It recalled that the Terms of Reference of the Secretary specify that the Secretariat shall enjoy functional autonomy and be technically accountable to the Governing Body. In order for the Governing Body to take actions and decisions on this matter, the Bureau requested a report on modalities of implementing such functional autonomy from a practical point of view, which may address such issues as representation, correspondence, financial and human resource management, reporting, travel, administrative procedures, management and reform processes, and the executive authority of the Secretary. It requested the Secretary to assess in cooperation with the FAO Legal Office and other relevant departments what steps could be taken to realize the autonomy. The Bureau also agreed that avenues should be sought to clarify this matter at the highest level in FAO and that financial contributions by the Contracting Parties to the Core Administrative Budget are key to exercising that autonomy.

21. The Bureau had felt that the staffing situation of the Secretariat was serious and stressed the need for the Secretary to be able to recruit such staff by the most efficient and rapid procedures. It recalled that the Terms of Reference adopted by the Governing Body state that the Secretary manages the human and financial resources of the Secretariat and, as appropriate, reports on these to the Director-General. It thus recommended that the Secretary be given the relevant support for the recruitment process and management of the Secretariat at all levels, as required. I wish to commend the efforts and progress made by the Secretariat with very limited resources in the very short time available.

22. The slow and low rate of response by Contracting Parties to requests for information by the Secretariat required to implement some of the decisions arising from the First Session of the Governing Body also poses a challenge in the implementation of the Treaty. These include providing names of national focal points for the Treaty and provision of information on plant genetic resources available to the Multilateral System. National focal points, as you may realize, are critical for effective communication and interaction between the Secretariat and Contracting Parties.

23. The need to make the Multilateral System of facilitated access and benefit-sharing functional remains also a major challenge. It is vital that adequate resources be made available

and structures to be put in place to encourage Contracting Parties and other stakeholders to put materials into the Multilateral System to be accessed by interested persons or entities. The Work Programme of the next biennium should include extensive activities in this regard. Since the Multilateral System is still at its early stages, the major focus at this point should be on making it fully operational and prepare for assessment of progress in its implementation at future sessions of the Governing Body.

24. Besides ensuring that access to plant genetic resources is facilitated, it is also important that clear strategies are put in place to demonstrate how funds are going to be mobilized under the Funding Strategy to ensure the implementation of the Treaty, in particular the realization of monetary benefit-sharing, and therefore build confidence among stakeholders.

25. The other key challenge is on how to increase and sustain the interest of Contracting Parties and encourage them to honour their commitment towards implementation of the Treaty. In particular, Contracting parties have not demonstrated sufficient levels of commitment to the Treaty in terms of making their financial contributions to the Core Administrative Budget as well as other voluntary contributions. We all agree that the Multilateral System of access and benefit-sharing is the major attraction of the Treaty and making it operational is therefore a key factor in creating the necessary attraction to the Treaty and its long-term sustainability.

VII. CONCLUSION AND RECOMMENDATIONS

26. Despite the above challenges I am confident that the future holds promise for the successful implementation of the Treaty. This confidence is drawn from the growing membership of the Treaty.

27. I wish to commend the Secretariat for the great effort made in making arrangements for this session and, in particular, the preparation of the necessary documents despite the human resource and time constraints faced.

28. It is my belief that the interest in the Treaty, which continues to be shown by various stakeholders, forms an important basis upon which the Governing Body can draw strength and build confidence for the implementation of the Treaty.

29. Finally let me also acknowledge the tremendous support and cooperation that has been rendered to the Secretariat by the Office of the Director General and other relevant offices within FAO, without which it would have been difficult to make arrangements for this session and accomplish certain tasks.



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منظمة
الاغذية
والزراعة
للأمم
المتحدة

Viale delle Terme di Caracalla,
00153 Rome, Italy

Cables:
FOODAGRI ROME

Telex: 625852 FAO I
610181 FAO I

Facsimile: +39 0657053152

Telephone: +39 0657051

Our Ref.: PL 40/31

Your Ref.:

Rome, 6 February 2007

Letter from the Chairman of the Second Session of the Governing Body
of the International Treaty on Plant Genetic Resources for Food and Agriculture

I have this week met with the Bureau of the International Treaty on Plant Genetic Resources for Food and Agriculture and the Secretariat. We reviewed, among other things, the responses that Contracting Parties have made to the requests for information that are contained in the Circular State ... Letter from the Interim Secretariat of 3 November 2007. A copy of the letter is attached, for ease of reference, as *Annex 1* to this letter.

The Bureau agreed that I should bring a number of matters to the attention of the Heads of Delegations to the First Session of the Governing Body, copied to their Governments' Representations to FAO.

Two things, in particular, require immediate action:

1. Re: Para 1 of the Circular State Letter 3 of November 2006: Nomination of focal points for correspondence regarding the Treaty.
To date, only 19 countries of the 111 Contracting Parties have nominated a focal point. Until a complete list of focal points is available, communications with Contracting Parties will be ineffective and slow. I should be grateful if all Contracting Parties could accordingly provide the Secretariat with information on their Contacts immediately, at the following address:

The Secretariat
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy
Tel: +39 06 57054986
Fax: +39 06 57053057
E-mail: PGRFA-Treaty@fao.org

.../...

Heads of delegations to the First Session
of the Governing Body of the
International Treaty on Plant Genetic
Resources for Food and Agriculture

cc: Permanent Representatives to FAO of
Contracting Parties to the International
Treaty on Plant Genetic Resources for
Food and Agriculture

Members of the Bureau of the Second
Session of the Governing Body of the
International Treaty on PGRFA

2. Re: Para 20-22 of the Circular Letter of 3 November 2006. The Governing Body, at its first session, adopted a budget that foresaw contributions from Contracting Parties, for a total of US\$ 1,730,988. The deadline for payments that was suggested was 29 December 2006. However, to date, only four Contracting Parties – two developed countries and two developing countries – have made payments, for a total of only US\$ 76,600. Clearly, the lack of Contracting Party contributions severely hinders the implementation of the Treaty. I, therefore, request Contracting Parties, urgently to:

- make payment of their contributions in accordance with procedure given in paragraph 20-22 of the letter of 3 November 2006;
- inform the Secretariat, at the above address, if they are unable immediately to make their contributions, as to when they intend to do so, and the amounts they intend to contribute. This will greatly facilitate financial planning, and the implementation of the work programme.

In addition, I should like to inform you that the deadlines for the following items of the letter of 3 November 2006 regarding the implementation of the Multilateral System through the Standard Material Transfer Agreement have been extended until 31 May 2007.

- Paragraphs 11 and 12 of the Circular State Letter of 3 November 2006 (Procedures and operational mechanisms to promote compliance and to address issues of non-compliance);
- Paragraphs 13 and 14 of the Circular State Letter of 3 November 2006 (Implementation of Article 6 of the Treaty: sustainable use of plant genetic resources).

I am pleased to say that the membership of the Treaty continues to rise: there are now 111 Contracting Parties. The Treaty, I am convinced, will go from strength to strength, if we can address the matters I have raised. I count on your assistance in this. I am informed that current planning is to hold the Second Meeting of the Governing Body of the International Treaty, in Rome, from 29 October to 2 November 2007. Formal invitations will be issued in due course.

Yours sincerely,



Godfrey Mwila
Chairman
Second Session of the Governing Body
of the International Treaty on
Plant Genetic Resources for Food and Agriculture