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Item 16 of the Draft Provisional Agenda

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FIRST SESSION OF THE GOVERNING BODY

Madrid, Spain, 12–16 June 2006

RELATIONSHIP BETWEEN THE GOVERNING BODY AND THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

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RELATIONSHIP BETWEEN THE GOVERNING BODY AND THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

INTRODUCTION

1. The relationship between the International Treaty and on Plant Genetic Resources for Food and Agriculture (the “Treaty”) and the FAO Commission on Genetic Resources for Food and Agriculture (the “Commission”) is particularly close.
2. The Commission deals with all sectors of all components of biological diversity for food and agriculture, not only with plant genetic resources. One-hundred-sixty-seven countries and the European Community are currently members of the Commission.¹ Since 1983, the Commission has developed the FAO Global System (“Global System”) on Plant Genetic Resources for Food and Agriculture (see *Table 1*) that included the International Undertaking on Plant Genetic Resources, the first international instrument to deal specifically with plant genetic resources for food and agriculture. One hundred-and-thirteen countries adhered to the voluntary Undertaking, which sought to “ensure that plant genetic resources of economic and/or social interest, particularly for agriculture, will be explored, preserved, evaluated and made available for plant breeding and scientific purposes”. The Treaty arises from the International Undertaking, following Resolution 7/93 of the FAO Conference, which requested the Commission to adapt the International Undertaking in harmony with the Convention on Biological Diversity, including the issue of access on mutually agreed terms to plant genetic resources, and the issue of the realization of Farmers’ Rights.

Table 1: Components of the FAO Global System

<i>International Agreements</i>
• International Undertaking on Plant Genetic Resources
<i>Global Instruments</i>
• <i>State of the World's Plant Genetic Resources</i>
• <i>Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture</i>
<i>Global Mechanisms</i>
• International Network of <i>Ex Situ</i> Collections under the auspices of FAO
• International Networks on Plant Genetic Resources for Food and Agriculture
• World Information and Early Warning System
<i>Codes of Conduct and International Standards</i>
• International Code of Conduct for Germplasm Collecting and Transfer
• Gene Bank Standards and Guidelines

3. A number of the elements of the FAO Global System, which remain under the guidance of the Commission, are given specific roles in the text of the Treaty itself, as “Supporting Components” of the Treaty. At its Tenth Regular Session, the Commission “acknowledged the importance of the Global System in advancing the work on plant genetic resources, and

¹ Listed on the internet at <http://www.fao.org/ag/cgrfa/memC.htm>.

emphasized the need, in future work, to avoid overlap and duplication between components of the Global System, as well as between the Global System and the International Treaty.”²

“The Commission suggested that work undertaken for the Commission and for the Governing Body of the International Treaty should be complementary, and optimize the potential for synergy between them. It noted the importance of building capacity, particularly in developing countries, in relation to the implementation of various components of the Global System.

*The Commission highlighted that the Governing Body of the International Treaty would have a considerable work load. It expressed its willingness to develop its work on the Global System in ways that would complement the objectives of the International Treaty.”*³

In practical terms, the Treaty also foresees that, as far as possible, regular sessions of the Commission and the Treaty should be held back-to-back,⁴ which will provide an opportunity to develop such synergies.

4. While all Contracting Parties to the Treaty are Members of the Commission, there are over sixty Members of the Commission that have not joined the Treaty, though it is to be hoped that, over time, the Treaty achieves universal membership.

5. The current document provides summary information on the mandate of the Commission, with particular reference to the Treaty, and on the work programme of the Commission. Suggestions are then made as to how the Governing Body may wish to strengthen cooperation and synergy with the Commission, and on practical approaches to doing so.

MANDATE OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

6. The Commission is a permanent forum where governments discuss and negotiate matters relevant to genetic resources for food and agriculture. Its mandate covers “all components of biodiversity of relevance to food and agriculture”, and the Commission is to “guide and monitor FAO’s policies and activities on genetic resources for food and agriculture, and provide for effective cooperation with the Conference of the Parties to the Convention on Biological Diversity (CBD), the Commission on Sustainable Development (CSD), the World Trade Organization (WTO), the Consultative Group on International Agricultural Research (CGIAR) Centres and in particular the International Plant Genetic Resources Institute (IPGRI), the World Intellectual Property Organization (WIPO) and the International Union for the Protection of New Varieties of Plants (UPOV), and with other interested international governmental and non-governmental organizations”.⁵

7. By its statutes,⁶ the Commission has a coordinating role and deals with policy, sectoral and cross-sectoral matters related to the conservation and sustainable use of all sectors of genetic resources of relevance to food and agriculture (including farm animals, plants, forestry, microbial genetic resources, agroecosystems and fisheries). It keeps under continuous review all matters

² Document CGRFA-10/04/REP, *Report of the Tenth Regular Session of the Commission*, available on the internet at <http://ext-ftp.fao.org/ag/cgrfa/cgrfa10/r10repe.pdf>, para 17.

³ Document CGRFA-10/04/REP, para. 18 – 20.

⁴ Article 19.9.

⁵ Resolution 3/95 of the Twenty-eighth Session of the FAO Conference (Rome, 1995).

⁶ Available on the internet at <http://www.fao.org/ag/cgrfa/statC.htm>.

relating to the policy, programmes and activities of FAO in this area, including their conservation and sustainable use, and the fair and equitable sharing of benefits derived from their utilization; recommends measures to ensure the development, as appropriate, of a comprehensive global system or systems on genetic resources of relevance to food and agriculture and monitors the operation of its/their components, in harmony, where applicable, with the CBD and other relevant international instruments; provides an intergovernmental forum for relevant negotiations; facilitates and oversees cooperation between FAO and other international governmental and non-governmental bodies dealing with the conservation and sustainable use of genetic resources, in particular with the Conference of Parties to the CBD and the CSD; and seeks to develop appropriate mechanisms for cooperation and coordination in consultation with such bodies.

8. While the Commission has a broad mandate for biodiversity and genetic resources for food and agriculture in general, and the Treaty has a specific focus on plant genetic resources for food and agriculture, the Commission and Treaty have objectives in common, and maintain relations with a similar range of international instruments and organizations, which will require the development of cooperative mechanisms in order to ensure policy coherence and synergy.

9. The Commission may also establish subsidiary Inter-Governmental Technical Working Groups to advise it on specific areas of biodiversity. There are currently two, on plant genetic resources for food and agriculture, and on animal genetic resources for food and agriculture.

10. At its Second Meeting, the Interim Committee for the Treaty “noted that the Inter-governmental Technical Working Group on Plant Genetic Resources for Food and Agriculture of the Commission on Genetic Resources for Food and Agriculture should play a role in support of the Governing Body, and that cooperative arrangements between the Commission and the Governing Body would be required. It was considered that the Governing Body should focus on the core tasks of implementation of the Treaty, before considering additional approved activities.”⁷ As noted in the paper, *Possible establishment of a permanent technical advisory committee*,⁸ the Governing Body may wish at this session to request the Commission at its next session to consider establishing mechanisms for such cooperation.

THE COMMISSION AND THE SUPPORTING COMPONENTS OF THE TREATY (PART V)

<i>Table 2: Supporting Components of the International Treaty (Part V)</i>	Articles
• <i>Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture</i>	Articles 13.2, 13.5, 14, 17, 18.3
• <i>State of the World’s Plant Genetic Resources for Food and Agriculture</i>	Article 17.3
• <i>Ex Situ</i> Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions	Article 15
• International Plant Genetic Resources Networks	Article 16
• Global Information System on Plant Genetic Resources for Food and Agriculture	Article 17

⁷ Document CGRFA/MIC-2/04/REP, para.22, available on the internet at <http://www.fao.org/ag/cgrfa/docsic2.htm>.

⁸ Document IT/GB-1/06/8.

11. Components of the FAO Global System are the backbone of the Supporting Components of the International Treaty. *Table 2* lists these. Cooperation between the Governing Body and the Commission will therefore be critical in the implementation of the Treaty.

12. Article 14 of the Treaty recognizes that “the rolling *Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture* is important to this Treaty [and that] Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation to provide a coherent framework, *inter alia*, for capacity building, technology transfer and exchange of information.” The Commission periodically monitors and updates the *Global Plan of Action*.

13. The Treaty does not foresee a direct role for the Governing Body in the preparation of the *Report of the State of the World’s Plant Genetic Resources for Food and Agriculture*, which is overseen by the Commission, and which informs the rolling *Global Plan of Action*.⁹ The Treaty refers to it in Article 17.3, when it affirms that “the Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of the state of the world’s plant genetic resources for food and agriculture in order to facilitate the updating of the rolling *Global Plan of Action*”.

14. The Treaty gives an important role to the *Global Plan of Action* in relation to benefit-sharing in the context of the Multilateral System: the priority activity areas in the rolling *Global Plan of Action* will be taken into account for the exchange of information, access to and transfer of technology, capacity-building, and the sharing of the benefits arising from commercialization.¹⁰ The *Global Plan of Action* will be taken into account by the Governing Body when it periodically establishes a target for funding, in order to mobilize funding for priority activities, plans and programmes, in particular in developing countries and countries with economies in transition.¹¹

15. In the application of Article 7 of the International Undertaking, the Commission established the International Network of *Ex Situ* Collections under the Auspices of FAO, through agreements signed between FAO and the holders of such collections. The *ex situ* collections of the International Agricultural Research Centres of the CGIAR are currently held in Trust for the international community under such agreements. The regional collections of the International Coconut Genetic Resources Network (COGENT), held by the governments of Brazil, India, Indonesia, Côte d’Ivoire, and Papua New Guinea have been brought into the Network. In 1994, the Tropical Agriculture Research and Higher Learning Centre (CATIE) also brought in materials of its *ex situ* collections. Discussions are also underway regarding an *ex situ* collection of mutant elite lines (the “Mutant Germplasm Repository”) held by the Joint FAO/IAEA¹² Division in Vienna.

16. Article 15 of the Treaty provides for the Governing Body to sign agreements with the *ex situ* collections of the CGIAR, and other relevant international institutions, such as those that have already joined the International Network overseen by the Commission, regarding their *ex situ* collections of plant genetic resources for food and agriculture. A model draft agreement for this

⁹ The First *Report on the State of the World’s Plant Genetic Resources for Food and Agriculture* (available on the internet at <http://www.fao.org/ag/AGP/AGPS/Pgrfa/pdf/swrfull.pdf>) was prepared under the guidance of the Commission, and adopted by 150 countries at the Fourth International Technical Conference on Plant Genetic Resources, held in Leipzig, Germany in 1996.

¹⁰ Article 13.2.

¹¹ Article 18.3.

¹² The International Atomic Energy Agency.

purpose was agreed by the Interim Committee for the Treaty,¹³ and this question will be considered under item 14 of the Governing Body's Draft Provisional Agenda.

17. Article 16 of the Treaty states that "existing cooperation in international plant genetic resources for food and agriculture networks will be encouraged or developed on the basis of existing arrangements and consistent with the terms of this Treaty, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture". Within the context of the FAO Global System and priority activity area 16 of the *Global Plan of Action*, the Commission promotes the development of crop, regional, and thematic networks.¹⁴ The Governing Body may wish to seek cooperation in this area in order to ensure coherence and avoid duplication of effort.

18. Article 17.1 of the Treaty states that "the Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture, with the expectation that such exchange of information will contribute to the sharing of benefits by making information on plant genetic resources for food and agriculture available to all Contracting Parties". The World Information and Early Warning System will be important in this context. The Commission's Working Group on Plant Genetic Resources for Food and Agriculture recommended that "the Commission invite the Governing Body of the International Treaty to develop the partnership required for the development of a Global Information System, through a series of consultations to address pertinent issues, in association with the Commission, in order to benefit from synergy with FAO's World Information and Early Warning System.". The Working Group also recommended to "invite the Governing Body to utilise the new approach for monitoring the implementation of the Global Plan of Action, with its main outputs (the establishment of National Information Sharing Mechanisms and capacity-building, as well as the information provided) as an essential element contributing to the Global Information System".¹⁵

THE WORK PROGRAMME OF THE COMMISSION

19. The Commission, in its most recent meeting held in 2004, celebrated its twentieth anniversary and considered how it may plan its future work programme, on a coherent, long-term basis. For this reason, it is in the process of developing a multi-year plan of work (MYPOW), to be considered at its Eleventh Regular Session in 2007, in particular in relation to the supporting components of the Treaty.¹⁶ In order to facilitate its support for the Treaty and its Supporting Components in this process, the Commission, at its Ninth Regular Session, suggested that a summary document on components of the FAO Global System, and their potential contribution to the implementation of the Treaty, be considered at all its sessions.¹⁷

20. The MYPOW will, according to some of its objectives:

¹³ Document IT/GB-1/06/9, *Draft Agreements between the Governing Body and the IARCs of the CGIAR, and other relevant international institutions*.

¹⁴ See document CGRFA-10/04/3, *Overview of the FAO Global System for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture and its potential contribution to the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture*, para. 21-24.

¹⁵ Document CGRFA/WG-PGR-3/05/REPORT, *Report of the Third Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture*, para. 16-18, available on the internet at <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPS/pgt/ITWG3rd/docsp1.htm>.

¹⁶ See document CGRFA-10/04/14, *Future Work of the Commission*, available on the internet at <ftp://ext-ftp.fao.org/ag/cgrfa/cgrfa10/r10w14e.pdf>.

¹⁷ Document CGRFA-9/02/REP, *Report of the Ninth Regular Session of the Commission*, para. 25, available on the internet at <ftp://ext-ftp.fao.org/ag/cgrfa/cgrfa9/r9repe.pdf>.

- Enhance coordination with the Governing Body of the International Treaty on the management, by the Commission, of the supporting components of the International Treaty;
- Allow a streamlining of the work programme and prioritization of activities, reducing the need for continuous reporting and focusing the contributions of FAO and other international organizations;
- Ensure that the Commission's guidance is reflected in FAO's Medium Term Programme and biennial Programme of Work and Budget;
- Improve interaction with other important international processes (such as the Millennium Development Goals);
- Promote coordination with the Convention on Biological Diversity, and with other relevant international forums.

21. In the context of this multi-year programming exercise, the Commission agreed that it should "support the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture".¹⁸ The Commission also requested the Secretariat to prepare a paper on actions taken by the Commission, and on its future work in relation to the FAO Global System, and decided that the Commission would present such an overview to the Governing Body of the Treaty¹⁹. This is likely to occur at the Second Meeting of the Governing Body, which would most probably be back-to-back with the Eleventh Session of the Commission.

22. As a contribution to this overview document, the Commission had requested its subsidiary Inter-governmental Technical Working Group on Plant Genetic Resources for Food and Agriculture "to identify and advise on activities undertaken by FAO, including through its Commission, to support the work of the Governing Body of the International Treaty, in relation to the Supporting Components of the Treaty, in order to move the process forward in a cost-effective and rational manner."²⁰ This has been done, and will be taken into account.²¹ The Working Group also provided input to the Commission's MYPOW,²² noting in particular the importance of the relationship between the Commission and the Governing Body of the International Treaty.

GUIDANCE SOUGHT FROM THE GOVERNING BODY

23. The Governing Body may wish to:

- Thank the Commission on Genetic Resources for Food and Agriculture for its contribution, in having provided the forum for the negotiation of the Treaty;
- Thank the Commission for the provision of the Interim Secretariat for the Treaty, and for having acted as the Interim Committee for the Treaty;
- Welcome the Commission's offer to support the implementation of the Treaty (*see* para. 11-18 above);
- Invite the Commission, at its next session, to provide information on the elements of its MYPOW that are of relevance to the Treaty, and on the timing of activities involved, in

¹⁸ CGRFA-10/04/REP, para. 83-91, available on the internet at <http://www.fao.org/ag/cgrfa/docs10.htm>.

¹⁹ CGRFA-10/04/REP, *ibid*, para. 20.

²⁰ CGRFA-10/04/REP, *ibid*, para. 38.

²¹ Document CGRFA/WG-PGR-3/05/REPORT, *Report of the Third Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture*, para. 9-20, available on the internet at <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPS/pgr/ITWG3rd/docsp1.htm>.

²² Document CGRFA/WG-PGR-3/05/REPORT, *ibid*, para. 41-43.

order to ensure coherence in the work of the two institutions, and in their relations with other international institutions;

- Request the Secretariat of the Treaty to prepare a document for the Governing Body on the role of the Supporting Components regarding the implementation of the Treaty; and
- Provide guidance to its Secretariat on any relevant actions to be taken prior to the Second Session of the Governing Body in order to advance the cooperation with the Commission.