



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



IT/GB-4/11/Report

***FOURTH SESSION OF THE
GOVERNING BODY OF THE
INTERNATIONAL TREATY
ON PLANT GENETIC
RESOURCES FOR FOOD
AND AGRICULTURE***

Bali, Indonesia, 14 – 18 March 2011

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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**SECRETARIAT OF THE INTERNATIONAL TREATY ON PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**

Rome, 2011

The documents of the Fourth Session of the Governing Body
of the International Treaty on Plant Genetic Resources for Food and Agriculture
are on the Internet at <http://www.planttreaty.org>

They may also be obtained from:

the Secretariat of the International Treaty
on Plant Genetic Resources for Food and Agriculture
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**REPORT OF THE FOURTH SESSION OF THE GOVERNING BODY OF THE
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

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REPORT OF THE FOURTH SESSION OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

INTRODUCTION

1. The Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (Fourth Session) was held in Denpasar, Bali, Indonesia, from 14 - 18 March 2011. The list of participants is attached in *Appendix K*.

OPENING CEREMONY

2. An opening ceremony to celebrate the convening of the Fourth Session was held on 14 March 2011. The Chairperson of the Fourth Session of the Governing Body, Ms Cosima Hufler (Austria), welcomed all participants. She expressed her appreciation to the government of the Republic of Indonesia for hosting this important session. She expressed condolences to the people and government of Japan for the devastating impacts of the natural disasters that affected the country just before the meeting.

3. His Excellency, Mr H Suswono, Minister of Agriculture of the Republic of Indonesia, represented by Mr. Haryono, Director General of the Indonesian Agency for Agricultural Research and Development, welcomed all participants to Indonesia and opened the ceremony of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture. He emphasized the importance of the International Treaty for the host country. The government of the Republic of Indonesia generously and successfully hosted the Ministerial Conference on Biodiversity, Food Security and Climate Change that was held on 11 March 2011 and was attended by representatives of forty-eight countries. He summarized the main outcomes of the *Bali Ministerial Declaration*, as contained in *Appendix D*, and recalled that during the Ministerial Conference the Republic of Indonesia had announced a contribution of US\$ 100,000 to the Benefit-sharing Fund as an expression of the high importance it attaches to the Benefit-sharing Fund. His statement is attached as *Appendix F.1*.

4. Mr Modibo Traoré, Assistant Director-General of the Department of Agriculture and Consumer Protection of FAO, thanked the Government of Indonesia for its generosity in hosting this Fourth Session of the Governing Body and the successful Ministerial Conference. He stressed that increasing global efforts to conserve and use plant genetic diversity are indispensable for adapting agriculture to climate change, which is aggravating the extent of hunger and poverty in the world. He emphasized that the International Treaty is the FAO legal instrument with the fastest rate of ratification and that it has become the most rapidly and successfully growing legal instrument hosted by FAO. He reiterated that FAO is convinced that the International Treaty is an essential element of a global strategy on food security and vital for the achievement of the Millennium Development Goals. His statement is attached as *Appendix F.2*.

5. Mr Ahmed Djoghlaif, Executive Secretary of the Convention on Biological Diversity, warned that the continuing loss of biodiversity increasingly threatens the life-supporting systems of our planet, and therefore human wellbeing and prosperity. He summarized the main outcomes of the Tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nagoya (Japan), including the adoption of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on*

Biological Diversity. He recalled that a Memorandum of Understanding was signed in Nagoya between the Secretariats of the Convention and the International Treaty to further support the existing close collaboration and that a number of joint activities will be organized by the Treaty and Convention Secretariats in this context. His statement is attached as *Appendix F.3*.

6. Ms Linda Collette, Secretary of the FAO Commission on Genetic Resources for Food and Agriculture (the Commission), introduced the areas of collaboration between the two bodies. She highlighted that the Director-General of FAO recently launched *The Second Report on the State of the World's Plant Genetic Resources for Food and Agriculture (Second Report)* produced under the guidance of the Commission. She noted that the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*, a supporting component of the International Treaty, is being updated by the Commission. The update, which is based on the gaps and needs identified in the *Second Report*, reflects the provisions of the Treaty and takes into account comments received during consultations in the seven regions of FAO. Her statement is attached as *Appendix F.4*.

OPENING OF THE SESSION

7. Ms Cosima Hufler, Chairperson of the Governing Body, welcomed all participants to the Fourth Session of the Governing Body. She presented her report, highlighting that the Treaty implementation is improving every year and providing an overview of events since the last session. She thanked her fellow Bureau members, the Secretary and the staff of the Secretariat for having prepared for the current session, and the Government of Indonesia for the generous hosting of the Fourth Session. Her report is attached as *Appendix G.1*.

8. Mr Shakeel Bhatti, Secretary of the International Treaty, presented his report, which reviewed the activities and accomplishments of the Secretariat since the last session of the Governing Body, and the major challenges that had been overcome. His report is attached as *Appendix G.2*.

CHAIRPERSON AND VICE-CHAIRPERSONS

9. At the close of its Third Session, the Governing Body had elected its Chairperson and Vice-Chairpersons for this Fourth Session. Ms Cosima Hufler (Europe Region) had been elected the Chairperson. Six Vice-Chairpersons had been elected: Ms Fiona Bartlett (South-West Pacific Region), Mr Gustavo Pacheco (Latin America and the Caribbean Region), Mr Marco Valicenti (North America Region), Mr Javad Mozafari Hashjin (Near East Region), Mr Mohd Shukor Nordin (Asia Region) and Mr Mohamed Kharrat (Africa Region).

10. In accordance with Rule II.1 of the *Rules of Procedure of the Governing Body*, the Government of Australia designated Mr Travis Power in the place of Ms Bartlett, as the Vice-Chairperson representing the South-West Pacific. Furthermore, the Government of Brazil designated Ms Maria Cecilia Cavalcante Vieira in the place of Mr Pacheco, as Vice-Chairperson representing the Latin America and the Caribbean Region. Finally, the Government of Malaysia designated Mr Azman Mohd Saad in the place of Mr Nordin, as Vice-Chairperson representing the Asia Region.

ADOPTION OF THE AGENDA

11. The Governing Body adopted the Agenda for its Fourth Session, as given in *Appendix B*. The List of documents for the Session is contained in *Appendix C*.

PARTICIPATION OF OBSERVERS

12. The Governing Body took note of the observers who had requested to be present at the Fourth Session, and welcomed their participation.

ELECTION OF THE *RAPPORTEUR*

13. The Governing Body elected Mr Kassahun Embaye (Ethiopia) as *Rapporteur*.

APPOINTMENT OF THE CREDENTIALS COMMITTEE AND VERIFICATION OF CREDENTIALS

14. The Governing Body elected seven Members of the Credentials Committee, from the following Contracting Parties: Algeria, Bhutan, Canada, Cook Islands, Costa Rica, Finland, and the Syrian Arab Republic. Ms Dorji (Bhutan) served as the Chairperson of the Committee.

15. The Credentials Committee was informed of Rule III of the *General Rules of FAO* as well as the practice and criteria followed by the Organization with respect to the acceptance of credentials, in line with the practice of the General Assembly of the United Nations on the matter. In accordance with Rule III.2 of the *General Rules* of the Organization, the Committee reviewed the credentials received by the Director-General of FAO. The Credentials Committee convened once to examine the credentials and established two lists. List A included 63 Contracting Parties that submitted their credentials in the form required by Rule III.2 of the General Rules of the Organization. List B included 14 Contracting Parties whose credentials were considered as information on their delegations.

16. The Governing Body accepted the recommendation of the Credentials Committee that the credentials on both lists be accepted, on the understanding that Contracting Parties referred to in List B would communicate credentials in the form required by Rule III.2 of the *General Rules* of the Organization to the Director-General of FAO, as soon as possible. The list of Contracting Parties and Contracting States, as of 1 March 2011, is contained in *Appendix E*.

ESTABLISHMENT OF THE BUDGET COMMITTEE

17. The Governing Body considered the documents, *Report on progress of Work Programme and Budget for the 2010/2011 biennium*,¹ *Draft Work Programme and Budget for the 2012/2013 biennium*² and the *Addendum 1 to the Draft Programme of Work and Budget for the 2012/2013 biennium*³, and decided to establish a Budget Committee. The Committee was co-chaired by Mr Søren Skafte (Denmark) and Mr Eng Siang Lim (Malaysia).

FINANCIAL RULES OF THE GOVERNING BODY

18. The Governing Body considered the document, *Financial Rules of the Governing Body*⁴

¹ IT/GB-4/11/26.

² IT/GB-4/11/27.

³ IT/GB-4/11/27 Add.1.

⁴ IT/GB-4/11/6.

and *Addendum 1, Financial Rules of the Governing Body – Background Information*.⁵ The *Financial Rules of the Governing Body*, as adopted by virtue of Resolution 1/2011, are contained in *Appendix A.1*.

ADOPTION OF PROCEDURES AND OPERATIONAL MECHANISMS TO PROMOTE COMPLIANCE AND TO ADDRESS ISSUES OF NON-COMPLIANCE

19. The Governing Body considered the document, *Report of the Co-chairs of the Ad Hoc Working Group on the procedures and operational mechanisms to promote compliance and address issues of non-compliance*,⁶ and decided to establish a Contact Group on Procedures and Mechanisms to Promote Compliance and to Address Issues of Non-Compliance. The Contact Group was chaired by Mr Javad Mozafari Hashjin (Islamic Republic of Iran) and Mr René Lefeber (the Netherlands).

20. The Governing Body adopted a resolution on the issue of compliance, Resolution 2/2011, and an *Annex* to the resolution, as contained in *Appendix A.2*.

IMPLEMENTATION OF THE FUNDING STRATEGY OF THE INTERNATIONAL TREATY

21. The Governing Body considered the documents, *Report on the Implementation of the Funding Strategy*⁷ and *Implementation of projects approved under the Second Round of the Project Cycle of the Benefit-Sharing Fund: Interim procedures and arrangements*.⁸

22. The Governing Body considered the document, *Report of the Co-Chairs of the Ad Hoc Advisory Committee on the Funding Strategy*,⁹ which was presented by the Co-Chair of the Committee, Mr Bert Visser (the Netherlands).

23. The Governing Body adopted a resolution on the Funding Strategy, Resolution 3/2011, as contained in *Appendix A.3*.

IMPLEMENTATION OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

24. The Governing Body considered the documents, *Report on the implementation of the Multilateral System of Access and Benefit-sharing*,¹⁰ and *Reviews and assessments under the Multilateral System, and of the implementation and operation of the Standard Material Transfer Agreement*.¹¹ In order to review the implementation of the Multilateral System and the Standard Material Transfer Agreement, the Governing Body was also provided with the information documents *Experience of the IARC of the CGIAR with the implementation of the Agreements with the Governing Body, with particular reference to the use of the Standard Material Transfer Agreement for Annex I and Non-annex I Crops*¹² and *Compilation of submissions by Contracting Parties on the*

⁵ IT/GB-4/11/6 Add 1.

⁶ IT/GB-4/11/7.

⁷ IT/GB-4/11/9.

⁸ IT/GB-4/11/9 Add.1.

⁹ IT/GB-4/11/8.

¹⁰ IT/GB-4/11/12.

¹¹ IT/GB-4/11/13.

¹² IT/GB-4/11/Inf.5.

*implementation of the Multilateral System.*¹³

25. The Governing Body adopted a resolution on this matter, Resolution 4/2011, as contained in *Appendix A.4*.

OPERATION OF THE THIRD PARTY BENEFICIARY

26. The Governing Body considered the documents, *Report of the Chair of the Ad Hoc Third Party Beneficiary Committee*,¹⁴ and *Report on the Operations of the Third Party Beneficiary*¹⁵, which were presented by the Chair of the *Ad Hoc* Third Party Beneficiary Committee, Mr Javad Mozafari Hashjin (Islamic Republic of Iran).

27. The Governing Body adopted a resolution on this matter, Resolution 5/2011, as contained in *Appendix A.5*.

IMPLEMENTATION OF ARTICLE 6, SUSTAINABLE USE OF PLANT GENETIC RESOURCES

28. The Governing Body considered the document, *Implementation of Article 6*,¹⁶ and adopted a resolution on this matter, Resolution 6/2011, as contained in *Appendix A.6*.

IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS

29. The Governing Body considered the document, *Implementation of Article 9, Farmers' Rights*¹⁷ and adopted a resolution on this matter, Resolution 7/2011, as contained in *Appendix A.7*.

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

30. The Governing Body considered the document, *Policy Coherence and Complementarity of the Work of the Commission on Genetic Resources for Food and Agriculture and of the Governing Body of the International Treaty*,¹⁸ which was jointly prepared by the Secretariats of the two bodies. The Chair of the Governing Body and the Chair of the Commission presented the conclusions of the third Joint Bureau Meeting, which considered the *Draft updated Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*.¹⁹

31. The Governing Body integrated a number of decisions related to cooperation with the Commission in the resolution on cooperation with other international organizations and institutions, Resolution 8/2011, as contained in *Appendix A.8*.

STATUS OF COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS, INCLUDING AGREEMENTS BETWEEN THE GOVERNING BODY AND THE

¹³ IT/GB-4/11/Inf.9.

¹⁴ IT/GB-4/11/14.

¹⁵ IT/GB-4/11/15.

¹⁶ IT/GB-4/11/17.

¹⁷ IT/GB-4/11/16.

¹⁸ IT/GB-4/11/18.

¹⁹ IT/GB-4/11/Inf. 14.

INTERNATIONAL AGRICULTURAL RESEARCH CENTERS OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH AND OTHER RELEVANT INTERNATIONAL INSTITUTIONS

32. The Governing Body considered the following documents: *Vision Paper on the development of the Global Information System in the context of Article 17 of the Treaty*;²⁰ *Relationship with the Convention on Biological Diversity*;²¹ and *Progress report on partnerships, synergies and cooperation with other organizations, including agreements between the Governing Body, the International Agricultural Research Centres and other relevant international institutions under Article 15 of the Treaty*.²² A number of international organizations emphasized the importance of international cooperation in support of the implementation of the International Treaty. The statements are contained in *Appendices I.1 – I.3*.

33. The Governing Body adopted a resolution on cooperation with other international organizations and institutions, Resolution 8/2011, as contained in *Appendix A.8*.

RELATIONSHIP BETWEEN THE GOVERNING BODY AND THE GLOBAL CROP DIVERSITY TRUST

34. In accordance with Article 3.3 of the Relationship Agreement between the Global Crop Diversity Trust and the Governing Body, the Executive Director of the Global Crop Diversity Trust, Mr Cary Fowler, presented the *Report from the Global Crop Diversity Trust*.²³ The Governing Body thanked the Trust for this report and emphasized that the Trust is an essential element of the Funding Strategy of the International Treaty in relation to the *ex situ* conservation and availability of plant genetic resources for food and agriculture. It expressed a wide range of views on existing cooperation. The Governing Body recognized that cooperation between the Treaty and the Trust and their close and permanent relationship remains of utmost importance to achieving the objectives of the International Treaty.

35. The Governing Body considered the document *Selection of the members of the Executive Board of the Global Crop Diversity Trust, and possible options for the simplification of the normal selection and appointment procedures*.²⁴ Based on the views expressed, the Governing Body decided to postpone the decision regarding the draft procedures to its Fifth Session.

CONSIDERATION OF THE BUSINESS PLAN OF THE GOVERNING BODY

36. The Governing Body considered the *Draft Business Plan of the Governing Body*.²⁵ It requested the Secretary to bring the draft Business Plan to the attention of the Governing Body at its Fifth Session.

MATTERS RELEVANT TO THE TREATY ARISING FROM FAO REFORM PROCESS

37. The Governing Body examined the report of the Secretary on matters arising from the FAO reform process that are of relevance to the Treaty.²⁶ The Governing Body requested the

²⁰ IT/GB-4/11/19.

²¹ IT/GB-4/11/22.

²² IT/GB-4/11/23.

²³ IT/GB-4/11/20.

²⁴ IT/GB-4/11/21.

²⁵ IT/GB-4/11/11.

²⁶ IT/GB-4/11/24.

Secretary to continue engaging in the FAO reform process, in particular the implementation of the new FAO Strategic Framework and Medium Term Plan, as well as the review of FAO statutory bodies that will allow such bodies to exercise greater financial and administrative autonomy. It invited FAO to clearly identify the FAO Regular Programme allotment to the Core Administrative Budget of the Treaty in the preparation of FAO's Programme of Work and Budget for each biennium.

38. The Governing Body further requested the Secretary to present a report on the FAO reform process at its Fifth Session, and decided to include this item in the agenda of the Session.

ADOPTION OF THE WORK PROGRAMME AND BUDGET FOR THE 2012/13 BIENNIUM

39. The Co-Chairs of the Budget Committee presented the recommendations of the Committee with a proposed Budget for the 2012/2013 Work Programme. The Governing Body adopted this Work Programme and Budget by Resolution 9/2011, as contained in *Appendix A.9*. A number of Contracting Parties and the Secretary of the International Treaty made statements in regard to the Work Programme and Budget 2012/2013. These are contained in *Appendices H1 – H3*.

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS OF THE FIFTH SESSION OF THE GOVERNING BODY

40. The Governing Body elected its Chairperson and Vice-Chairpersons for its Fifth Session. Mr Javad Mozafari Hashjin (Near East Region) was elected Chairperson. Six Vice-Chairpersons were elected: Mr Prem Gautam (Asia Region), Cosima Hufler (Europe Region), Ms Mónica Martínez (Latin America and the Caribbean Region), Mr Zachary Muthamia (Africa Region), Mr Travis Power (South West Pacific Region), and Mr Marco Valicenti (North America Region).

DATE AND PLACE OF THE FIFTH SESSION OF THE GOVERNING BODY

41. The Fifth Session of the Governing Body of the Treaty will be held in 2013. The Session will be convened by the Chairperson of the Governing Body, with the agreement of the Bureau and in consultation with the Director-General of the FAO and the Secretary. The Secretary will communicate the date and place of the Fifth Session to all Contracting Parties.

CLOSING STATEMENTS

42. The representative of the Government of Indonesia, Mr Haryono, noted that it had been a pleasure to host the Fourth Session of the Governing Body. He congratulated all Contracting Parties and observers for the adoption of the resolutions, after long, yet fruitful, debates and deliberations. He hoped that these resolutions could be implemented and have significant impact on the endeavour to conserve biodiversity and to secure food for future generations, despite the adverse effects posed by climate change. His full statement is contained in *Appendix J.1*.

43. Representatives from all regions commended the Chairperson for the capable manner in which she had conducted the Session, which had contributed to the successful outcomes, and congratulated the incoming Chairperson for his election as well as the new Bureau members. They also thanked the *Rapporteur* and the Secretariat for their work.

44. The representative of Qatar expressed concerns about the delay in producing the Arabic versions of relevant documents for the session and hoped that, in future sessions of the Governing Body, all documents, including in-session documents, would be translated in a timely manner to enable the full participation of Contracting Parties from his Region.

45. The Secretary of the International Treaty congratulated the Contracting Parties for the

accomplishments made during the Fourth Session of the Governing Body. The Secretary thanked the Chairperson and the Bureau for all their support and guidance over the past intersessional period and during the current session. He noted with appreciation the valuable participation of the many observers present at the Fourth Session.

46. A number of observers also made statements, thanking the Government of Indonesia for their warm hospitality, the Chairperson and the Contracting Parties for allowing them to contribute to some key discussions on various topics, and congratulated the Governing Body for a very successful meeting. The representative of the United States of America noted that the United States was an active participant in the development of the Treaty and views it as an important instrument in what must be a coordinated multilateral effort to conserve and sustainably use plant genetic resources for food and agriculture. The Representative of Japan also thanked participants for the kindness shown in the course of the meeting regarding the tragedy that occurred in Japan, and indicated that the Japanese Government has, since the previous year, started intensive examination regarding accession to the Treaty. *La Via Campesina* and civil society organizations attending the Fourth Session also made a statement on a range of issues related to the Agenda of the Governing Body and the overall implementation of the Treaty. The respective statements are contained in *Appendices J2 – J4*.

47. The outgoing Chairperson expressed her appreciation to the Government of Indonesia and its people for their generosity in hosting the Fourth Session and their warm hospitality during the session. The Chairperson also expressed her appreciation to Contracting Parties and observers for all the support and the spirit of collaboration shown during the session. She thanked her fellow Bureau members for their advice and cooperation, and the Secretariat for its support, in making the meeting a great success. The Chair noted that a lot of progress had been made in advancing the International Treaty at this session and hoped that the Contracting Parties will continue to build on this progress as an ongoing process.

ADOPTION OF THE REPORT AND RESOLUTIONS OF THE FOURTH SESSION OF THE GOVERNING BODY

The Governing Body adopted its report and all resolutions as contained in *Appendix A*.

APPENDIX A
RESOLUTIONS OF THE FOURTH SESSION OF THE GOVERNING BODY

APPENDIX A.1
RESOLUTION 1/2011
FINANCIAL RULES OF THE GOVERNING BODY

The Governing Body,

Recalling that at its Third Session the Governing Body agreed on the urgent need to finalize the Financial Rules at its Fourth Session;

1. Hereby **adopts** the finalized Financial Rules of the Governing Body contained in the *Annex* to this Resolution;

2. **Resolves** that for a Party that is not yet a Party at the date of adoption of this Resolution, Rule V of the Financial Rules applies from the beginning of the first biennium following the entry into force for that Party.

Annex

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE
FINANCIAL RULES**

**Rule I
Applicability**

- 1.1 These rules shall govern the financial administration of the Treaty.
- 1.2 The Financial Regulations of the FAO shall apply, *mutatis mutandis*, to all matters not specifically dealt with under the Treaty or the present Rules.

**Rule II
The Financial Period**

The financial period shall be two calendar years, coinciding with the financial period of FAO.

**Rule III
The Budget**

- 3.1 The Budget shall cover income and expenditures for the financial period to which it relates, and shall be presented in United States dollars.
- 3.2 The Budget shall include the programme of work for the financial period, and such information, annexes or explanatory statements as may be requested by the Governing Body.
- 3.3 The Budget shall comprise the following parts:
- a) The Core Administrative Budget, relating to:
 - the amount provided for the Treaty in the Regular Programme of Work and Budget of the FAO under Rule V.1a;
 - the voluntary contributions of Contracting Parties under Rule V.1b;
 - the voluntary contributions of States that are not Contracting Parties, of inter-governmental organizations, of non-governmental organizations and other entities, under Rule V.1c; and
 - funds carried over under Rule V.1h, and miscellaneous income, including interest derived from the investment of funds held in trust under Rule V.1i.
 - b) Special Funds, relating to additional voluntary contributions by Contracting Parties, and voluntary contributions by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations and other entities:
 - for agreed purposes, under Rules V.1d and e;
 - to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, under Rules V.1f and V.1g.

3.4 The draft Budget shall be prepared by the Secretary and shall be circulated to Contracting Parties not less than six weeks before a regular session of the Governing Body.

3.5 The Core Administrative Budget for the financial period shall provide for Administrative Expenditures under the Treaty including expenses of the Secretariat.

3.6 The Secretary may make transfers within each of the main appropriation lines of the approved Core Administrative Budget. The Secretary may also make transfers between such appropriation lines up to limits that the Governing Body may set as appropriate.

Rule IV Appropriations

4.1 After the Core Administrative Budget has been adopted, the appropriations therein shall, subject to Rule III.6, constitute the authority for the Secretary to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted, provided that commitments shall be covered by related contributions received or funds available in the Working Capital Reserve, subject to the provisions of Rule VI.4, and interest earned on funds held in trust.

4.2 The Secretary may incur obligations and make payments under Rules V.1d and V.1e, in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary, from the date at which the contributions are received.

4.3 The Secretary may incur obligations and make payments under Rules V.1f and V.1g to support the representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, in accordance with relevant decisions of the Governing Body, subject to funds being available.

4.4 Any unliquidated prior year obligation relating to voluntary contributions shall at the end of the financial period be cancelled or where an obligation remains a valid charge, retained for future disbursement.

Rule V Provision of Funds

5.1 The resources of the Treaty shall comprise:

- a) Upon approval by the Governing Bodies of FAO, the amount provided for the Treaty in the Regular Programme of Work and Budget of the FAO;
- b) Voluntary contributions to the Core Administrative Budget from Contracting Parties, with an indicative scale of contributions available to a Contracting Party upon its request to the Treaty Secretary, to serve as guidance regarding the possible level of its contribution. This voluntary indicative scale of contributions shall be adopted by the Governing Body by consensus and maintained by the Treaty Secretary, and shall be based on the scale of contributions adopted from time to time by the United Nations, adjusted so as to ensure that no Contracting Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Contracting Party exceeds 0.01 per cent of the total;

- c) Voluntary contributions to the Core Administrative Budget from States that are not Contracting Parties, from inter-governmental organizations, from non-governmental organizations or other entities, for the purposes of administration and implementation of the Treaty in general;
- d) Other voluntary contributions made by the Contracting Parties in addition to those under (b) above to be used in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary;
- e) Other voluntary contributions made by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations or other entities in addition to those under (c) above to be used in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary;
- f) Voluntary contributions made by the Contracting Parties to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;
- g) Voluntary contributions made by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations or other entities, to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;
- h) The uncommitted balance of voluntary contributions from previous financial periods carried forward;
- i) Miscellaneous income, including interest derived from the investment funds held in trust, in accordance with Rule V.7;
- j) Mandatory and voluntary contributions pursuant to Article 13.2 of the Treaty, and
- k) Voluntary contributions from any source to implement the Funding Strategy provided for in Article 18 of the Treaty.

5.2 In respect of contributions made pursuant to Rule V.1b:

- a) Contributions for each calendar year are expected as soon as possible following receipt of a letter from the Secretary requesting payment of the voluntary contributions.
- b) Each Contracting Party shall, as far in advance as possible of the date due for the contribution, inform the Secretary of the contribution it intends to make and of the projected timing of that contribution.
- c) Each Contracting Party that wishes to avail itself of the voluntary indicative scale of contributions may request a copy from the Treaty Secretariat.

5.3 Contracting Parties that are not Members of FAO shall contribute towards the amount provided for the Treaty in the FAO Regular Programme of Work and Budget in a proportionate amount to be determined by the Governing Body.

5.4 All contributions to the Administrative Budget shall be paid in United States dollars or its equivalent in a convertible currency. Where a contribution is paid in a convertible currency other than United States dollars, the applicable rate shall be the bank currency conversion rate in effect on the day the payment is made.

5.5 Contributions not immediately required shall be invested at the discretion of the Director-General of FAO. The resulting income shall be credited to the specific Trust Fund from which the invested moneys derive.

Rule VI Funds

6.1 All contributions and other receipts shall be placed in Trust Funds administered by FAO.

6.2 With respect to the Trust Funds referred to in Rule VI.1, FAO shall maintain the following Funds:

a) A General Fund, to which shall be credited receipts of all contributions made by Contracting Parties under Rule V.1b, Rule V.1c, and the uncommitted balance of voluntary contributions carried forward under Rule V.1h;

b) Special Funds, for purposes consistent with the objectives and the scope of the Treaty, to which shall be credited receipts of all contributions made by Contracting Parties under Rule V.1d, and by States that are not Contracting Parties, by intergovernmental organizations, by non-governmental organizations, or other entities, under Rule V.1e;

c) A Fund to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, to which shall be credited all contributions made by Contracting Parties under Rule V.1f and by States that are not Contracting Parties, by inter-governmental organizations, non-governmental organizations or other entities, in accordance with Rule V.1g;

6.3 In addition, with respect to Rules V.1j and V.1k, upon request by the Governing Body, FAO shall maintain a Trust Account or Accounts, as provided for in Article 19.3f of the Treaty, to implement Article 18 of the Treaty, and to receive the funds foreseen in Article 13.2 of the Treaty.

6.4 Within the General Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Governing Body by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

6.5 Within the General Fund there shall be maintained a Third Party Beneficiary Operational Reserve at a level to be determined for each biennium by the Governing Body by consensus, to which shall be credited as priority an adequate part of contributions under Rule V.1b, Rule V.1c, and the uncommitted balance of voluntary contributions carried forward under Rule V.1h. The purpose of the Third Party Beneficiary Operational Reserve shall be to cover all costs and expenses incurred by the Third Party Beneficiary in carrying out its roles and responsibilities, in accordance with the Third Party Beneficiary Procedures.

Rule VII Reimbursement

The Trust Funds referred to in Rule VI.1 shall make provision for Project Servicing Costs to reimburse FAO for the administrative and operational support services provided to the Governing Body, its subsidiary bodies, and the Treaty Secretariat, under such terms as may, from time to time, be established by the Governing Bodies of the FAO.

Rule VIII Accounts and Audit

8.1 The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external auditing procedures of FAO.

8.2 During the second year of the financial period FAO shall provide the Contracting Parties with an interim statement of accounts for the first year of the financial period. FAO shall also, as soon as practicable, provide to the Contracting Parties a final certified statement of accounts for the full financial period.

Rule IX Amendments

Amendments to these Rules may be adopted by consensus. Consideration of proposals of amendments to these rules shall be subject to Rule V of the Rules of Procedure and documents on the proposals shall be circulated in accordance with Rule V.7 of the Rules of Procedure, and in no case less than 24 hours prior to their consideration by the Governing Body.

Rule X Over-riding Authority of the Treaty

In the event of any conflict between any provision of these rules and any provision of the Treaty, the Treaty shall prevail.

Rule XI Entry into force

These Rules and any amendments thereto shall come into force upon their approval by consensus by the Governing Body unless, by consensus, the Governing Body decides otherwise.

SOURCE AND USE OF MONEYS, AND TRUST FUND STRUCTURE

REFERENCE IN RULE V	CORE ADMINISTRATIVE BUDGET	TRUST FUND STRUCTURE RULE VI
Rule V.1a	The amount provided for the Treaty's Core Administrative Budget in the FAO Regular Programme of Work and Budget	
Rule V.1b	Voluntary contributions by Contracting Parties for the purposes of administration and implementation of the Treaty in general	GENERAL FUND <i>Income in the biennium</i> Rule VI.2a <i>includes the</i> <i>Working Capital Reserve</i> Rule VI.4 <i>and the</i> <i>Third Party Beneficiary</i> <i>Operational Reserve</i> Rule VI.5
Rule V.1c	Voluntary contributions by states that are not Contracting Parties, from IGOs, or NGOs or other entities, for the administration and implementation of the Treaty in general	
Rule V.1h	The uncommitted balance of voluntary contributions carried forward	
Rule V.1i	Miscellaneous income, including interest derived from investment of the funds in the General Trust Fund	
SPECIAL FUNDS		
Rule V.1d	Other voluntary payments by Contracting Parties, for purposes agreed between the contributor and the Secretary	MULTIDONOR FUND <i>where agreed with donor</i> ----- SEPARATE FUNDS <i>where required by donor</i> Rule VI.2b
Rule V.1e	Other voluntary payments by Contracting Parties, by IGOs, or NGOs or other entities for purposes agreed between the contributor and the Secretary	
Rule V.1f	Voluntary payments by Contracting Parties to support the participation of developing countries	FUND TO SUPPORT THE PARTICIPATION OF DEVELOPING COUNTRIES Rule VI.2c
Rule V.1g	Voluntary payments by contributions by states that are not Contracting Parties, from IGOs, or NGOs or other entities, to support the participation of developing countries	

BENEFIT-SHARING IN ACCORDANCE WITH ARTICLE 13.2 OF THE TREATY

Rule V.1j	Mandatory and voluntary contributions pursuant to Article 13.2d	BENEFIT-SHARING FUND Rule VI.3
Rule V.1k	Contributions from international mechanisms, funds and bodies	

APPENDIX A.2**RESOLUTION 2/2011****PROCEDURES AND OPERATIONAL MECHANISMS TO PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE**

The Governing Body,

Recalling Article 21 of the International Treaty,

1. *Hereby decides* to approve the procedures and operational mechanisms included in the *Annex* hereto;
2. *Affirms* that these procedures and mechanisms are separate from and without prejudice to any other procedures and mechanisms, including the possibility to seek recourse under Article 12.5 and the settlement of disputes under Article 22 of the International Treaty;
3. *Decides* that the Compliance Committee shall develop further rules of procedure relevant to its work, including rules on confidentiality, decision making, conflict of interest of Committee members, electronic decision making, replacement of Committee members and the format for submissions by the Governing Body, and submit them to the next Session of the Governing Body for its consideration and approval;
4. *Further decides* that the Committee, in accordance with Section V of the procedures and operational mechanisms referred to in paragraph 1 above, shall develop a succinct standard reporting format for approval by the Governing Body at its next Session, taking into account harmony with other relevant reporting processes, such as those under the Commission on Genetic Resources for Food and Agriculture;
5. *Further decides* that each of the seven regions of the FAO submit to the Bureau, no later than twelve months after this Session of the Governing Body, nominations of two members for the Committee; and that the Bureau appoint such members for an interim period until the next Session of the Governing Body, at which Session members of the Committee will be elected in accordance with Section III.4 of the procedures and operational mechanisms referred to in paragraph 1 above;
6. *Recommends* that funds be made available through the *Special Fund to Support the Participation of Developing Countries* to facilitate participation in relevant meetings of the Committee by representatives of developing country Contracting Parties and Contracting Parties with economies in transition regarding whom a submission has been made.

ANNEX

**PROCEDURES AND OPERATIONAL MECHANISMS TO
PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE**

I. OBJECTIVES

The objective of the compliance procedures and mechanisms shall be to promote compliance with all the provisions of the International Treaty and to address issues of non-compliance. These procedures and mechanisms include monitoring, offering advice or assistance, including legal advice or legal assistance, when needed and requested, in particular to developing countries and countries with economies in transition.

II. PRINCIPLES

1. The compliance procedures and mechanisms shall be simple, cost-effective, facilitative, non-adversarial, non-judicial, legally non-binding and cooperative in nature.
2. The operation of the compliance procedures and mechanisms shall be guided by the principles of transparency, accountability, fairness, expeditiousness, predictability, good faith, and reasonableness. It shall pay particular attention to the special needs of Contracting Parties that are developing countries and Contracting Parties with economies in transition.
3. Any interpretation of the International Treaty is ultimately for the Contracting Parties to make.

III. INSTITUTIONAL MECHANISMS

1. The Compliance Committee established by the Governing Body on 16 June 2006 by Resolution 3/2006, hereinafter referred to as “the Committee”, shall carry out the functions specified herein.
2. The Committee shall consist of a maximum of 14 members, being up to two from each of the FAO regions and not more than one from a Contracting Party. The members shall be elected by the Governing Body on the basis of up to two nominations from each of the seven FAO regions.
3. Members of the Committee shall have recognized competence in the field of genetic resources or other fields relevant for the International Treaty, including legal or technical expertise, and they shall serve objectively and in their individual capacity.
4. Members shall be elected by the Governing Body for a period of four years, this being a full term, commencing on January 1st of the first year of the financial period of the International Treaty following their election. At its Fifth Session, the Governing Body shall elect up to seven members, one from each FAO region, for half a term, and up to seven members for a full term. Thereafter, the Governing Body shall elect, as appropriate, new members for a full term to replace those whose term has expired or for the remainder of a term to fill any vacancy. Members shall not serve for more than two consecutive terms.
5. The Committee shall hold meetings as necessary, preferably in conjunction with meetings of other International Treaty bodies, subject to the availability of financial resources. The Secretary shall service the meetings of the Committee. The presence of members representing a two-thirds majority of the membership of the Committee shall be necessary to constitute a quorum at any meeting of the

Committee.

6. Bearing in mind Rule I of the Rules of Procedure of the Governing Body, the Committee shall develop and submit any further rules of procedure, as appropriate, including rules on confidentiality, to the Governing Body for its consideration and approval.

7. The Committee shall elect its Chair and a Vice-Chair, who will rotate among the FAO regions.

IV. FUNCTIONS OF THE COMMITTEE

1. The Committee shall, with a view to promoting compliance and addressing issues of non-compliance, and under the overall guidance of the Governing Body, have the following functions:

- a) Consider information submitted to it regarding matters relating to compliance and issues of non-compliance;
- b) Offer advice and/or facilitate assistance, as appropriate, to any Contracting Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the International Treaty;
- c) Assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the International Treaty on the basis of reports of the Contracting Parties in accordance with Section V below;
- d) Address issues of non-compliance and identify the specific circumstances of the issue referred to it, in accordance with Sections VI to VIII below;
- e) Promote compliance by addressing statements and questions concerning the implementation of obligations under the International Treaty, in accordance with Section IX below;
- f) Carry out any other functions as may be assigned to it by the Governing Body pursuant to Article 21 of the International Treaty;
- g) Submit a report to each regular session of the Governing Body reflecting:
 - i) the work that the Committee has undertaken;
 - ii) the conclusions and recommendations of the Committee; and
 - iii) the future programme of work of the Committee.

2. The Committee shall not consider any questions concerning the interpretation of, implementation of, or compliance with the Standard Material Transfer Agreement by parties or potential parties to it.

V. MONITORING AND REPORTING

1. Each Contracting Party is to submit to the Committee, through the Secretary, a report on the measures it has taken to implement its obligations under the International Treaty in one of the six languages of the United Nations. The first report is to be submitted three years after the approval by the Governing Body of a standard reporting format, developed by the Committee. Subsequent reports are to be submitted every five years thereafter or periodically in accordance with any further decisions of the Governing Body on the submission of such reports.

2. The Committee shall consider the reports that it has received up to 12 months before the next session of the Governing Body taking into account any guidance of the Governing Body. In particular, the Governing Body shall consider and set, if it deems necessary, priorities for the Committee's work related to monitoring and reporting.

3. The Committee shall submit to the Governing Body for its consideration a synthesis on the basis of the reports that it has considered, along with an analysis that addresses any priorities set by the Governing Body under paragraph 2, and may submit recommendations on the issues addressed in the analysis.

4. At the request of the Governing Body, the Committee shall develop and submit recommendations on these procedures and operational mechanisms on monitoring and reporting, including a review of the standard reporting format, to the Governing Body for its consideration and approval.

VI. PROCEDURES REGARDING SUBMISSIONS RELATING TO ISSUES OF NON-COMPLIANCE

1. The Committee shall receive, through the Secretary, any submissions relating to issues of non-compliance from:

- a) Any Contracting Party with respect to itself;
- b) Any Contracting Party with respect to another Contracting Party; or
- c) The Governing Body.

The Contracting Party in respect of which an issue has been raised is hereinafter referred to as “the Contracting Party concerned”.

2. Any submission is to be addressed in writing to the Secretary and set out:

- a) The matter of concern;
- b) The relevant provisions of the International Treaty; and
- c) Information substantiating the matter of concern.

3. The Secretary shall forward any submission under paragraph 1a above to the Committee within 30 calendar days of receipt.

4. The Secretary shall forward any submission under paragraph 1b or 1c above to the Contracting Party concerned within 30 calendar days of receipt.

5. When the Contracting Party concerned has received a submission it should respond and, with recourse to the Committee for assistance if required, provide relevant information preferably within three months and in any event not later than six months. This period of time commences on the date of the receipt of the submission by the Contracting Party concerned as confirmed by the Secretary.

6. Once the Secretary has received a response and any information from the Contracting Party concerned, the Secretary shall transmit the submission, the response and such information to the Committee. In the case where the Secretary has not received any response or information from the Contracting Party concerned within the six months as referred to above, the Secretary shall forward the submission to the Committee forthwith.

7. The Committee may reject to consider any submission made pursuant to paragraph 1b above that is *de minimis* or ill-founded, bearing in mind the objectives of the International Treaty.

8. The Contracting Party concerned may participate in the consideration of the submission and present responses or comments to the Committee, but it may not participate in the elaboration and adoption of a recommendation of the Committee.

9. Confidentiality will be an essential element of the consideration of the submission. Further rules on confidentiality are to be approved by the Governing Body under Section III, paragraph 6.

VII. MEASURES TO PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE

1. The Committee, with a view to promoting compliance and addressing issues of non-compliance, which are raised in accordance with Section VI and taking into account such factors as the cause, type, degree, and frequency of non-compliance, may:
 - (a) Provide advice or facilitate assistance, including legal advice or legal assistance, to the Contracting Party concerned, as appropriate;
 - (b) Request or assist, as appropriate, the Contracting Party concerned to develop an action plan, which addresses the issue of non-compliance within a timeframe to be agreed upon between the Committee and the Contracting Party concerned, taking into account its existing capacity to address the issue; and
 - (c) Invite the Contracting Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its obligations under the International Treaty.
2. The Governing Body may, upon the recommendations of the Committee, decide to:
 - (a) Provide assistance, including, as appropriate, legal, financial and technical assistance, to the Contracting Party concerned;
 - (b) Take any other actions it deems appropriate, including for capacity-building, in accordance with the International Treaty and for the fulfilment of its objectives.

VIII. INFORMATION

1. The Committee shall consider relevant information from:
 - (a) The Contracting Party concerned;
 - (b) The Contracting Party that has made a submission with respect to another Contracting Party;
 - (c) The Governing Body.
2. The Committee may seek or receive, when necessary for its work, freely available information and such relevant additional information as may be provided to it by the Secretary and other relevant sources. Any Contracting Party concerned shall have access to this information.
3. The Committee may seek expert advice.

IX. OTHER PROCEDURES REGARDING THE PROMOTION OF COMPLIANCE

1. The scope and nature of the Committee's authority in exercising its functions under this Section shall be subject to further rules, to be developed by the Committee and to be submitted to the Governing Body for approval at its Fifth Session, and such other guidance as the Governing Body may provide from time to time.
2. A Contracting Party may, through the Secretary, address to the Committee statements and questions concerning the implementation of its own obligations under the International Treaty.

3. The Committee shall also consider any questions concerning the implementation of obligations under the International Treaty referred to it by decision of the Governing Body. The Secretary shall list any such questions he has or receives and present them to the Governing Body for consideration of referral to the Committee.
4. The statement or question shall be addressed in writing to the Secretary together with:
 - (a) the relevant provision of the International Treaty; and
 - (b) any relevant supporting information clarifying the statement or question.
5. The Committee may reject to consider any statement or question, bearing in mind the objectives of the International Treaty. Reasons should be given for any such rejection.
6. The Committee may only make recommendations to the Governing Body concerning statements or questions concerning the implementation of obligations under the International Treaty referred to in paragraphs 2 and 3 above, unless the Governing Body specifically provides otherwise.
7. The Committee's authority under this Section shall become operative after the Fifth Session of the Governing Body, unless the Governing Body decides otherwise.

X. REVIEW OF THE PROCEDURES AND MECHANISMS

Within six years of approval of these procedures and mechanisms and periodically thereafter, the Governing Body shall review their effectiveness and take appropriate action.

APPENDIX A.3
RESOLUTION 3/2011
IMPLEMENTATION OF THE FUNDING STRATEGY OF THE TREATY

THE GOVERNING BODY,

Recalling Resolution 1/2004 by which the Governing Body adopted the Funding Strategy;

Recalling Articles 13.2, 13.3, 18 and 19.3f of the International Treaty;

Recalling that the Governing Body, at its Third Session, welcomed the *Strategic Plan for the implementation of the Benefit-sharing Fund of the Funding Strategy* and agreed that this Plan constitutes a basis for resource mobilization for the Benefit-sharing Fund by the Secretariat and the Contracting Parties, with a target of mobilizing US\$ 116 million between July 2009 and December 2014;

Commending that the implementation of the Fund through voluntary contributions is ahead of the target established in the *Strategic Plan for the Implementation of the Benefit-sharing Fund*;

Welcoming the official recognition of the Benefit-sharing Fund of the Treaty as an Adaptation Funding Mechanism under the Adaptation Funding Interface of the UN Framework Convention on Climate Change (UNFCCC) and the dissemination of the Call for Proposals 2010 by the Executive Secretary of the Convention on Biological Diversity;

Recalling that, at its Third Session, it requested the Secretary to develop disbursement, reporting and monitoring procedures for the operation of future project cycles, including by following advice from the *Ad Hoc* Advisory Committee on the Funding Strategy; and to continue collaborating with international organizations in the further development of operational procedures;

PART I: RESOURCE MOBILIZATION FOR THE BENEFIT-SHARING FUND

1. **Welcomes** the excellent progress in the implementation of the *Strategic Plan*, which has exceeded the target of mobilizing US\$ 10 million in the first eighteen months, and that these funds are now available for the second round of the project cycle of the Benefit-sharing Fund;
2. **Warmly thanks** the governments of Australia, Canada, Ireland, Indonesia, Italy, Norway, Spain and Switzerland for their voluntary contributions to the Benefit-sharing Fund and expresses its gratitude for their support to the International Treaty;
3. **Warmly welcomes** the establishment of partnerships with IFAD and UNDP that have facilitated, *inter alia*, the mobilization of additional financial resources in support of the second round of the project cycle of the Benefit-sharing Fund;
4. **Thanks** the High-level Task Force for resource mobilization for its support to the Benefit-sharing Fund and **requests** it to continue active support of the Fund;
5. **Commends** the Secretary for having spearheaded the successful resource mobilization efforts and **requests** him to further intensify his efforts in accordance with the Strategic Plan;

6. ***Acknowledging*** that substantial funds have been raised so far but that reaching the target of US\$ 116 million by 2014 remains a challenging task, ***calls*** upon Contracting Parties and invites other donor prospects to make multi-annual and direct investments to the Benefit-sharing Fund to increase financial sustainability and ***requests*** the Secretary to foster direct and long-term relationships and seek multi-annual commitments when approaching donors;
7. ***Emphasizes*** the need for the Secretary to further enhance and promote partnerships with donors and to profile the Fund among high level political decision makers;
8. ***Emphasizes*** the importance of implementing the modalities for resource mobilization as set out in the Strategic Plan for reaching its funding target and that the Governing Body should retain full responsibility and autonomy over the operation of the Benefit-sharing Fund;
9. ***Emphasizes*** the need to further explore innovative approaches in engaging voluntary donors to the Benefit-sharing Fund, in particular various private sector prospects such as the seed and the food processing industry;
10. ***Emphasizes*** the need to limit the overhead fees for the fund raising for the purpose of the Benefit-sharing Fund in order for the Benefit-sharing Fund to remain attractive for potential donors, acknowledging that part of the capacity of the Secretariat will be used for general management of the Benefit-sharing Fund, and in particular the project cycle.

PART II: OPERATIONS OF THE BENEFIT-SHARING FUND

Implementation of the first round of the project cycle

11. ***Welcomes*** the progress made in the implementation of the 11 small-grant projects approved for funding at the Third Session of the Governing Body, funded under the first round of the project cycle of the Benefit-sharing Fund and ***requests*** the Secretary to prepare and make available a summary report on the implementation and impact of this first project portfolio;
12. ***Emphasizes*** that plant genetic resources for food and agriculture listed in *Annex I* of the International Treaty resulting from the projects funded under the first round of the project cycle shall be made available according to the terms and conditions of the Multilateral System, and that information generated by these projects shall be made publicly available within 1 year of the completion of the project and ***requests*** the Secretariat to develop practical and simple measures and systems that will facilitate that the entities implementing such projects meet such requirements;

Implementation of the second round of the project cycle

13. ***Welcomes*** the thematic focus of the Call for Proposals 2010 to help ensure sustainable food security by assisting farmers to adapt to climate change, and the Call's structure that integrates the realization of Strategic Action Plans with the implementation of Immediate Action Projects;
14. ***Thanks*** the Bureau and the *Ad Hoc* Advisory Committee on the Funding Strategy for the intergovernmental work carried out to support the design and execution of the second round of the project cycle of the Benefit-sharing Fund as well as the high level international experts engaged by the Secretary;
15. ***Welcomes*** the establishment of the Helpdesk function to support the elaboration of pre-proposals and full project proposals during the second round of the project cycle;
16. ***Welcomes*** the progress made so far by the Panel of Experts on the appraisal of project proposals submitted under the second round of the project cycle of the Benefit-sharing Fund and

recognizes that the Panel did not have sufficient time to complete its work;

17. **Emphasizes** the importance of finalizing the appraisal of project proposals with the highest quality standards to meet the high expectations on the Benefit-sharing Fund, from applicants, Contracting Parties, donors and possible partner organizations of the Fund;

18. **Requests** the Panel of Experts to finalize the appraisal in a reasonable period of time, on the basis of the recommendations provided by the Bureau of the Fourth Session of the Governing Body in order to ensure that quality and technical merit determine the appraisal and approval of project proposals and **requests** the Secretary and the Co-chairs of the Panel to facilitate the work of the Panel by ensuring a clear, transparent and simple procedure for the Panel to conclude its task;

19. **Requests** the Panel to submit their recommendations on the appraisal to the Bureau of the Fifth Session of the Governing Body;

20. **Adopts** interim procedures for reporting, monitoring and evaluation of the second round of the project cycle, as contained in *Annex 1* of this Resolution, and interim procedures for fund disbursement, as contained in *Annex 2* of this Resolution, to be applied in the implementation of the second round of the project cycle of the Benefit-sharing Fund;

21. **Requests** the Secretary to collaborate with international organizations and relevant FAO units and offices in the monitoring and evaluation of projects approved in the second round of the project cycle of the Benefit-sharing Fund, and to conclude the necessary agreements to set forth institutional arrangements with partners for the implementation of projects approved in the second round of the project cycle;

Implementation of future rounds of the project cycle

22. **Emphasizes** the importance of enhancing sustainable food security by assisting farmers to adapt to climate change, and for this purpose, **requests** the Secretary to develop a mid-term programmatic approach for the Benefit-sharing Fund, building upon the thematic focus of the Call for Proposals 2010 and in full alignment with the priorities adopted by the Governing Body and submit it to the Governing Body, at its Fifth Session, for approval;

23. **Decides** to delegate authority for the execution of the project cycle during the next biennium 2012/13 to the Bureau of the Fifth Session of the Governing Body and **requests** the Secretary to prepare, for the Bureau, a report on lessons learnt during the execution of the first and second rounds of the project cycle to support the design and execution of the project cycle and its future rounds;

24. **Emphasizes** that quality, relevance according to selection criteria, and technical merit shall determine, in a transparent manner, the appraisal and approval of full project proposals in future rounds of the project cycle and **recalls** the elements adopted by the Governing Body at its Second Session – *Appendix D.3*²⁷ that allow fair²⁸ distribution of benefits, and in addition **acknowledges** the importance of an inclusive process to which all regions feel committed, noting that the provision of helpdesk functions and language facilities, as well as support workshops, contributes to such a goal;

Further operationalization of the Benefit-sharing Fund, including procedures and institutional arrangements

25. **Acknowledges** the importance and value of building partnerships with international

²⁷ *Operational Procedures for the Use of Resources under the direct control of the Governing Body*, Document IT/GB-2/07/Report.

²⁸ Does not imply imposition of quota per region.

organizations, on a non-exclusive basis, to enhance the impact of the Benefit-sharing Fund, including with regard to resource mobilization and Fund programming, and the effectiveness of the Fund's operation, including by relying as much as possible on designated implementing entities;

26. **Recognizes** the importance of developing and sustaining the capacity within the Secretariat of the Treaty on resource mobilization and the execution of the next rounds of the project cycle;

27. **Requests** the Secretary to use the *interim* procedures adopted for the second round of the project cycle as a basis for further work with a view to considering and adopting procedures for future rounds of the project cycle at the Fifth Session of the Governing Body;

28. **Notes with appreciation** the expressions of interest by FAO, the Global Crop Diversity Trust, IFAD, UNDP, UNEP, UNOPS, CATIE, Oxfam Novib and the World Bank to support the further operationalization of the Benefit-sharing Fund;

29. **Welcomes** the progress made toward Memoranda of Cooperation with IFAD and UNDP to support the further development of the Benefit-sharing Fund and the overall implementation of the Treaty;

30. **Requests** the Secretary to continue establishing partnerships with relevant international organizations as well as bilateral donors to support the Benefit-sharing Fund, and develop a standard procedure and cooperation framework for the establishment of partnerships for submission to the Bureau, for its review;

31. **Requests** the Secretary to bring the work of the Fund to the attention of the other fora;

32. **Requests** the Secretary that the information and the reporting under the direct control of the Governing Body, in accordance with Appendix 4 of the Funding Strategy, will be provided to the Governing Body, at its Fifth Session;

PART III: MONITORING THE IMPLEMENTATION OF THE FUNDING STRATEGY: RESOURCES NOT UNDER THE DIRECT CONTROL OF THE GOVERNING BODY

33. **Welcomes** the information compiled by the Secretariat on resources not under the direct control of the Governing Body, and emphasizes the importance of regular provision of such information to raise the profile of the Funding Strategy of the Treaty and to assess gaps and synergies in its implementation and **requests** the Secretary to intensify its efforts to compile further information;

34. **Takes note** of the *Report of the Global Crop Diversity Trust* for the implementation of the Funding Strategy, and **calls** for enhanced cooperation between the Trust and the Treaty;

35. **Requests** the Secretary to strengthen cooperation with other international organizations to support the implementation of the Funding Strategy;

PART IV: INTERGOVERNMENTAL WORK ON THE FUNDING STRATEGY DURING THE NEXT INTERSESSIONAL PERIOD: DRAFT TERMS OF REFERENCE FOR THE AD HOC ADVISORY COMMITTEE ON THE FUNDING STRATEGY

Emphasising the importance of experience in the Committee on issues of fundraising, project execution and fund programming;

36. **Decides** to reconvene the *Ad Hoc* Advisory Committee on the Funding Strategy, with the following Terms of Reference:

- i. advise the Governing Body on resource mobilization efforts;

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- ii. advise the Governing Body on the operation of the Benefit-sharing Fund, including on:
 - design and structure of the next call for proposals;
 - appraisal of pre-proposals;
 - support the work of the Bureau in screening the pre-proposals;
 - review of implementation of project portfolio funded by the first and second rounds of the project cycle of the Benefit-sharing Fund;
 - review of the Operational Procedures of the Benefit-sharing Fund;
 - iii. advise the Governing Body on the monitoring of the implementation of the overall Funding Strategy;
 - iv. search for ways to make the operations of the Committee as cost-effective as possible, *inter alia*, by making optional use of electronic communications;
 - v. report on the progress of its work to the Governing Body at its Fifth Session.

ANNEX 1

INTERIM PROCEDURES FOR REPORTING, MONITORING AND EVALUATION²⁹**1. Objectives**

Monitoring and evaluation have the following overarching objectives:

- a. Promote accountability for the achievement of priorities established by the Governing Body through the assessment of results, effectiveness, processes, and performance.
- b. Promote learning, feedback, and knowledge sharing on results and lessons learned, as a basis for decision-making on policies, strategies, programmes, and project management.

2. Procedural steps for reporting, monitoring and evaluation of projects

The following minimum steps shall be applied to reporting, monitoring and evaluation during the project cycle.

1. Submission of project proposals: design of a monitoring and reporting plan

- a. A concrete monitoring and reporting plan is included in the full project proposal by the time a project proposal is submitted for appraisal by the panel of experts;
- b. the plan contains:
 - milestones for project implementation;
 - logical framework and indicators for results (outcomes, outputs);
 - baseline for the project, with a description of the problem to be addressed;
 - organizational set-up and budgets for monitoring and evaluation.
- c. the plan is developed according to the templates for project proposals that are attached to the invitation to prepare a full project proposal.
- d. Responsibility: Executing entities, following the format for project proposals prepared by the Secretary.

2. Development of project agreement: monitoring products related to payment schedule

- a. The project agreement provides a detailed reporting schedule based on *Implementation and Terminal Reports*, to which the payment schedule is linked.
- b. The schedule for delivering monitoring products is standard for projects under each window of the Call for Proposals 2010.
- c. Responsibility: the Secretary develops the project agreement following the FAO's template for Letters of Agreement.

3. Project implementation: application of monitoring and reporting plan

- a. The implementation of the monitoring and reporting plan comprises, as a minimum:
 - targets for implementation that are actively used, unless a reasonable explanation for their unapplicability is provided;
 - indicators for results that are actively used, unless a reasonable explanation for their unapplicability is provided;

²⁹ Appendix II of the Operational Procedures for the use of resources under the direct control of the Governing Body.

- data are compiled to assess progress; and,
- the organizational set-up is operational and funds are spent as planned.

b. *Implementation Reports* are submitted periodically to the Secretary according to a reporting schedule with milestones included in the project document and to include:

- *Financial Reporting component*, including a periodical audited financial statement to the Secretary on the use of received funds.
 - *Result Reporting component*, including a periodical report on progress and results for all activities.
- c. A *Terminal Report* summarizes key successes and challenges for the future, and includes a financial report.
- d. Backstopping missions are carried out, where necessary, including to capture the views of stakeholders and identify solutions to obstacles in project implementation.
- e. Responsibility: Secretary prepares templates for *Implementation* and *Terminal Reports*. Executing entities develop the monitoring products and submit them to the Secretary who arranges backstopping missions in cooperation with multilateral agencies.

3. Independent Evaluation

- a. A terminal independent evaluation of the project portfolio is conducted at the end of the project cycle.
- b. The minimum requirements for such evaluation are:
- compliance with norms and standards of the United Nations Evaluation Group.
 - assessing at a minimum:
 - the achievement of outputs and outcomes, and provide ratings for targeted objectives and outcomes;
 - the sustainability of outcomes after project completion, with a scale of rating;
- c. The minimum contents of the terminal evaluation report are:
- basic data on the evaluation:
 - when the evaluation took place,
 - who was involved,
 - the key questions, and
 - the methodology;
 - basic data on the project, including expenditures from the Benefit-sharing Fund and other sources;
 - lessons for broader applicability; and,
 - the terms of reference of the evaluation (in an annex).
- d. The independent evaluation shall be based on visits to the locations of a sample of projects and other mechanisms, such as interviews, questionnaires, focus group discussions.
- e. The evaluation report shall be submitted to the Secretary within a reasonable time after termination of the projects.
- f. The evaluation report shall contain findings and recommendations and will be made public through the website.
- g. Responsibility: the evaluation team is lead by independent experts not involved with the projects and the Benefit-sharing Fund. An approach paper and Terms of Reference for evaluation are prepared by the Secretary and the FAO Evaluation Office. The evaluation report is reviewed, if needed, by the evaluation office of the implementing entity. The evaluation team is solely responsible for the independent evaluation report.

4. Roles and responsibilities of intersessional bodies

The *Ad Hoc* Advisory Committee on the Funding Strategy provides the Secretary and the Bureau with advice on the monitoring of the project portfolio funded in the second round of the project cycle.

The Bureau of the Governing Body may request information related to the monitoring and evaluation from the project portfolio to the *Ad Hoc* Advisory Committee. The *Ad Hoc* Advisory Committee will inform the Bureau of any issues arising from the monitoring and evaluation that may require the guidance from the Governing Body, so that the Bureau can take it into account in the preparations for the next Session of the Governing Body.

At any stage of the project implementation, the *Ad Hoc* Advisory Committee may recommend that the Bureau consider the suspension or cancellation of a project due to any of the following reasons: (a) financial irregularities in the implementation of the project; (b) material breach and poor implementation performance leading to a conclusion that the project can no longer meet its objectives. Before the *Ad Hoc* Advisory Committee on the Funding Strategy makes its recommendation whether to suspend or cancel a project, the entity executing the project will be given a fair chance to present its views.

ANNEX 2

DRAFT INTERIM DISBURSEMENT PROCEDURES**1. Background**

Based on Article 19.3 (h) of the Treaty, the Governing Body has established a Trust Account to receive financial contributions to the Benefit-sharing Fund. In accordance with the Financial Rules of the Governing Body, the Trust Account of the Benefit-sharing Fund is administered by FAO and its accounts and financial management are subject to the policies and procedures of FAO.

2. Implementation of the interim disbursement procedures

The implementation of these interim disbursement procedures shall be in line with the Financial Rules of the Governing Body and consistent with existing FAO financial rules and procedures, as well as other applicable FAO rules and procedures.

3. Procedural steps for disbursement of funds

a) The terms and conditions of disbursement will be set forth in the project agreements. The project agreements will include, *inter alia*:

- a schedule for the disbursement of funds in tranches based on time specific milestones;
- a requirement for an *Implementation Report* from the implementing entity prior to each tranche disbursement.
- a provision authorizing non-payment if project delivery fails.

Responsibility: the Secretary of the Governing Body will develop the project agreements following the FAO template for Letters of Agreement.

b) Payments will be made in the following phases:

- a. An initial payment to follow signature of the project agreement.

Responsibility: the Secretary of the Governing Body will authorize the initial payment.

- b. Interim payments, dependent upon receipt and acceptance of *Implementation Reports*, which includes a financial statement of expenditures signed and certified by a duly designated representative of the executing entity and relevant supporting documentation.

Responsibility: the executing entities will submit *Implementation Reports* to be accepted by the Secretary before authorizing any new payment.

- c. A final payment, dependent upon receipt and acceptance of a *Terminal Report*, which includes a final financial statement of expenditures signed and certified by a duly designated representative of the executing entity and relevant supporting documentation.

Responsibility: the executing entities will submit a *Terminal Report* to be accepted by the Secretary before authorizing the final payment.

APPENDIX A.4
RESOLUTION 4/2011
IMPLEMENTATION OF THE MULTILATERAL SYSTEM

THE GOVERNING BODY,

Convinced of the crucial importance for the Treaty of bringing the Multilateral System of Access and Benefit-sharing into full and effective operation;

Convinced of the need to address the various elements of the Multilateral System as an integrated whole;

Recognizing that significant progress has been made in the implementation of the Multilateral System and the importance of maintaining current efforts and momentum in its implementation;

Emphasizing that, under Article 11.2 of the Treaty, the Multilateral System shall include all plant genetic resources for food and agriculture that are under the management and control of the Contracting Parties and in the public domain;

Recognizing that, under the Multilateral System, in addition to the sharing of the benefits arising from commercialization of plant genetic resources for food and agriculture, Contracting Parties shall share the benefits arising from the use of plant genetic resources through the mechanisms of information exchange, access to and transfer of technology, and capacity-building;

Recognizing that access to the information referred to in Article 13.2a of the Treaty is essential for the effective functioning of the Multilateral System and for the development of national capacity for the implementation of the Multilateral System;

Further recognizing that, for the Multilateral System to be effective, it is also essential that information on the plant genetic resources for food and agriculture that are in the Multilateral System is made available in a manner that is accessible and usable by potential users;

Recognizing that enhanced cooperation and improved coordination with other international organizations is of particular importance for the sustainable functioning of the Multilateral System;

Welcoming the development and progress of the GRIN Global project;³⁰

Plant genetic resources held by Contracting Parties and forming part of the Multilateral System

1. **Thanks** those Contracting Parties that have notified the Secretary of the plant genetic resources for food and agriculture that are in the Multilateral System and **requests** them to continue to update their information as it becomes available;

2. **Requests** all Contracting Parties to report on their plant genetic resources for food and agriculture that are in the Multilateral System, in accordance with Article 11.2 of the Treaty, to take measures to make information on these resources available to potential users of the Multilateral System;

³⁰ This project is creating a new version of the Germplasm Resource Information System (GRIN) which will be freely available to all genebanks, providing the world's crop genebanks with a powerful, but easy-to-use plant genetic resource (PGR) information management system. GRIN-Global is being developed jointly by the USDA Agricultural Research Service, Bioversity International, and the Global Crop Diversity Trust.

Plant genetic resources included by natural and legal persons within the jurisdictions of Contracting Parties

3. *Thanks* those Contracting Parties, and natural and legal persons that have made information available on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within their jurisdiction;
4. *Requests* Contracting Parties to provide more information to the Secretary on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within the jurisdiction of Contracting Parties;
5. *Requests* Contracting Parties to take measures to encourage natural and legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, and inform the Secretary accordingly, preferably through their national focal points;

Plant genetic resources held by International Institutions, under Article 15

6. *Recognizes* the importance of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant International Institutions for the fulfilment of the objectives of the Treaty, and their valuable contributions to the development of its Multilateral System;
7. *Notes* the comprehensive report provided by the International Agricultural Research Centers of the Consultative Group on International Agricultural Research and other relevant International Institutions, the Tropical Agricultural Research and Higher Education Centre (CATIE), Secretariat of the Pacific Community Centre for Pacific Crops and Trees (CePaCT), and the Mutant Germplasm Repository of the FAO/IAEA Joint Division, and *thanks* them for providing such detailed and useful reports, and further *encourages* them to continue providing the Governing Body with similar reports in future Sessions of the Governing Body;
8. *Invites* other relevant international institutions to enter into agreements with the Governing Body to include their collections of plant genetic resources for food and agriculture in the Multilateral System;
9. *Requests* the Secretary to continue enhancing the collaboration with the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant International Institutions;
10. *Requests* the Secretary to take necessary steps to encourage further inclusion of plant genetic resources for food and agriculture in the Multilateral System by relevant international institutions;

Documenting the plant genetic resources for food and agriculture within the Multilateral System

11. *Stresses* the importance of the continued identification and documentation of the plant genetic resources for food and agriculture within the Multilateral System, so that they may be accessed for the purpose of utilization and conservation for research, breeding and training for food and agriculture using the FAO/IPGRI Multicrop Passport Descriptor List;
12. *Requests* the Secretary to continue gathering information on plant genetic resources in the Multilateral System, so that the plant genetic resources for food and agriculture may be used for plant breeding, research and training;
13. *Welcomes* the efforts underway to coordinate and improve information systems documenting plant genetic resources for food and agriculture, based on existing information systems, in order to develop and strengthen the Global Information System, foreseen in Article 17, consistent with Article 12.3b, of the International Treaty, and *requests* the Secretary to further develop the Vision Paper prepared for the current Session of the Governing Body;

14. **Recognizes** that improving access to and availability of information in the Multilateral System continues to be an important priority and that there is a need to support the relevant authorities and entities, particularly in developing countries, in improving their capacity to provide, manage or access information in respect of the Multilateral System;

Legal and other appropriate measures to provide access through the Multilateral System

15. **Urges** Contracting Parties, in accordance with Article 12.2, to take necessary legal and other appropriate measures to provide access to plant genetic resources for food and agriculture through the Multilateral System, within a clear time-frame, and requests them to report on such information, using the standard format to be adopted by the Governing Body;

Implementation of the Standard Material Transfer Agreement

16. **Stresses** the need to document exchanges under the Multilateral System through Standard Material Transfer Agreement operations, including through adequate reporting on concluded Standard Material Transfer Agreements in accordance with Resolution 5/2009;

17. **Requests** the Secretary to continue collecting information on the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.2a, b, c and d of the Treaty, and for this purpose to engage Contracting Parties and other stakeholders in providing information;

18. **Urges** Contracting Parties, international institutions having signed agreements under Article 15, and natural and legal persons to provide such information, preferably through their National Focal Points, using the standard format to be adopted by the Governing Body;

19. **Invites** Contracting Parties and other relevant stakeholder to explore innovative benefit-sharing measures within the purview of Articles 13.2a, b, and c of the Treaty;

The Work of the *Ad Hoc* Technical Advisory Committee on the Multilateral System and Standard Material Transfer Agreement

20. **Thanks** the *Ad Hoc* Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System for their advice to the Secretary as well as the useful recommendations made for the effective implementation of the Multilateral System and the operation of the SMTA;

21. **Thanks** the government of Brazil for generously hosting and supporting the second meeting of the *Ad Hoc* Technical Advisory Committee;

22. **Takes note of** the advice on the SMTA, given by the *Ad Hoc* Technical Advisory Committee on the SMTA and Multilateral System, and requests the Secretary to draw the attention of all relevant stakeholders to the decision of the Governing Body as contained in Resolution 5/2009 on the options for providing information as required from the parties to the SMTA; such information to be made available by the Governing Body to the Third Party Beneficiary for the purpose of carrying out its roles and responsibilities in accordance with the Third Party Beneficiary Procedures, as well as on the agreement of the FAO Director General for FAO to act as the Third Party Beneficiary and the Decision by the FAO Council approving the Third Party Beneficiary Procedures.

23. **Notes** the opinions and advice provided by the *Ad Hoc* Technical Advisory Committee on the Multilateral System and the SMTA at its first two meetings as helpful guidance for Contracting Parties in implementing their obligations under the Treaty;

24. **Decides** to reconvene the *Ad Hoc* Technical Advisory Committee in accordance with the terms of reference contained in the *Appendix* to this Resolution;

25. **Decides** to again review the implementation of the Multilateral System at its Fifth Session;

Support to Contracting Parties and users of the Multilateral System

26. **Requests** the Secretary, where feasible, to facilitate assistance to those Contracting Parties that may require support in identifying and reporting their plant genetic resources for food and agriculture that are in the Multilateral System;
27. **Invites** Contracting Parties, and FAO, and **requests** the Secretary to give priority to facilitating assistance to users of the Standard Material Transfer Agreement to overcome any implementation problems, including by reconvening the *Ad Hoc* Advisory Technical Committee on the Standard Material Transfer Agreement and the Multilateral System;
28. **Welcomes** the progress made with the Joint Capacity-Building Programme established by the Treaty, FAO and Bioversity International;
29. **Stresses** the crucial importance of assisting developing countries, including through existing coordinated multilateral frameworks, such as the Joint Capacity-building Programme, as well as bilateral, regional and inter-regional cooperation;
30. **Expresses** the need to further extend the duration of the joint capacity building programme as well as its geographical coverage and **invites** Contracting Parties to consider providing additional voluntary resources for the continuation of the joint Programme;
31. **Thanks** the Governments of Indonesia and Norway for convening a Global Consultation on Benefit-sharing under the Multilateral System and **requests** the Secretary, under the guidance of the Bureau, to facilitate the necessary measures to implement the non-monetary benefit-sharing mechanisms of Articles 13.2a, b and c;

Reviews and assessments under the Multilateral System, and of the implementation and operation of the Standard Material Transfer Agreement

32. **Decides** to again postpone the reviews and assessments foreseen under Articles 11.4 and 13.2d(ii) of the Treaty to its Fifth Session;
33. In preparation for the reviews foreseen under Articles 11.4 and 13.2d(ii) of the Treaty, **requests** the Secretary to compile a report, and for this purpose to request information from Contracting Parties, international institutions that have concluded agreements under Article 15 of the Treaty, and other natural and legal persons, preferably through the national focal points of the Contracting Parties in order to provide to its Fifth Session;
34. **Further requests** the Secretary to identify any additional information necessary, and make recommendations to the Governing Body on the organization of the reviews and assessments at its Fifth Session;
35. **Requests** Contracting Parties, in making their submissions to the Governing Body, to include summary information about their contributions to the Multilateral System:
- how many accessions;
 - when the contribution was made;
 - how many SMTAs that they may have entered into; and
 - whether any benefits have flowed from these;
36. **Further requests** Contracting Parties, in their submissions, to provide information related to the use of the alternative payment scheme under Article 6.11 of the SMTA;

Review of SMTA used by the IARCs of the CGIAR for non-Annex I PGRFA

37. **Notes** that at its Second Session it endorsed that an interpretative footnote or series of footnotes would be included to relevant provisions of the Standard Material Transfer Agreement (SMTA) for transfers of non-Annex I material collected before the entry into force of the International

Treaty to be used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research;

38. Further *notes* the continued successful use of the Standard Material Transfer Agreement by the International Treaty to be used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, and *decides* to further review such use of the Standard Material Transfer Agreement at its Fifth Session.

Follow-up by the Secretariat

39. *Stresses* the importance of adequate information being provided to the Secretary on all the relevant issues six months prior to the Fifth Session of the Governing Body, so that a full report may be prepared for its Fifth Session.

APPENDIX

**TERMS OF REFERENCE FOR
THE AD HOC ADVISORY TECHNICAL COMMITTEE ON THE STANDARD MATERIAL
TRANSFER AGREEMENT AND THE MULTILATERAL SYSTEM**

1. The *Ad Hoc* Advisory Technical Committee will advise the Secretary on implementation questions raised by users of the Standard Material Transfer Agreement and the Multilateral System, which the Secretary brings to their attention on the basis of questions addressed and forwarded to the Secretary by Contracting Parties, international centres having signed agreements with the Governing Body under Article 15 of the Treaty and other users of the Standard Material Transfer Agreement. The *Ad Hoc* Advisory Technical Committee shall take into account implementation problems.
2. The *Ad Hoc* Advisory Technical Committee will comprise up to two members designated by each Region and up to five technical experts, including representatives of the CGIAR, serving as observers. In inviting these technical experts to a meeting of the *Ad Hoc* Advisory Technical Committee, the Secretary will have regard of the specific nature of the questions brought to his notice and the expertise needed to address these. Experts will be identified with due attention to the knowledge and skills required, understanding of the International Treaty and its Multilateral System, impartiality, and geographical balance. There will be two Co-Chairs, one from a developing country and one from a developed country Contracting Party, who will be elected from the members of the *Ad Hoc* Advisory Technical Committee.
3. The *Ad Hoc* Advisory Technical Committee will hold up to two meetings subject to the availability of financial resources.
4. The opinions and recommendations provided by the *Ad Hoc* Technical Advisory Committee are not authoritative.
5. For technical matters relating solely to implementation of the SMTA:
 - (a) The Committee may provide interim opinions through the Secretary to the users. Users of the SMTA may choose to act in accordance with those interim opinions.
 - (b) The Committee shall include in its report to the Governing Body, interim opinions for consideration and approval at the next Governing Body meeting. If the Governing Body does not approve the interim opinions the Secretary and users of the SMTA should not further rely on it.
6. For matters relating to possible changes to the SMTA, or on the implementation of the Multilateral System, the Committee, in its report, may provide recommendations to the Governing Body at the next session of the Governing Body for consideration and approval by the Governing Body. The Committee's recommendations should not be relied on until approved by the Governing Body.
7. The *Ad Hoc* Advisory Technical Committee will consider, amongst others, the issues listed in the annex to these Terms of Reference, which may, from time to time be reviewed by the Governing Body.

Annex

List of issues to be considered by the *Ad Hoc* Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System

The Ad Hoc Advisory Technical Committee will consider any issue outstanding from the previous meetings as outlined in the Report of the Second meeting. These will include:

- a) Any issue outstanding from the previous meetings as outlined in the Report of the Second meeting as well as any issues it had identified for further development including item 9, non-food/feed uses, and item 11 transfer to farmers for direct use, and for the purposes of research, breeding and training. Contracting Parties, and IARCs of the CGIAR and other international institutions that have signed agreements with the Governing Body under Article 15 of the Treaty, are invited to provide, well in advance of the meeting, questions to the Secretary that will clarify such issues.
- b) Updates to Annex 1 of the Standard Material Transfer Agreement relating to PGRFA Under Development, taking into consideration the situation of providers of material under development who have accessed Multilateral System materials from a collection hosted by the same legal entity.

APPENDIX A.5**RESOLUTION 5/2011****OPERATION OF THE THIRD PARTY BENEFICIARY**

THE GOVERNING BODY:**PART I: Mediation Rules**

- (i) **Recalling** Resolution 5/2009, by which it adopted *Third Party Beneficiary Procedures* and requested the Director General to bring these procedures to the attention of the relevant bodies of FAO, for formal approval;
- (ii) **Recognizing** the important role of the Third Party Beneficiary in initiating and carrying out dispute settlement as provided for in the Standard Material Transfer Agreement;
- (iii) **Noting** that the Committee on Constitutional and Legal Matters and the Council of FAO had examined the *Third Party Beneficiary Procedures*, together with related amendments to the Financial Rules;
- (iv) **Noting further** that the Council, in considering the *Third Party Beneficiary Procedures*, had regarded these as an example of useful synergies between FAO and bodies established under Article XIV of the FAO Constitution, and approved the Third Party Beneficiary Procedures, which are now fully operational;
- (v) **Noting** that, as requested in Resolution 5/2009, the *Ad Hoc* Third Party Beneficiary Committee has prepared draft *Mediation Rules* for use in the context of Article 6 of the *Third Party Beneficiary Procedures*;
1. **Thanks** the Arbitration and Mediation Center of the World Intellectual Property Organization (WIPO) and the United Nations Commission on International Trade Law (UNCITRAL), for having provided technical support in the preparation of the *Mediation Rules*;
 2. **Recognizes** that the *Mediation Rules* will promote the effective functioning of the Third Party Beneficiary and provide an opportunity for cost containment;
 3. **Adopts** the *Mediation Rules*, as contained in the Appendix to this Resolution, and **amends** Article 6 of the *Third Party Beneficiary Procedures* by adding a paragraph to read as follows:

The Third Party Beneficiary shall propose to the parties to the Standard Material Transfer Agreement that mediation be carried out in accordance with the Mediation Rules contained in Annex 2 to these Third Party Beneficiary Procedures.
 4. **Requests** the Director-General to bring the *Third Party Beneficiary Procedures*, as amended, to the attention of the relevant bodies of FAO, for approval;

5. For the settlement of a dispute under Article 8 of the SMTA, **requests** the Third Party Beneficiary to propose the *Mediation Rules*, to parties to the Standard Material Transfer Agreement proceeding to mediation under Article 8.4b of the Standard Material Transfer Agreement, and failing an agreement on the application of the *Mediation Rules*, to propose such other mediation rules as may be acceptable to the parties;
6. **Requests** the Arbitration and Mediation Center of WIPO to act as Administrator of these *Mediation Rules*;
7. **Notes** that a party to a Standard Material Transfer Agreement initiating dispute settlement in accordance with Article 8 of the Standard Material Transfer Agreement should immediately inform the Third Party Beneficiary, and should also inform the Third Party Beneficiary of any settlement of the dispute that may have been reached;
8. **Recognizes** the importance for the functioning of the Multilateral System in general, and of the Third Party Beneficiary in particular, of effective information technology tools, and requests the Secretary to give priority to completing them, and putting them at the disposal of users of the Standard Material Transfer Agreement;
9. **Reiterates** the importance of maintaining sufficient resources to initiate dispute settlement, by fully funding the Third Party Beneficiary Operational Reserve, as a priority, in the context of Contracting Parties' contributions to the Treaty and its Core Administrative Budget, in accordance with Article 6.5 of the Financial Rules;
10. **Calls** on Contracting Parties, States that are not Contracting Parties, intergovernmental organizations, non-governmental organizations and other entities to contribute periodically, as necessary, to the Third Party Beneficiary Operational Reserve, in order to maintain it at a level commensurate with the needs.

PART II: Report of the Third Party Beneficiary

THE GOVERNING BODY:

- (vi) **Recalling** that under Article 12.4 of the Treaty, facilitated access to the Multilateral System shall be provided pursuant to a Standard Material Transfer Agreement adopted by the Governing Body at its First Session;
- (vii) **Recalling** that under Article 13.2 of the Treaty, benefits arising from the use, including commercial, of plant genetic resources for food and agriculture under the Multilateral System shall be shared fairly and equitably through the mechanisms specified under that Article;
- (viii) **Recognizing** that the Third Party Beneficiary will require adequate financial and other resources and that FAO acting as Third Party Beneficiary shall not incur any liabilities in excess of the funds available in the Third Party Beneficiary Operational Reserve;
11. **Thanks** the FAO Council and other relevant bodies of FAO for formally approving the Third Party Beneficiary Procedures, thereby making the Third Party Beneficiary fully operational;
12. **Notes** the Report on the Operation of the Third Party Beneficiary and **thanks** FAO and the Secretary for providing the report in accordance with the Third Party Beneficiary Procedures, and further **requests** the Secretary to continue to provide, at each session of the Governing Body, a report in accordance with Article 9 of the Third Party Beneficiary Procedures;

13. **Notes** that, in accordance with Resolution 5/2009, the Secretary has invited Contracting Parties to nominate experts and has also established the mechanism for the nomination of experts to the list from which the parties to a Standard Material Transfer Agreement may appoint mediators and arbitrators in accordance with the Third Party Beneficiary Procedures;
14. Further **invites** Contracting Parties to provide names of experts to be placed on the list in accordance with the criteria of expertise contained in Annex 2 to the Third Party Beneficiary Procedures;
15. **Decides** to maintain the Third Party Beneficiary Operational Reserve for the 2012/2013 biennium at the current level of USD 283,280, and to review same at its Fifth Session;
16. Further **calls** upon Contracting Parties, States that are not Contracting Parties, intergovernmental organizations, non-governmental organizations and other entities to contribute periodically, as necessary, to the Third Party Beneficiary Operational Reserve, in order to maintain it at a level commensurate with the needs;
17. **Notes** that the Secretary has developed, in consultation with relevant organizations, appropriate and cost-effective processes to facilitate the submission, collection and storage of information in the implementation of Article 4.1 of the Third Party Beneficiary Procedures, and further **requests** the Secretary to continue applying adequate measures to ensure the integrity of information and, where required, confidentiality of the information so provided.

Appendix

Annex 2 to the Third Party Beneficiary Procedures

**RULES FOR MEDIATION OF A DISPUTE IN RELATION TO A STANDARD
MATERIAL TRANSFER AGREEMENT
("MEDIATION RULES")**

Article 1

Scope of the Mediation Rules

(a) These Mediation Rules give effect to Article 6, *Mediation*, of the *Third Party Beneficiary Procedures* approved by the Governing Body of the International Treaty.

(b) If a dispute has not been settled by amicable dispute settlement after the issuance of the summary of information and the notice referred to in Article 5, paragraph 2, of the *Third Party Beneficiary Procedures*, then the parties to the Standard Material Transfer Agreement and the Third Party Beneficiary may choose mediation through a neutral mediator pursuant to Article 6, paragraph 1, of the *Third Party Beneficiary Procedures* and to Article 8.4b of the Standard Material Transfer Agreement. If they choose mediation, they may agree that the mediation shall be carried out in accordance with these Mediation Rules, which are administered by [*the entity designated by the Governing Body*] ("the Administrator").

Article 2

Request for Mediation

(a) Either party to the Standard Material Transfer Agreement or the Third Party Beneficiary may file a Request for Mediation with the Administrator.

(b) The Request for Mediation shall contain or be accompanied by:

- (i) the names, addresses and telephone, telefax, e-mail or other communication references of the parties to the Standard Material Transfer Agreement and of the representative of the party filing the Request for Mediation; and
- (ii) a summary of the relevant provisions of the Standard Material Transfer Agreement that have not been complied with, and other relevant information ("Summary of Information"); and
- (iii) the signed "Acceptance of Mediation" (*Annex 1* to these Mediation Rules).

(c) The Administrator shall transmit a copy of these Mediation Rules, the Summary of Information and the Schedule of Fees applicable on the date of the request for Mediation to the parties to the Standard Material Transfer Agreement, and to the Third Party Beneficiary, within fifteen (15) days of receipt of a Request for Mediation.

Article 3

Acceptance of these Mediation Rules

(a) A party to the Standard Material Transfer Agreement or the Third Party Beneficiary accepting mediation under these Mediation Rules shall sign the Acceptance of Mediation and return it to the Administrator.

(b) The parties to the mediation (“the Party” or the “Parties”)¹ are the parties to the Standard Material Transfer Agreement, and the Third Party Beneficiary that accept mediation in accordance with paragraph (a) of this Article.

(c) A party to the Standard Material Transfer Agreement that is not a Party to the mediation, in accordance with paragraph (b) of this Article, shall not be privy to any information, notifications or documents in the context of the mediation, if such mediation is held.

Article 4

Commencement of Mediation

(a) Mediation shall commence on receipt of signed copies of the Acceptance of Mediation from the Parties, provided that such signed copies of the Acceptance of Mediation are received by the Administrator within thirty (30) days of the transmission by the Administrator of the documents in accordance with Article 2c of these Mediation Rules.

(b) On commencement of mediation, the Administrator shall consult with the Parties, in order to agree on the place of mediation, and the language to be used in mediation.

Article 5

Notices and Periods of Time

(a) Any notice or other communication that may or is required to be given under these Mediation Rules shall be in writing and shall be delivered by expedited postal or courier service, or transmitted by telefax, e-mail or other means of telecommunication that provide a record thereof.

(b) The address of the Administrator is provided in *Annex 2* to these Mediation Rules and may be changed at the discretion of the Administrator.

(c) A Party’s last known residence or place of business shall be a valid address for the purpose of any notice or other communication in the absence of any notification of a change by that Party. Communications may in any event be addressed to a Party in the manner stipulated or, failing such a stipulation, according to the practice followed in the course of the dealings between the Parties.

(d) For the purpose of determining the date of commencement of a time limit, a notice or other communication shall be deemed to have been received on the day it is delivered or, in the case of telecommunications, transmitted in accordance with paragraphs (a), (b) and (c) of this Article.

(e) For the purpose of determining compliance with a time limit, a notice or other communication shall

¹ For the purposes of these Mediation Rules, the terms “Party” or “Parties” are used to refer only to parties to the mediation and not a party or the parties to the Standard Material Transfer Agreement or a Contracting Party to the Treaty.

be deemed to have been sent, made or transmitted if it is dispatched, in accordance with paragraphs (a), (b) and (c) of this Article, prior to or on the day of the expiration of the time limit.

(f) For the purpose of calculating a period of time under these Mediation Rules, such period shall begin to run on the day following the day when a notice or other communication is received. If the last day of such period is an official holiday or a non-business day at the residence or place of business of the addressee, the period is extended until the first business day that follows. Official holidays or non-business days occurring during the running of the period of time are included in calculating the period.

(g) The Parties may agree to reduce or extend the periods of time referred to in these Mediation Rules.

(h) The Administrator may, at the request of a Party or on its own motion, extend or reduce the periods of time referred to in these Mediation Rules.

Article 6

Appointment of the Mediator

(a) If the Parties agree within seven (7) days of the commencement of the mediation on the person of the mediator, or have agreed on another appointment procedure, the Administrator shall appoint any mediator so selected, after confirming the requirements of Articles 8 and 9.

(b) If the Parties cannot agree within seven (7) days of the commencement of the mediation on the person of the mediator, or have not agreed on another appointment procedure, the mediator shall be appointed in accordance with the following procedure:

- (i) The Administrator shall as soon as possible send to each Party an identical list of candidates, selected from the list of experts established by the Governing Body in accordance with Article 8.4 c) of the Standard Material Transfer Agreement. Where possible, the list shall comprise the names of at least three candidates in alphabetical order. The list shall include or be accompanied by a statement of each candidate's qualifications. If the Parties have agreed on any particular qualifications, the list shall contain only the names of candidates that satisfy those qualifications.
- (ii) Each Party shall have the right to delete the name of any candidate or candidates to whose appointment it objects and shall number any remaining candidates in order of preference.
- (iii) Each Party shall return the marked list to the Administrator (without obligation to send a copy to the other Party or Parties) within seven (7) days after the date on which the list is received by it. Any Party failing to return a marked list within that period of time shall be deemed to have assented to all candidates appearing on the list.
- (iv) Upon receipt by it of the lists from the Parties, the Administrator shall, taking into account the preferences and objections expressed by the Parties, invite a person from the list to be the mediator.
- (v) If the lists that have been returned do not show a person who is acceptable as mediator to all Parties, the Administrator shall be authorized to appoint the mediator. The Administrator shall similarly be authorized to do so if a person is not able or does not wish to accept the Administrator's invitation to be the mediator, or if there appear to be other reasons precluding that person from being the mediator, and there does not remain on the lists a person who is acceptable as mediator to each Party.

(c) Notwithstanding the provisions of paragraph (b), the Administrator shall be authorized to appoint the mediator, from the list mentioned in paragraph (b) (i) above, if it determines in its discretion that the procedure described in that paragraph is not appropriate for the case.

Article 7

Nationality of the Mediator

- (a) An agreement of the Parties concerning the nationality of the mediator shall be respected.
- (b) If the Parties have not agreed on the nationality of the mediator, such mediator shall, in the absence of special circumstances such as the need to appoint a person having particular qualifications, be a national of a country other than the countries of the Parties, if different.

Article 8

Impartiality and Independence

- (a) The mediator shall be impartial and independent.
- (b) The prospective mediator shall, before accepting appointment, disclose to the Parties and the Administrator any circumstances that might give rise to justifiable doubt as to the mediator's impartiality or independence, or confirm in writing that no such circumstances exist.
- (c) If, at any stage during the mediation, new circumstances arise that might give rise to justifiable doubt as to the mediator's impartiality or independence, the mediator shall promptly disclose such circumstances to the Parties and the Administrator.

Article 9

Availability, Acceptance and Notification

- (a) The mediator shall, by accepting appointment, be deemed to have undertaken to make available sufficient time to enable the mediation to be conducted and completed expeditiously.
- (b) The prospective mediator shall accept appointment in writing and shall communicate such acceptance to the Administrator.
- (c) The Administrator shall notify the Parties of the appointment of the mediator.

Article 10

Representation of Parties and Participation in Meetings

- (a) The Parties may be represented or assisted by persons of their choice, including in their meetings with the mediator.
- (b) Immediately after the appointment of the mediator, the names and addresses of persons authorized to represent a Party, and the names and positions of the persons who will be attending the meetings of the Parties with the mediator on behalf of that Party, shall be communicated by that Party to the other Party or Parties, the mediator and the Administrator.

Article 11

Conduct of the Mediation

- (a) The mediation shall be conducted in the manner agreed by the Parties. If, and to the extent that, the Parties have not made such agreement, the mediator shall, in accordance with these Mediation Rules,

determine the manner in which the mediation shall be conducted.

(b) If at any stage of the mediation, the Parties so agree, the mediator shall provide an evaluation of the dispute. Such evaluation may take the form of a written document, which the Parties are free to accept or reject as the settlement of the dispute.

(c) Each Party shall cooperate in good faith with the mediator to advance the mediation as expeditiously as possible.

(d) The mediator shall be free to meet and to communicate separately with a Party on the clear understanding that information given at such meetings and in such communications shall not be disclosed to the other Party or Parties without the express authorization of the Party giving the information.

(e) As soon as possible after being appointed, the mediator shall, in consultation with the Parties, establish a timetable for the submission by each Party to the mediator and to the other Party or Parties of a statement summarizing the background of the dispute, the Party's interests and contentions in relation to the dispute and the present status of the dispute, together with such other information and materials as the Party considers necessary for the purposes of the mediation and, in particular, to enable the issues in dispute to be identified.

(f) The mediator may at any time during the mediation suggest that a Party provide such additional information or materials as the mediator deems useful.

(g) Any Party may at any time submit to the mediator, for consideration by the mediator only, written information or materials that it considers to be confidential. The mediator shall not, without the written authorization of that Party, disclose such information or materials to the other Party or Parties.

Article 12

Role of the Mediator

(a) The mediator shall promote the settlement of the issues in dispute between the Parties in any manner that the mediator believes to be appropriate, but shall have no authority to impose a settlement on the Parties.

(b) The mediator or a Party to the dispute may propose that one or more independent experts be consulted to report on specific issues. Terms of reference should be established for such expert in consultation between the mediator and the Parties. Any such experts shall be required to sign an appropriate confidentiality undertaking in accordance with Article 16 of these Mediation Rules.

Article 13

Termination of the Mediation

The mediation shall be terminated within six months of the commencement of mediation, or any shorter period of time agreed on by the Parties. The mediation shall be terminated by the following means:

- (i) by the signing of a Settlement Agreement by the Parties covering any or all of the issues in dispute between the Parties;
- (ii) by the decision of the mediator if, in the mediator's judgment, further efforts at mediation are unlikely to lead to a resolution of the dispute; or
- (iii) by a written declaration of a Party at any time sent to the other Party or Parties, the Administrator and the mediator.

Article 14

Mediation Termination Notices

Upon the termination of the mediation, the mediator shall promptly send to the Administrator a Mediation Termination Notice in writing, indicating that the mediation is terminated and shall indicate the date on which it terminated, whether or not the mediation resulted in a settlement of the dispute and, if so, whether the settlement was full or partial. The mediator shall send to the Parties a copy of the notice so addressed to the Administrator.

Article 15

Dispute Resolution Termination Notice

If the Mediation Termination Notice indicates that the Parties reached a settlement, the Administrator shall send a Dispute Resolution Termination Notice to the other Party or Parties, terminating the dispute resolution process.

Article 16

Confidentiality

- (a) No recording of any kind shall be made of any meetings of the Parties.
- (b) Each person involved in the mediation, including, in particular, the mediator, the Parties and their representatives and advisors, any independent experts, and any other persons present during the meetings of the Parties with the mediator, shall respect the confidentiality of the mediation and may not, unless otherwise agreed by the Parties and the mediator, use or disclose to any outside party any information concerning, or obtained in the course of, the mediation. Each such person shall sign an appropriate confidentiality undertaking prior to taking part in the mediation.
- (c) Unless otherwise agreed by the Parties, each person involved in the mediation shall, on the termination of the mediation, return, to the Party providing it, any brief, document or other materials supplied by a Party, without retaining any copy thereof. Any notes taken by a person concerning the meetings of the Parties with the mediator shall be destroyed on the termination of the mediation.
- (d) Unless otherwise agreed by the Parties, the mediator and the Parties shall not introduce as evidence or in any manner whatsoever in any judicial or arbitration proceeding:
 - (i) any views expressed or suggestions made by the other Party or Parties with respect to a possible settlement of the dispute;
 - (ii) any admissions and statements made by a Party in the course of the mediation;
 - (iii) any proposals made or views expressed by the mediator;
 - (iv) any evaluation of the dispute made by the mediator, pursuant to Article 11b of these Mediation Rules, or any parts or contents thereof;
 - (v) the fact that a Party had or had not indicated willingness to accept any proposal for settlement made by the mediator or by the other Party or Parties.
- (e) The Administrator, the mediator and the Third Party Beneficiary shall keep any Mediation Termination Notice, Dispute Resolution Notice, and Settlement Agreement confidential and shall not, without the written authorization of the Parties, disclose either the existence or the result of the mediation to any person, except where its disclosure is necessary for purposes of implementation and enforcement.
- (f) Notwithstanding the provisions of paragraph (e) of this Article, the Administrator may, however, include information concerning the mediation in any aggregate statistical data that it publishes

concerning its activities, provided that such information does not reveal the identity of the Parties or enable the particular circumstances of the dispute to be identified.

(g) Notwithstanding the provisions of paragraph (e) of this Article, the Third Party Beneficiary may, however, include information concerning the mediation in its report to a session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture, pursuant to Article 9, *Reporting*, of the *Third Party Beneficiary Procedures*, provided that such information does not reveal the identity of the Parties or enable the particular circumstances of the dispute to be identified.

Article 17

Role of the Mediator in Pending or Future Proceedings

Unless required by a court of law or authorized in writing by the Parties, the mediator shall not act in any capacity whatsoever, otherwise than as a mediator, in any pending or future proceedings, whether judicial, arbitral or otherwise, relating to the subject matter dealt with in the mediation proceedings.

Article 18

Administration Fee

(a) The Request for Mediation shall be subject to the payment to the Administrator of an administration fee, the amount of which shall be fixed in accordance with the Schedule of Fees applicable on the date of the Request for Mediation, when they are sent to the Parties, pursuant to Article 2(c) of these Mediation Rules.

(b) The administration fee shall not be refundable.

(c) No action shall be taken by the Administrator on a Request for Mediation until the administration fee has been paid.

(d) If a Party who has filed a Request for Mediation fails, within seven (7) days after a reminder (normally to be sent within 3 weeks of the receipt of the request for mediation) in writing from the Administrator, to pay the administration fee, it shall be deemed to have withdrawn its Request for Mediation.

Article 19

Fees of the Mediator

(a) The amount and currency of the fees of the mediator and the modalities and timing of their payment shall be fixed by the Administrator, after consultation with the mediator and the Parties.

(b) The amount of the fees shall be reasonable and, unless the Parties and the mediator agree otherwise, be calculated on the basis of the hourly indicative rate set out in the Schedule of Fees applicable on the date of the Request for Mediation, and taking into account the amount in dispute, the complexity of the subject matter of the dispute and any other relevant circumstances of the case.

Article 20

Deposits

- (a) The Administrator may, at the time of the appointment of the mediator, require each party to deposit an equal amount as an advance for the costs of the mediation, including, in particular, the estimated fees of the mediator and the other expenses of the mediation. The amount of the deposit shall be determined by the Administrator.
- (b) The Administrator may require the Parties to make supplementary deposits in equal shares.
- (c) If a Party fails, within seven (7) days after a reminder in writing from the Administrator, to pay the required deposit, the mediation shall be deemed to be terminated. The Administrator shall, by notice in writing, inform the Parties and the mediator accordingly and indicate the date of termination.
- (d) After the termination of the mediation, the Administrator shall render an accounting to the Parties of any deposits made and return any unexpended balance to the Parties or require the payment of any amount owing from the Parties.

Article 21

Costs

- (a) Upon termination of the mediation proceedings, the Administrator fixes the costs of the mediation and gives written notice thereof to the Parties. The term “costs” includes:
- (i) The fees of the mediator;
 - (ii) The travel and other expenses of the mediator;
 - (iii) The costs (including fees, travel and other expenses) of any independent expert appointed in accordance with Article 12 of these Mediation Rules;
 - (iv) Such other expenses as are necessary for the conduct of mediation proceedings, such as the cost of meeting facilities.
- (b) The costs, as defined above, are borne equally by the Parties unless the Parties have agreed otherwise or the settlement agreement provides for a different apportionment. All other expenses incurred by a Party are borne by that Party.

Article 22

Exclusion of Liability

Except in respect of deliberate wrongdoing, the mediator and the Administrator shall not be liable for any act or omission in connection with any mediation conducted under these Mediation Rules.

Article 23

Waiver of Defamation

The Parties, and, by accepting appointment, the mediator agree that any statements or comments, whether written or oral, made or used by them or their representatives in preparation for or in the course of the mediation shall not be relied upon to found or maintain any action for defamation, libel, slander or any related complaint, and this Article may be pleaded as a bar to any such action.

Annex 1

Acceptance of Mediation

Article 8.4b of the Standard Material Transfer Agreement provides that “[i]f the dispute is not resolved by negotiation, the parties may choose mediation through a neutral third party mediator, to be mutually agreed.”

Having received from the Administrator [*the entity designated by the Governing Body*]:

- (a) a Summary of Information relative to a dispute under a Standard Material Transfer Agreement, in accordance with Article 2b(ii) of the *Rules for Mediation of a Dispute in Relation to a Standard Material Transfer Agreement* and Article 5, paragraph 2, *Amicable Dispute Settlement, of the Third Party Beneficiary Procedures*, and
- (b) a copy of the *Rules for Mediation of a Dispute in Relation to a Standard Material Transfer Agreement*,

The undersigned party hereby accepts mediation in relation to this dispute in accordance with the above-mentioned *Mediation Rules*.

The undersigned party accepts that, unless the Parties to the mediation agree otherwise, the costs of the mediation shall be borne in equal shares by the Parties to the mediation, in accordance with Article 21 of the above-mentioned *Mediation Rules*.

Signature: Date:

Name of Signatory:

Name of party to the Standard Material Transfer Agreement in dispute, or the Third Party Beneficiary:

1. The signed Acceptance of Mediation is to be returned to:

[Name and address of the Administrator [*entity designated by the Governing Body*]]

2. If the Administrator has received no acceptance of mediation from a Party within thirty (30) days of its transmission of the Summary of Information and the copy of the above mentioned *Mediation Rules*, such party is deemed to have opted not to accept mediation.

3. Please note that the consequences of not accepting mediation include the following:

- Even if you do not accept mediation, mediation may nevertheless proceed between the other party to the Standard Material Transfer Agreement and the Third Party Beneficiary, provided that they accept mediation. You would not be a Party in such mediation and would not be

privity to any information, notifications or documents in the context of such mediation, if such mediation is held, in accordance with Article 3c of the above mentioned *Mediation Rules*.

-
- In accordance with Article 8.4c of the Standard Material Transfer Agreement, if the dispute has not been settled by negotiation or mediation, any party may submit the dispute for arbitration under the Arbitration Rules of an international body as agreed by the parties to the dispute. Failing such agreement on the applicable Arbitration Rules, the dispute, if submitted to arbitration, shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce, by one or more arbitrators appointed in accordance with said Rules.

4. If you have any questions, please contact the [*entity designated by the Governing Body*] by email at: [email address].

Annex 2

Address of the Administrator

Address of the Administrator:

[INSERT]

APPENDIX A.6**RESOLUTION 6/2011****IMPLEMENTATION OF ARTICLE 9, FARMERS' RIGHTS**

THE GOVERNING BODY,

Recalling the recognition in the International Treaty of the enormous contribution that local and indigenous communities and farmers of all regions of the world have made, and will continue to make, for the conservation and development of plant genetic resources as the basis of food and agriculture production throughout the world;

Recalling the importance of fully implementing Article 9 of the International Treaty;

Recalling that according to Article 9 of the International Treaty, the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments and is subject to national law;

Emphasizing the link between Farmers' Rights under Article 9 and the provisions on conservation and sustainable use under Articles 5 and 6 of the International Treaty;

Recalling that Farmers' Rights is one of the important components of the International Treaty;

Acknowledging that there is uncertainty in many countries as to how Farmers' Rights can be implemented and that the challenges related to the realization of Farmers' Rights are likely to vary from country to country;

Recognizing that exchange of experiences and mutual assistance between Contracting Parties can significantly contribute to making progress in the implementation of the provisions on Farmers' Rights in the International Treaty;

Recognizing the contribution the Governing Body may give in support of the implementation of Farmers' Rights;

Recalling Resolution 2/2007 adopted by the Second Session of the Governing Body, in which Contracting Parties and relevant organizations were encouraged to submit their views and experiences on Farmers' Rights as set out in Article 9 of the International Treaty;

Recalling also that the Governing Body through Resolution 2/2007 decided to consider these views and experiences as a basis for an agenda item at its Third Session to promote Farmers' Rights at the national level;

Noting that the number of contributions on views and experiences received by the Secretariat has been limited;

Recalling that Resolution 6/2009 called for regional consultations to be convened by the Secretariat, subject to the agreed priorities of the Programme of Work and the availability of financial resources;

Noting however, that the Secretariat was not able to convene the regional workshops called for in Resolution 6/2009, due to lack of financial resources and capacity;

Noting the results of the consultations on Farmers' Rights presented in document IT/GB-4/11/ Circ 1 submitted to the Secretariat by Ethiopia, that were carried out in response to the call for regional

workshops in Resolution 6/2009;

1. **Invites** each Contracting Party to consider reviewing and, if necessary, adjusting its national measures affecting the realization of Farmers' Rights as set out in Article 9 of the International Treaty, to protect and promote Farmers' Rights;
2. **Encourages** Contracting Parties and other relevant organizations to, within the next twelve months, submit
 - views, experiences and best practices on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving, as appropriate, farmers' organizations and other stakeholders;
 - proposals for ways and means through which these views, experiences and best practices can be exchanged between and among Contracting Parties and relevant stakeholder groups;
3. **Invites** Contracting Parties consider convening national and local consultations on Farmers' Rights with the participation of farmers and other relevant stakeholders;
4. **Requests** the Secretary to convene regional workshops on Farmers' Rights, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, aiming at discussing national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving, as appropriate, farmers' organizations and other stakeholders;
5. **Invites** Contracting Parties and relevant organizations to consider providing financial and technical support for the involvement of farmer organizations and relevant stakeholders in the regional workshops referred to in paragraph 4 above;
6. **Requests** the Secretary to compile the submissions referred to in paragraph 2 above, and the reports of the regional workshops for consideration by the *Ad Hoc* Technical Committee on Sustainable Use, and to disseminate relevant information through the website of the International Treaty, where appropriate;
7. **Appreciates** the involvement of farmers' organizations in the work of the Governing Body, as appropriate, according to the Rules of Procedure of the Governing Body;
8. **Encourages** each Contracting Party to closely relate the realization of Farmers' Rights as appropriate and subject to national legislation with the implementation of Articles 5 and 6, in particular the measures in Articles 5.1(c and d), and 6.2 (c, d, e, f, and g);
9. **Requests** the Secretary, where appropriate, to seek assistance from appropriate sources in the provision of financial and technical support to national governments in the realization of Farmers' Rights in relation to Article 9 and related provisions, in particular Article 6 of the Treaty;
10. **Encourages** Contracting Parties to engage the participation of farmers' organizations and relevant stakeholders in matters related to the conservation and sustainable use of plant genetic resources through awareness raising and capacity building.

APPENDIX A.7**RESOLUTION 7/2011****IMPLEMENTATION OF ARTICLE 6 SUSTAINABLE USE
OF PLANT GENETIC RESOURCES**

THE GOVERNING BODY,

- (i) **Recognizing** the pivotal role of sustainable use of plant genetic resources for food and agriculture in addressing global challenges, including food security, biodiversity loss, climate change adaptation and poverty alleviation for small-holder farmers;
- (ii) **Recalling** that, in accordance with Article 6 of the International Treaty, the Contracting Parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of plant genetic resources for food and agriculture;
- (iii) **Recalling** that the Governing Body, at its Third Session, noted that in many regions the implementation of Article 6 is lagging behind in comparison to other elements of the International Treaty, and that further financial resources, capacity building and technology transfer are required;
- (iv) **Acknowledging** that there is uncertainty in many countries as to how sustainable use of plant genetic resources for food and agriculture can effectively be achieved, and that an integrated approach to sustainable use needs to be facilitated;
- (v) **Recalling** that the Commission on Genetic Resources for Food and Agriculture addresses sustainable use of plant genetic resources for food and agriculture in the the rolling *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture (Global Plan of Action)* and its National Information Sharing Mechanisms, *The State of the World's Plant Genetic Resources for Food and Agriculture*, the Global Partnership Initiative for Plant Breeding Capacity Building (GIPB), and work on seed systems;
- (vi) **Recalling** that the Governing Body, at its Third Session, requested the Secretary to clarify the notion of a toolbox to assist countries in the design of measures to promote sustainable use in order to come to a common understanding with regard to such an instrument and submit it to the Contracting Parties at this Fourth Session;
- (vii) **Considering** that the development of the toolbox may be useful to the development of a work programme on sustainable use of plant genetic resources for food and agriculture and that such a work programme should be developed in a participatory manner and in coordination with other relevant international processes and fora, such as the Convention on Biological Diversity, FAO Commission on Genetic Resources for Food and Agriculture, and the Global Forum on Agricultural Research (GFAR);
- (viii) **Recalling** that the Conference of the Parties of the Convention on Biological Diversity deals with sustainable use of biodiversity as a cross-cutting issue and that at its Tenth meeting, the Conference, in decisions X/32 (sustainable use of biodiversity), has requested collaboration with the Secretariat of the International Treaty to compile information on how to improve sustainable use of biodiversity;

1. **Requests** the Secretary, in collaboration with FAO technical units and other stakeholders and subject to the availability of financial resources and the priorities of the Work Programme and Budget agreed by the Governing Body, to further explore the development of a toolbox on sustainable use of plant genetic resources for food and agriculture in order to assist Contracting Parties in the implementation of Article 6 of the Treaty;
2. Requests the Secretary, in further exploring the development of a toolbox, to identify, *inter alia*:
 - existing efforts in the area of sustainable agriculture that can contribute to the sustainable use of plant genetic resources for food and agriculture, in order to avoid duplication of costs and efforts;
 - areas of work where the International Treaty might add value to existing activities, such as modelling climate change and farmers' choices in variety adoption and use;
 - mechanisms to ensure effective cooperation with the Commission on Genetic Resources for Food and Agriculture (CGRFA) and its activities related to sustainable use of plant genetic resources for food and agriculture;
 - a methodology to categorize and organize tools for sustainable use of plant genetic resources for food and agriculture and to report back to the Bureau on the results of this work;
3. **Requests** the Secretary to develop, based on the rolling *Global Plan of Action*, steps on how to implement those elements of *Global Plan of Action* addressing sustainable use to support further actions at national, regional and international level for the consideration of the Governing Body at its Fifth Session and, mindful of the need to devise such a work programme in a participatory manner representing all stakeholders groups, in consultation with the Bureau;
4. **Requests** the Secretary, subject to the availability of financial resources and the priorities of the Work Programme and Budget agreed by the Governing Body, to convene a stakeholders' consultation, preferably by electronic means, to gather information to devise and elaborate elements of a work programme, in collaboration with relevant international organizations and key actors engaged in sustainable use of plant genetic resources for food and agriculture;
5. **Requests** the Secretary to invite submissions from Contracting Parties, other governments and relevant institutions and organizations on how to improve sustainable use of plant genetic resources for food and agriculture, including on sectoral policies, and best practices for sustainable agriculture;
6. **Requests** the Secretary to work with the networks and partners brought together in the Global Forum on Agricultural Research to promote the expanded use of local and locally adapted crops and underutilized crops in order to better meet sustainable development objectives;
7. **Establishes**, subject to availability of financial resources, an *Ad Hoc* Technical Committee on Sustainable Use of plant genetic resources for food and agriculture, according to the terms of reference as contained in the *Annex* to this Resolution, taking into account Resolution 6/2011 on Farmers' Rights.

Annex

TERMS OF REFERENCE FOR THE *AD HOC* TECHNICAL COMMITTEE ON SUSTAINABLE USE OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

1. The *Ad Hoc* Technical Committee will advise the Secretary and the Bureau on:
 - Identification of needs and opportunities to facilitate the sustainable use of plant genetic resources for food and agriculture
 - Development of a toolbox on sustainable use of plant genetic resources for food and agriculture in order to assist Contracting Parties in the implementation of Article 6 of the Treaty;
 - Elaboration of a draft work programme on sustainable use of plant genetic resources for food and agriculture, based on elements generated by stakeholder consultations;
 - Cooperation with the CBD, the Commission on Genetic Resources for Food and Agriculture, the Global Crop Diversity Trust, the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, and other international processes and institutions in the field of sustainable use of plant genetic resources for food and agriculture.

2. The *Ad Hoc* Technical Committee will comprise up to two members designated by each Region and up to ten technical experts representing all stakeholder groups. In inviting these technical experts to the meetings of the *Ad Hoc* Technical Committee, the Secretary will have regard of the balance of knowledge and skills. There will be two Co-Chairs, one from a developing country and one from a developed country Contracting Party, who will be elected from the members of the *Ad Hoc* Technical Committee that are designated by the Regions.

3. The *Ad Hoc* Technical Committee will hold up to two meetings, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, and will search for ways to make the operations of the Committee as cost-effective as possible, *inter alia*, by making optional use of electronic communications;

5. The Secretary will report on the results of the work of the *Ad Hoc* Technical Committee to the Governing Body at its Fifth Session.

APPENDIX A.8**RESOLUTION 8/2011****COOPERATION WITH OTHER BODIES AND INTERNATIONAL ORGANIZATIONS,
INCLUDING WITH THE INTERNATIONAL AGRICULTURAL RESEARCH CENTRES OF
THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH
AND OTHER INTERNATIONAL INSTITUTIONS THAT SIGNED AGREEMENTS UNDER
ARTICLE 15 OF THE TREATY**

THE GOVERNING BODY,

Recalling that the International Treaty relates to plant genetic resources for food and agriculture;

Recalling that Article 1.2 of the Treaty provides that the objectives of the Treaty will be attained by closely linking this Treaty to the Food and Agriculture Organization of the United Nations and to the Convention on Biological Diversity, and that Article 19.3(g) and (l) of the Treaty provides for the Governing Body to establish and maintain cooperation with, as well as take note of the relevant decisions of, the Conference of Parties to the Convention on Biological Diversity;

Acknowledging the ongoing fruitful collaboration between the Treaty and other related international organizations and treaty bodies, in particular the Convention on Biological Diversity, the International Union for the Protection of New Varieties of Plants, the United Nations Framework Convention on Climate Change, the World Health Organization, the World Intellectual Property Organization, and the World Trade Organization;

Noting the outcomes of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in particular the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization (the Nagoya Protocol), and the Strategic Plan for Biodiversity 2011-2020 (the Strategic Plan), as well as the various decisions of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity that are of relevance to the Treaty;

Convinced of the potential of the Nagoya Protocol and the Strategic Plan for enhancing the synergies and improving the coherent implementation of the Convention and the Treaty;

Further recalling that in developing the Global Information System on Plant Genetic Resources for Food and Agriculture, cooperation will be sought with the Clearing House Mechanism of the Convention on Biological Diversity, in accordance with Article 17.1 of the Treaty;

Cognizant of the importance of further enhancing the cooperation and synergies between the Treaty and the Convention on Biological Diversity, in accordance with their respective mandates, as well as between their respective intergovernmental bodies and Secretariats;

Taking into account the provisions of Article 20.5 of the Treaty that requires the Secretary to cooperate with the Secretariat of the Convention on Biological Diversity;

Cognizant of the need to establish and maintain cooperation with other relevant international organizations and treaty bodies, on matters covered by the Treaty, including their participation in the Funding Strategy;

Acknowledging the positive outcomes of the strategy of cooperation with relevant international organizations to facilitate the implementation of the Funding Strategy, especially its Benefit-sharing Fund;

Further recognizing the function of the Joint Capacity Building Programme set up by the Treaty,

FAO and Bioversity International to facilitate implementation of the Treaty, and in particular of the Multilateral System of Access and Benefit-sharing, by developing country Contracting Parties;

Noting the need to continue providing assistance under the Joint Capacity Building Programme to developing country Contracting Parties in the process of implementation of the Multilateral System;

Welcoming the joint work between the Secretariat and Bioversity International on the development of training materials on the Treaty and recognizing that such training materials can also be utilized for awareness-raising;

Recalling the significant support to the objectives of the International Treaty by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, and other international institutions that signed agreements with the Governing Body under Article 15 of the Treaty;

Recalling Resolution 7/2009 on cooperation with the Commission on Genetic Resources for Food and Agriculture;

Noting the vision paper, *Policy coherence and complementarity of the work of the Commission on Genetic Resources for Food and Agriculture and of the Governing body of the International Treaty*, prepared jointly by the two Secretariats;

Part I. Relationship with the Convention on Biological Diversity

1. **Congratulates** the Conference of the Parties to the Convention on Biological Diversity, on the adoption of the Nagoya Protocol that successfully concluded an important process of negotiations;
2. **Appeals** to Contracting Parties and other States to give priority consideration to the signature and ratification of the Nagoya Protocol, so that it may enter expeditiously into force;
3. **Decides** to establish and maintain cooperation with the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol established by the Conference of Parties to the Convention, and, upon the entry into force of the Protocol, with the Conference of the Parties serving as the meeting of the Parties to the Protocol;
4. **Takes note** of the Memorandum of Cooperation signed between the Secretary and the Executive Secretary of the Convention on Biological Diversity and commends the Secretary for the initiative, and **requests** the Secretary to explore with the Secretariat of the Convention on Biological Diversity, practical means and activities to give effect to this cooperation, in particular through capacity building for access and benefit-sharing, as related to plant genetic resources for food and agriculture, including through the organization of workshops, seminars and other events, coordination of technical assistance as well as the exchange of information;
5. **Requests** the Secretary, subject to the availability of funds, to continue to participate in relevant meetings of the Convention on Biological Diversity, the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol, as well as the Liaison Group of Biodiversity-related Conventions;
6. **Requests** the Secretary to strengthen collaboration with the Secretariat of the Convention on Biological Diversity in the implementation of the Convention's programme of work on agricultural biodiversity, sustainable use of biodiversity, biodiversity and climate change, as well as on the United Nations Decade on Biodiversity and the integration of biodiversity into poverty eradication and development, in harmony with the work of the Treaty;

7. ***Calls on*** Contracting Parties to ensure that any legislative, administrative or policy measures taken for the implementation of both the Treaty and the Convention on Biological Diversity (or its Nagoya Protocol), are consistent and mutually supportive;
8. ***Requests*** the national focal points of the Treaty to enhance their collaboration and coordination with their counterpart national focal points for the Convention on Biological Diversity on all relevant processes, in particular on the Nagoya Protocol and the Strategic Plan;
9. ***Requests*** the Secretary to convey the present Resolution to both the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol and, upon the entry into force of the Protocol, the Conference of the Parties serving as the meeting of the Parties to the Protocol;
10. ***Requests*** the Secretary to continue to foster collaboration with other treaty bodies, especially with the Convention on Biological Diversity in regard to the conservation and sustainable use of agricultural biological diversity, access to plant genetic resources for food and agriculture and benefit-sharing in the light of the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, according to the respective mandates, governance structures and agreed programs;
11. ***Requests*** the Secretary to report on cooperation with the Secretariat of the Convention at each session of the Governing Body;

Part II. Cooperation with other organizations

12. ***Requests*** the Secretary to continue participating in relevant meetings of the International Union for the Protection of New Varieties of Plants, the World Health Organization, the World Intellectual Property Organization, and the World Trade Organization, and ***requests*** the Bureau to provide guidance on prioritisation of attendance to these meetings;
13. ***Requests*** the Secretary to foster cooperation with other international organizations and regional initiatives, including on agrobiodiversity programmes, such as the International Organization of Vine and Wine and strengthen existing cooperative arrangements with a view to developing synergies and reducing inefficiencies consistent with their respective mandates, governance structures and agreed programs, and based on available resources;
14. ***Requests*** the Secretary to explore possible areas of cooperation with the United Nations Framework Convention on Climate Change, given the connection between climate change adaptation in agriculture and genetic resources, such as the participation of the Treaty as a partner in the REDD initiative;
15. ***Acknowledges*** the importance and value of building partnerships with international organizations to enhance the impact of the Benefit-sharing Fund, including with regard to resource mobilization, programming and effectiveness of the Fund's operation, including by relying as much as possible on designated implementing entities, which are to fulfil project, financial, management and fiduciary high standards in order to provide services of project formulation, supervision and implementation;
16. ***Requests*** the Secretary to explore areas of cooperation with other international organizations to further develop and implement the Funding Strategy of the International Treaty and its Benefit-sharing Fund;

17. **Reaffirms** the need to expand the duration of the Joint Capacity Building Programme to the remaining part of the current biennium as well as to the full biennium 2012-2013 and **invites**, on a voluntary basis, additional funding and partners for expanding the Joint Capacity Building Programme;

18. **Requests** the Secretary to further elaborate vision paper on the development of the Global Information System in the context of Article 17 of the Treaty, in collaboration with relevant stakeholders;

Part III. Cooperation with the Commission on Genetic Resources for Food and Agriculture

19. **Requests** the Secretary to continue pursuing initiatives for coordination and cooperation with the FAO Commission on Genetic Resources for Food and Agriculture, including through the convening of joint Bureau meetings;

20. **Welcomes** the adoption of the *Joint Statement for Cooperation between the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture and the Commission on Genetic Resources for Food and Agriculture* by the Commission, at its Twelfth Regular Session;

21. **Emphasizes** the importance of cooperation between the Commission and the Governing Body, in particular with regard to the supporting components of the Treaty, and **welcomes** the publication of *The Second Report on the State of the World's Plant Genetic Resources for Food and Agriculture* as well as the on-going process of updating the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*;

22. **Notes** with appreciation the on-going cooperation between the Commission and the Governing Body, their Bureaus and their Secretariats;

23. **Requests** the Secretary to provide, in collaboration with the Secretary of the Commission, a paper on the legal, administrative and financial implications of transferring activities or tasks related to plant genetic resources for food and agriculture from the Commission to the Governing Body of the International Treaty;

24. **Requests** the Bureau, in consultation with the Bureau of the Commission, to continue exploring options for close cooperation between the Commission and the Governing Body that may gradually lead to an agreed functional division of tasks and activities between the Commission and the Governing Body within the terms of the International Treaty, taking into account the legal, administrative and financial implications;

25. **Requests** the Secretary to report to the Governing Body at its Fifth Session on relevant activities undertaken to maintain, strengthen and extend the partnerships, synergies and cooperation under the present Resolution.

APPENDIX A.9
RESOLUTION 9/2011
WORK PROGRAMME AND BUDGET 2012/13

The Governing Body,

Recalling that:

- a) The FAO Governing Bodies have determined that the International Treaty on Plant Genetic Resources for Food and Agriculture is a priority FAO activity;
- b) That the FAO Conference has recommended that “*statutory bodies and conventions will be strengthened, enjoying more financial and administrative authority within the framework of FAO and a greater degree of self-funding by their Members*”;

Recognizing that:

- a) The Treaty is at a crucial stage in its implementation, with a number of the major fields of activity that derive directly from the provisions of the Treaty now taking substantive shape;
- b) The execution of the Work Programme is subject to adequate resources being available within the Core Administrative Budget, and that this will be essential to the future functioning, credibility and effectiveness of the Treaty;
- c) There is a current outstanding obligation of USD 716,026, as at 17 March 2011, representing the outstanding balance of contributions to the Special Fund for Agreed Purposes, which donors, with exceptional flexibility, allowed to be used on a temporary basis in the 2008/09 biennium, in order to cover a shortfall in voluntary contributions to the Core Administrative Budget: Contracting Parties who made no, or only limited, contributions in the 2006/07 and 2008/09 biennia, are urged to make voluntary contributions to the Core Administrative Budget. Such contribution will be earmarked to cover the outstanding obligations to the Special Fund for Agreed Purposes;

Reiterating the importance of the Treaty is a concrete and effective pillar of the international architecture governing the conservation and use of genetic resources;

Adopts the Work Programme and the Treaty’s Core Administrative Budget for the biennium 2012/13, as contained in *Appendix 1* to this resolution;

- i) **Urges** all Contracting Parties to provide the resources required in the Core Administrative Budget, as adopted;
- ii) **Commends** the project proposals contained in the *Addendum to Annex 1* to this Resolution to donor Governments and institutions, and **invites** them to provide the funding necessary for the implementation of these projects;
- iii) **Invites** States that are not Contracting Parties, inter-governmental organizations, non-governmental organizations and other entities, to also contribute to the Core Administrative Budget and the Special Funds;
- iv) **Takes note** of the provisional proposed contribution from FAO of USD 1,987,200;
- v) **Approves** the level of the Working Capital Reserve at USD 400,000;
- vi) **Notes** that, as at 17 March 2011, the amount available in the Working Capital Reserve is USD 143,500;
- vii) **Notes further** that Contracting Parties will be requested to contribute the balance necessary to bring the reserve up to its established level, in the call for contributions for the 2012/13

- biennium, by separate voluntary contributions, in addition to their voluntary contributions to the Core Administrative Budget;
- viii) **Approves** the Secretariat staffing structure for the biennium 2012-13 set out in *Annex 2* to this Resolution, recognizing that the precise staffing arrangements are a matter of the normal executive authority of the Secretary;
 - ix) **Warmly thanks** the Governments of Italy, Ireland and Spain, who have generously donated substantial funds for additional project activities, outside the Core Administrative Budget, which have assisted the Treaty to establish its operational systems on its entry into force, and to provide support to Contracting Parties that are developing countries in implementing the Treaty's systems;
 - x) **Warmly thanks** the Governments of Italy, Japan, Spain and Switzerland, for the staff resources that they have made available, to support and extend the activities of the Secretariat;
 - xi) **Confirms** that Contracting Parties that are developing countries and countries with economies in transition should be informed by the Secretary, in a timely manner before a meeting, of the availability of resources to support their participation in that meeting from the Fund referred to in the Treaty's Financial Rule VI.2c, and that, where such funding is limited, priority should be given to the least developed countries;
 - xii) **Encourages** the Secretary to continue the implementation of the transparent approach in preparing and submitting the draft Work programme and Budget for the biennium 2014-15, including a Secretariat staffing table and a Draft Resolution, for the consideration of the Governing Body at its Fifth Session, and to report on progress on income and expenditures, as well as any adjustments made to the budget in the biennium 2012/13;
 - xiii) **Requests** the Secretary to provide a detailed financial report, well in advance, to each session of the Governing Body.

(Adopted on 18 March 2011)

ANNEX 1: CORE WORK PROGRAMME: 2012 - 2013 BIENNIUM

	Maintenance Function	Core Implementing Functions	Core Work Programme
All amounts in USD			
A. Human resources			
A.1 Established staff positions	3,391,272	-	3,391,272
A.2 Additional posts approved for 2012-13 biennium	557,733		557,733
A.3 New posts & upgrades proposed for approval	166,608	79,200	245,808
A.4 Consultancy costs	130,000	225,960	355,960
Total A. Human Resources	4,245,613	305,160	4,550,773
B. Meetings			
B.1 Governing Body	500,000	-	500,000
B.2 Bureau	30,000	-	30,000
B.3 Compliance Committee		-	-
B.4 Panel of Scientific Experts	40,000		40,000
B.5 Activity related 1/		67,500	67,500
Total B. Meetings	570,000	67,500	637,500
C. Other costs			
C.1 Core staff duty travel	140,750	36,000	176,750
C.2 Publications and communication	66,750	34,940	101,690
C.3 Supplies and equipment	48,000	-	48,000
C.4 Miscellaneous	22,500	-	22,500
C.5 Contracts	-	219,920	219,920
Total C. Other Costs	278,000	290,860	568,860
Total A + B + C	5,093,613	663,520	5,757,133
Cost increase factor 4.25%	214,779	3,366	218,145
D. General Operating Services	212,336	26,675	239,011
Operating Budget	5,520,727	693,561	6,214,288
E. Project Servicing Cost	212,012	41,614	253,625
Totals	5,732,738	735,175	6,467,913

Funding of the Proposed Core Work Programme	
Total Core Administrative Budget	6,467,913
Less:	
F. FAO contribution	[1,987,200]
Net amount to be funded by Contracting Parties	4,480,713

1/ Funding for activity-related meeting costs (USD 163,000) to be sought directly from donors.

ADDENDUM 1A:

**DIRECT DONOR SUPPORT TO CORE IMPLEMENTING FUNCTIONS
TO BE FUNDED BY CONTRACTING PARTIES
UNDER THE SPECIAL FUND FOR AGREED PURPOSES**

<i>Activity</i>	<i>Amount in USD</i>
Resource Mobilization Officer (P5, 12 m/m)	267,700
Meeting costs of activities of the Core implementing Functions	298,200
Compliance Committee	33,070
Operating the Capacity-building Coordination Mechanism	33,380
TOTAL	632,350

ADDENDUM 1B:

**POSSIBLE DONOR-FUNDED SUPPORTING PROJECTS
FOR WHICH FUNDING WILL BE SOUGHT**

Benefit-sharing Support Programme of the Treaty	2,500,000
Harmonious Implementation of the Treaty and the Nagoya Protocol	500,000
Outreach, Awareness-Raising and Promotion of the Treaty	960,000
The Joint Implementation Programme for Capacity- building, Phase II	1,200,000 - 1,500,000 per biennium
Training Programme on the International Treaty	920,000
Article 17 and the Global Information System on Plant Genetic Resources for Food and Agriculture	730,000
Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture	500,000

ANNEX 2
2012-13 SECRETARIAT STAFFING TABLE

Professional

D1
P5
P4 (3)
P3 (2)

General Service:

G5
G4
G3 (2)

Additional Staff for the 2012/13 biennium only

P5 (12 m/m only)
P3

APPENDIX B**AGENDA OF THE FOURTH SESSION OF THE GOVERNING BODY**

1. Adoption of the Agenda and Timetable
2. Election of the *Rapporteur*
3. Appointment of the Credentials Committee
4. Establishment of a Budget Committee
5. Report of the Chair
6. Report of the Secretary
7. Financial Rules of the Governing Body
8. Adoption of procedures and operational mechanisms to promote compliance and to address issues of non-compliance
9. Implementation of the Funding Strategy of the Treaty
 - 9.1 Report of the Chair of the *Ad Hoc* Advisory Committee on the Funding Strategy
 - 9.2 Implementation of the Funding Strategy
10. Consideration of the Business Plan of the Governing Body
11. Implementation of the Multilateral System of Access and Benefit-sharing
 - 11.1. Review of the implementation of the Multilateral System
 - 11.2. Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons
 - 11.3. Review of the implementation and operation of the Standard Material Transfer Agreement and the Multilateral System
 - 11.4. Review of the Material Transfer Agreement being used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions, for Plant Genetic Resources for Food and Agriculture not included in *Annex 1* of the Treaty
12. Operation of the Third Party Beneficiary
 - 12.1 Report of the Chair of the *Ad Hoc* Third Party Beneficiary Committee
 - 12.2 Report on the operations of the Third Party Beneficiary
13. Implementation of Article 9, *Farmers' Rights*
14. Implementation of Article 6, *Sustainable Use of Plant Genetic Resources*
15. Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture
16. Relationship between the Governing Body and the Global Crop Diversity Trust
17. Report on the status of cooperation with other international organizations, including Agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions

18. Matters relevant to the Treaty arising from the FAO reform process
19. Adoption of the Work Programme and Budget for 2012/13 biennium
20. Other business
21. Election of the Chair and Vice-Chairs of the Fifth Session of the Governing Body
22. Date and place of the Fifth Session of the Governing Body
23. Adoption of the Report and Resolutions of the Governing Body

APPENDIX C
LIST OF DOCUMENTS

Working Documents

IT/GB-4/11/1	Draft Provisional Agenda
IT/GB-4/11/2	Annotated Draft Provisional Agenda and Indicative Time-table
IT/GB-4/11/3	List of observers who have requested approval to be represented at the Fourth Session of the Governing Body in accordance with rule VII.2 of the Rules of procedure
IT/GB-4/11/4	Report of the Chairperson
IT/GB-4/11/5	Report by the Secretary
IT/GB-4/11/6	Financial Rules of the Governing Body
IT/GB-4/11/6 Add. 1	Financial Rules of the Governing Body - Background Information
IT/GB-4/11/7	Report of the Co-Chairs of the <i>Ad Hoc</i> Working Group on the Procedures and operational mechanisms to promote compliance and to address issues of non-compliance
IT/GB-4/11/8	Report of the Co-Chairs of the <i>Ad Hoc</i> Advisory Committee on the Funding Strategy
IT/GB-4/11/9	Report on developments in the implementation of the Funding Strategy
IT/GB-4/11/11	Draft Business Plan of the Governing Body
IT/GB-4/11/12	Report on the implementation of the Multilateral System of Access and Benefit-sharing
IT/GB-4/11/13	Reviews and assessments under the Multilateral System, and of the implementation and operation of the Standard Material Transfer Agreement
IT/GB-4/11/14	Report of the Chair of the <i>Ad Hoc</i> Third Party Beneficiary Committee
IT/GB-4/11/15	Report on the operations of the Third Party Beneficiary
IT/GB-4/11/16	Implementation of Article 9, Farmers's Rights
IT/GB-4/11/17	Implementation of Article 6
IT/GB-4/11/18	Policy coherence and complementarity of the work of the Commission on Genetic Resources for Food and Agriculture and of the Governing Body
IT/GB-4/11/19	Vision paper on the development of the global information system in the context of Article 17 of the Treaty
IT/GB-4/11/20	Report from the Global Crop Diversity Trust
IT/GB-4/11/21	Selection of the members of the Executive Board of the Global Crop Diversity Trust, and possible options for the simplification of the normal selection and appointment procedures
IT/GB-4/11/22	Relationship with the Convention on Biological Diversity

IT/GB-4/11/23	Progress report on partnerships, synergies and cooperation with other organizations, including agreements between the Governing Body and the IARCS and other relevant international institutions under Article 15 of the Treaty
IT/GB-4/11/24	Matters arising from the Report of the Independent External Evaluation of FAO related to the Treaty
IT/GB-4/11/25	Organisation of inter-sessional work under the Treaty
IT/GB-4/11/26	Report on progress of Work Programme and Budget 2010/11 biennium
IT/GB-4/11/27	Draft Work Programme and Budget for the 2012/2013 Biennium
IT/GB-4/11/27 Add. 1	Addendum 1 to the Draft Work Programme and Budget for the 2012-13 Biennium: possible supporting activities to be funded by Contracting Parties under the Special Fund for Agreed Purposes
IT/GB-4/11/28	Draft Resolutions of the Fourth Session of Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture

Information Documents

IT/GB-4/11/Inf. 1	List of documents
IT/GB-4/11/Inf. 2	Note for Participants
IT/GB-4/11/Inf. 3	The toolbox: description of the concept, components, and how it might be developed
IT/GB-4/11/Inf. 4	Report on FAO activities related to the supporting components of the Treaty
IT/GB-4/11/Inf. 5	Experience of the CG Centres with the Implementation of the Agreements with the Governing Body, with particular reference to the Use of the Standard Material Transfer Agreement for Annex 1 and Non-Annex 1 Crops
IT/GB-4/11/Inf. 6	Compilation of views and experiences on the Implementation of Farmer's Rights submitted by Contracting Parties and relevant organizations
IT/GB-4/11/Inf. 7	Report of the First Meeting of the <i>Ad Hoc</i> Technical Advisory Committee on the Multilateral System and Standard Material Transfer Agreement
IT/GB-4/11/Inf. 8	Report of the Second Meeting of the <i>Ad Hoc</i> Technical Advisory Committee on the Multilateral System and Standard Material Transfer Agreement
IT/GB-4/11/Inf. 9	Compilation of submissions by Contracting Parties on the implementation of the Multilateral System
IT/GB-4/11/Inf. 10	Experiences of International Institutions with the Implementation of the Agreements with the Governing Body under Article 15 of the Treaty, with particular reference to the Use of the Standard Material Transfer Agreement for <i>Annex I</i> and <i>Non-Annex I</i> Crops
IT/GB-4/11/Inf. 11	Statement of competence and voting rights submitted by the European Community (EC) and its member states

Documents Circulated at the Request of Contracting Parties

IT/GB-4/11/Cir. 1	Global Consultation on Farmers' Rights in 2010
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**Other Documents
Available, upon request, at the Documents Desk**

Reports of previous meetings

GB-1/06/REPORT	Report of the First Session of Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
GB-2/07/REPORT	Report of the Second Session of Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
GB-3/09/REPORT	Report of the Third Session of Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
IT/ACFS-5/10/Report IT/ACFS-6/10/Report	Reports of the Fifth and Sixth Meetings of the <i>Ad Hoc</i> Advisory Committee on the Funding Strategy
IT/TPBC-3/10/Report	Report of the Third Meeting of the <i>Ad Hoc</i> Third Party Beneficiary Committee

APPENDIX D
BALI MINISTERIAL DECLARATION

11 March 2011

Bali Ministerial Declaration on the International Treaty on Plant Genetic Resources for Food and Agriculture

We, the Ministers responsible for the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture, hereafter called “the Treaty”,

Having met in Indonesia, on 11 March 2011, in the context of the Fourth Session of the Governing Body of the Treaty, generously hosted by the Government of Indonesia, in collaboration with the UN Food and Agriculture Organization and the Secretariat of the Treaty,

- (i) **Deeply concerned** over current global challenges, in particular the continuing erosion of agricultural biodiversity, the threats posed by food insecurity, extreme poverty and the effects of climate change,
- (ii) **Recognizing** the importance and unique role of plant genetic resources for food and agriculture in addressing these challenges,
- (iii) **Convinced** that the Treaty is vital for the achievement of Millennium Development Goals 1 (the eradication of extreme hunger and poverty) and 7 (ensuring environmental sustainability),
- (iv) **Acknowledging** the interdependence of all countries in regard to genetic resources for food and agriculture and the fundamental role of the Treaty,
- (v) **Highlighting** the important contribution of all stakeholders to the full implementation of the Treaty,
- (vi) **Recognizing** that climate change poses a serious risk to plant genetic resources for food and agriculture,
- (vii) **Acknowledging** that plant genetic resources are essential as a raw material for crop genetic improvement (whether by means of farmer selection, classical plant breeding or modern biotechnologies); in the development of new market opportunities, and in adapting to unpredictable environmental changes,
- (viii) **Welcoming** the role of the Food and Agriculture Organization of the United Nations acting as Third Party Beneficiary of the Treaty,
- (ix) **Acknowledging** the importance to this Treaty of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR), and the important work of the Global Crop Diversity Trust in this respect,

(x) **Recognizing** the Global Crop Diversity Trust as an essential element of the Funding Strategy of the Treaty helping implement vital areas of the Treaty with the focus on securing and making available important *ex situ* collections of plant genetic resources for food and agriculture,

(xi) **Acknowledging** that the International Regime on Access and Benefit-Sharing is constituted of complementary instruments, *inter alia*, the Treaty, the Convention on Biological Diversity, and the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization,

(xii) **Recognizing** the importance of collaboration between the Secretariats and the Contracting Parties of the Treaty and the CBD,

(xiii) **Acknowledging** the importance of biological and cultural diversity and thus the opportunity to establish and maintain links between the Treaty and relevant international conventions and bodies,

(xiv) **Recognizing** that further review by the Governing Body of the Multilateral System of Access and Benefit-sharing would enhance the effectiveness of the Treaty,

(xv) **Recognizing** the importance of the protection of traditional knowledge relevant to plant genetic resources for food and agriculture and enormous contribution that local and indigenous communities and farmers from all regions of the World, particularly those in centres of origin and crop diversity, have made and will continue to make towards the conservation and development of plant genetic resources that constitute the basis of food and agriculture production worldwide,

(xvi) **Recalling** the importance of implementing Farmers' Rights, in accordance with Article 9 of the Treaty,

(xvii) **Recognizing** that Contracting Parties that are developing countries or countries with economies in transition may benefit from assistance to help them to fully and effectively implement their commitments under the Treaty,

(xviii) **Acknowledging** that benefits accruing from facilitated access to plant genetic resources for food and agriculture, which are included in the Multilateral System, will also be shared through non-monetary mechanisms, such as the exchange of information, access to, and transfer of technology, as well as capacity-building,

(xix) **Recalling** that the objectives of the Funding Strategy of the Treaty are to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under this Treaty,

1. Engage ourselves to further enhancing the implementation of the Treaty to help meet the challenges of agricultural biodiversity erosion, food insecurity, extreme poverty and the effects of climate change, and in particular through:

- a. Embodying the objectives and provisions of the Treaty in our national policies for the conservation and sustainable use of plant genetic resources.
- b. In accordance with article 11.2 of the Treaty, include in the Multilateral System all plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain.
- c. According due priority to building national capacity in the conservation and sustainable use of plant genetic resources for food and agriculture.

- d. Further improving the implementation of the Funding Strategy, including the Benefit Sharing Fund, to deliver international technical cooperation to developing countries.
- e. Contributing to the Core Administrative budget by all Contracting Parties, stressing that adequate voluntary contributions are critical to ensure an efficient and well-functioning Secretariat and Treaty.
- f. Considering the importance of genetic resources for food and agriculture and their special role for food security in the development and implementation of domestic access and benefit-sharing legislation or regulatory requirements.
- g. Further review by the Governing Body of the Multilateral System of Access and Benefit Sharing.
- h. Taking measures, as appropriate and subject to Contracting Parties' national legislation, to protect and promote Farmers' Rights in accordance with Article 9, *inter alia* through ensuring equitable participation in the sharing of benefits arising from the utilization of plant genetic resources for food and agriculture.

2. Call upon:

- a. All Contracting Parties, relevant international mechanisms, funds and bodies to give due priority to activities within their mandates relevant to the implementation of the Treaty and in particular, the Multilateral System, the Standard Material Transfer Agreement, the sustainable use of plant genetic resources for food and agriculture, and Farmers' Rights.
- b. Contracting Parties, non-Contracting Parties, the private sector, nongovernmental organizations, and all other relevant stakeholders to mobilize more effective and timely contributions and to provide practical and meaningful support to the implementation of the Funding Strategy, including its Benefit-sharing Fund.

3. Urge all Governments that have not yet done so to accede to the Treaty and those that have already acceded to the Treaty to continue to intensively engage in its activities.

4. Express our deep gratitude to the Government of Indonesia for successfully hosting this Ministerial Conference and for hosting the forthcoming Fourth Session of the Governing Body of the Treaty, which helps to set an important milestone for the implementation of the Treaty.

Bali, Indonesia, March 2011

APPENDIX E
CONTRACTING PARTIES AS OF 1 MARCH 2011

Afghanistan	Croatia	Guinea
Albania	Cuba	Guinea-Bissau
Algeria	Cyprus	Honduras
Angola	Czech Republic	Hungary
Armenia	Democratic People's Republic of Korea	Iceland
Australia	Democratic Republic of the Congo	India
Austria	Denmark	Indonesia
Bangladesh	Djibouti	Iran, Islamic Republic of
Belgium	Ecuador	Ireland
Benin	Egypt	Italy
Bhutan	El Salvador	Jamaica
Brazil	Eritrea	Jordan
Bulgaria	Estonia	Kenya
Burkina Faso	Ethiopia	Kiribati
Burundi	European Community	Kuwait
Cambodia	Fiji	Kyrgyz Republic
Cameroon	Finland	Lao People's Democratic Republic
Canada	France	Latvia
Central African Republic	Gabon	Lebanon
Chad	Germany	Lesotho
Congo, Republic of	Ghana	Liberia
Cook Islands	Greece	Libyan Arab Jamahiriya
Costa Rica	Guatemala	Lithuania
Côte d'Ivoire		

Luxembourg
Madagascar
Malawi
Malaysia
Maldives
Mali
Mauritania
Mauritius
Montenegro
Morocco
Myanmar
Namibia
Nepal
Netherlands
Nicaragua
Niger
Norway
Oman
Pakistan
Palau
Panama
Paraguay
Peru
Philippines
Poland
Portugal
Qatar
Republic of Korea
Romania

Rwanda
Saint Lucia
Samoa
Sao Tome and Principe
Saudi Arabia
Senegal
Seychelles
Sierra Leone
Slovakia
Slovenia
Spain
Sudan
Sweden
Switzerland
Syrian Arab Republic
Togo
Trinidad and Tobago
Tunisia
Turkey
Uganda
United Arab Emirates
United Kingdom
United Republic of Tanzania
Uruguay
Venezuela
Yemen
Zambia
Zimbabwe

APPENDIX F

APPENDIX F.1

Opening Ceremony of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture**Bali, 14 March 2011****Statement by Dr. Haryono on behalf of Minister Suswono, Minister for Agriculture of Indonesia**

Excellencies, Distinguished Delegates,

Assalamu'alaikum warahmatullahi wabarakatuh

First of all, let us offer our prayers and thanks to the Almighty ALLAH SWT for His blessings and the opportunity to meet here in this important occasion, "The Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture".

Please allow me to welcome you all to "The Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture".

I would also like to convey our heartfelt condolences to the distinguished delegates from Japan. Since Indonesia also experienced Tsunami disaster several years ago, we completely understand the feeling of sadness. Nonetheless, we are confident that the people of Japan, with the full support from the international community, will recover from this difficult situation.

Prior to this meeting, on 11th March 2011, the Republic of Indonesia hosted the Ministerial Conference on Biodiversity, Food Security and Climate Change on the occasion of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture. Forty-eight countries participated in the conference.

The aim of the conference was to strengthen the role of ITPGRFA in the context of food security, biodiversity and adaptation to climate change. The conference was consisted of three ministerial dialogues, which were: (i) the new tools for Agro-biodiversity and Food Security in an era of climate change regarding the ITPGRFA Benefit-sharing Fund and Gene-pool, (ii) capitalization of the ITPGRFA Benefit-sharing Fund (BSF) for the achievements and following step of it, (iii) Convention of the Biological Diversity, the ITPGRFA and Nagoya Protocol.

In the said Conference, Indonesia has pledged US\$ 100,000 to the Treaty for its future works.

The Ministers and Delegates finally adopted the Bali Ministerial Declaration at the end of the Conference.

I hope that the same spirit and effort will be shown in this fourth session of the Governing Body, in providing meaningful contributions for a more effective implementation of the Treaty for our future generations.

Last but not least, I wish all delegates would have a productive and successful deliberation.

On behalf of the Government of the Republic of Indonesia, by saying Bismillahirrahmannirahim, the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture is officially opened.

Wassalamualaikum warahmatullahi wabarakatuh

Thank you

*APPENDIX F.2***Opening Ceremony of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture****Bali, 14 March 2011****Statement by Mr Modibo Traoré, Assistant Director-General, Agriculture and Consumer Protection Department of the Food and Agriculture Organization of the United Nations**

Dr. Haryono, the Representative of His Excellency, Minister Suswono,
Minister for Agriculture of Indonesia,
Madam Chair,
The Executive Secretary of the Convention on Biological Diversity,
Honourable members of the Bureau,
Distinguished Delegates to the fourth Session of the Governing Body of the Treaty,
Ladies and Gentleman,

First of all, I would like to express once again FAO's deep condolences to the Japanese Delegation for the unprecedented tragedy and losses their Government and their People are currently facing in the aftermath of the earthquake and tsunami. As pledged by the highest authorities of the UN family, FAO will do all it can to assist in the current crisis as well as in the future rehabilitation efforts.

I would like also to thank the Government of Indonesia for its generosity in hosting this fourth session of the Governing Body of the Treaty, and for its customary hospitality.

The extent of hunger and poverty in the world today is being aggravated by climate change, which has significant impacts on agriculture. Responses to climate change include increased global efforts for the conservation and sustainable use of plant genetic resources, which are the basis of food production, and are indispensable for adapting agriculture to new environmental conditions. Plant genetic resources contain a wealth of traits and characteristics from which farmers all over the world can draw to meet new climate-driven challenges and sustain food production. The movement and exchange of plant genetic resources have been of vital importance for food security since the advent of agriculture, and never as much as today, has it been more strategic to continue to facilitate such exchange. Enabling farmers to adapt to climate change enhances food security, and food security remains an objective of immense importance that should drive medium and long-term programmes for food and agriculture. To be successful, those programmes must be conceived and implemented within a strategic framework, and this is what the Treaty can offer in regard to plant genetic resources and sustainable agriculture.

The International Treaty was negotiated in order to address the key feature of plant genetic resources for food and agriculture, that is, interdependence, and the special needs of those resources, which are conservation, sustainable use, and the sharing of the benefits arising from their utilization. The Treaty came into force in 2004 and since then it has made significant progress on all these aspects.

In the history of FAO, the International Treaty is the legal instrument, which has had the fastest rate of ratification, and now we can proudly say that, today, it has also become one of the most rapidly and successfully growing legal instruments negotiated under the aegis of FAO. In this context, FAO will do all it can to further support and strengthen this progress and the work of the Secretariat.

Under the Treaty, benefit-sharing on a multilateral basis is becoming a reality for farmers in

developing countries. In the most recent biennium, you have launched a new element of the Funding Strategy of the Treaty, the Benefit-sharing Fund under the direct control of the Governing Body. In 2009, the Fund already generated nearly a dozen benefit-sharing projects, and the Benefit-sharing Fund of the Treaty is in the process of disbursing about 10 million US dollars in high impact projects that will assist farmers of developing countries in the sustainable use of plant genetic resources, in particular adapting crops to climate change. Together with other elements of the Funding Strategy, in particular with the Global Crop Diversity Trust, the Benefit-sharing Fund should now promote new ways of synergistic Partnership in the field under the overall guidance of the Governing Body.

FAO has been an active supporter of these processes and will continue to be a reliable participant for the future of the Treaty both in terms of hosting and strengthening the Secretariat of the Treaty and providing and sustaining scientific inputs and support to Treaty processes through its technical divisions. However, the core commitment of the Organization lies not only at the operational level, but also at the broader policy level. FAO is convinced that the International Treaty on Plant Genetic Resources for Food and Agriculture is an essential element of a global strategy on food security and vital for the achievement of Millennium Development Goals 1 (eradication of extreme hunger and poverty) and 7 (ensuring environmental sustainability).

The Treaty has achieved a lot in its few years of existence, thanks to your support and commitment. Now, more than ever, you need to consolidate these gains by urging all the Contracting Parties to meet their financial commitments under the Treaty, irrespective of whether they are related to the Funding Strategy or to the Core Budget.

I wish you every success in your deliberation.

Thank you

*APPENDIX F.3***Opening Ceremony of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture****Bali, 14 March 2011****Statement by Mr Ahmed Djoghlaif, Executive Secretary, Convention Biological Diversity**

Ladies and Gentlemen,

At Bali Climate Conference in 2007, the President of Indonesia Susilo Bambang Yudhoyono asked the world, “If it is clear that the cost of inaction far outweighs the cost of action, what prevents us from investing the necessary resources today for our common future?”

That question has echoed through every single environmental conference in the years since, and nowhere more so than during the Nagoya Biodiversity Summit last October. A few months prior, Global Biodiversity Outlook 3, based on the best available scientific evidence and drawing upon 120 national reports of Parties to the Convention, had warned that the continuing loss of species and habitats increasingly threatened the life-support systems of our planet, and therefore human wellbeing and prosperity. It reminded us that the status of biodiversity for millions of years would be determined by the actions we take in the coming decades.

The response of the international community was laudable: in Nagoya the 193 Parties to the Convention adopted the 2011-2020 Strategic Plan of the CBD, or the “Aichi Target”. Just as importantly, after six years of intense negotiations, the Parties adopted the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

The Conference of the Parties and the sixty-fifth session of the United Nations General Assembly called upon the Convention’s 193 Parties to sign the Nagoya Protocol at the earliest opportunity, and to deposit their instruments of ratification as soon as possible. The Nagoya Protocol will enter into force 90 days after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

The purpose of the Protocol is to effectively implement one of the three core objectives of the Convention: the fair and equitable sharing of benefits arising from the utilization of genetic resources. It builds on the access and benefit-sharing provisions of the Convention.

This historic agreement establishes a legal framework to translate the basic “bargain” enshrined in the Convention, into tangible and effective measures. It provides greater legal certainty and transparency for both providers and users of genetic resources by establishing more predictable conditions for access to genetic resources and by establishing specific obligations to support compliance with domestic legislation or regulatory requirements of the Party providing genetic resources and contractual obligations reflected in mutually agreed terms. These provisions, including the monitoring of genetic resources, will contribute to ensuring the sharing of benefits with providers of genetic resources.

It is important to note that the relationship between the Nagoya Protocol and the International Treaty was duly considered by governments during the negotiations of the Nagoya Protocol.

As a result, the preamble of the Protocol makes a number of key references recognizing the importance of genetic resources to food security and of the International Treaty.

In particular, the Protocol recognizes the interdependence of all countries with regard to genetic resources for food and agriculture as well as their special nature and importance for achieving food security worldwide and for sustainable development of agriculture in the context of poverty alleviation and climate change. It also acknowledges the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture and of the FAO Commission on Genetic

Resources for Food and Agriculture in this regard.

It also recalls that the Multilateral System of Access and Benefit-sharing established under the International Treaty on Plant Genetic Resources for Food and Agriculture was developed in harmony with the Convention and recognizes that international instruments related to access and benefit-sharing should be mutually supportive with a view to achieving the objectives of the Convention.

In addition, the text of the Protocol also addresses the relationship of the Protocol with international agreements and instruments (Article 4).

It should be noted that the Protocol provides that it shall be implemented in a mutually supportive manner with other relevant international instruments.

Of particular relevance to the relationship with the International Treaty is Article 4(4) which states that “Where a specialized international access and benefit-sharing instrument applies that is consistent with, and does not run counter to the objectives of the Convention and this Protocol, this Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource covered by and for the purposes of the specialized instrument.”

Finally, the Protocol also provides that Parties shall, in the development of their national access and benefit-sharing legislation or regulatory requirements, consider the importance of genetic resources for food and agriculture and their special role for food security (Article 8 (c)).

Given the key relationship between the Protocol and the International Treaty, cooperation will be essential to ensure that both instruments are implemented in a mutually supportive manner.

In light of this, a Memorandum of Understanding was signed in Nagoya between the Secretariats of the CBD and the International Treaty to support our close collaboration.

Thanks to the financial support provided by the Global Environment Facility, the SCBD will be carrying out a series of awareness-raising and capacity-building activities over the next biennium to support ratification and early entry into force of the Protocol by the next meeting of the Conference of the Parties in October 2012.

Among these activities, capacity-building workshops will be jointly organized with the International Treaty Secretariat with a view to support the implementation of both agreements in a mutually supportive manner.

Hence, with adoption of the Nagoya Protocol a new era of cooperation between the Convention and the ITPGRFA was born. And indeed we already have a rich history together. The Convention has long recognized the Treaty’s contribution to the implementation of our Programme of Work on Agriculture and has welcomed the Treaty’s contribution to the cross cutting initiative on biodiversity for food and nutrition. Through the conservation of plant genetic resources, the Treaty has also supported the Convention’s Global Strategy for Plant Conservation, in particular target 9.

I do not have to tell you that plants are universally recognized as a vital part of the world’s biological diversity and an essential resource for the planet. At the same time, I do not have to tell you that agricultural biodiversity is now more threatened than ever. Seventy-five per cent of the food crop varieties we once grew have disappeared from our fields in the last 100 years. Of the 7,000 species of plants that have been domesticated over the history of agriculture, a mere 30 account for 90 per cent of all the food that we eat every day.

Worryingly, our reliance on so few crops makes human populations that much more vulnerable to climate change, which is already destabilizing the global food supply. The Food Security Risk Index 2010, compiled by the British risk analysis firm Maplecroft on the basis of 12 factors drawn up in collaboration with the UN’s World Food Programme, highlighted that last year’s heat wave in Russia and the devastating floods in Pakistan will have long term effects on the food security of those countries. The situation is equally worrying in Africa, which has 36 of the 50 nations most at risk in the index and is particularly vulnerable to extreme weather events and desertification under changing climatic conditions.

Given all of this, the adoption of the Nagoya Protocol, with its strong links to the ITPGRFA, is a huge step in the right direction. Opened for signature in early February, the Protocol currently has 6 signatories. We need this number to rapidly grow, just as we need to continue to develop our strategic collaboration with the Food and Agriculture Organization and the ITPGRFA.

The time for action is now, with the UN General Assembly having declared 2011-2020 the International Decade of Biodiversity. Now is the time to build on the outcomes of Nagoya for our mutual benefit and the benefit of all life on Earth.

I therefore urge you to attend the side-event to be held at lunch time today (Monday, 14 March) in room Hibiscus where a briefing on the Nagoya Protocol will be presented, with lunch provided.

Ladies and Gentlemen,

The economist and former Indonesian environment minister Emil Salini has stated, “Before we open up an area for development, we must sit down and analyze the capacity of the land and other resources we really have. Why? Because it is the ecosystem, not the economic system, that should be the main consideration.”

I am glad to say that the Nagoya Protocol and the ITPGRFA are part of a new world order that recognizes the true contribution of biodiversity to human prosperity. They are part of a new world order that does not pit economic interests against environmental ones, but rightly sees them as two sides of the same coin.

With this in mind, I hope that during this meeting we will be able to find ways to enhance our collaboration over the course of this 2011-2020 International Decade of Biodiversity so as to successfully achieve our common mandate: the preservation of life on Earth. Indeed with the costs of inaction clearly outweighing the cost of action, I hope that during this meeting we remember President Yudhoyono’s words those three years ago here in Bali and continue to find ways to invest the necessary resources for our common future.

Thank you for your kind attention.

*APPENDIX F.4***Opening Ceremony of the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture****Bali, 14 March 2011****Statement by Ms Linda Collette, Secretary, FAO Commission on Genetic Resources for Food and Agriculture**

Thank you, Chair!

Distinguished Delegates, Friends!

As many of you will recall, the Commission negotiated the International Treaty. This year on 3 November 2011, is the tenth anniversary of the adoption of the Treaty, which reminds us of how time flies, but also allows us to take stock and in doing so, to consider new challenges and opportunities that lie ahead of us, that lie ahead of the Governing Body of the Treaty and the Commission on Genetic Resources for Food and Agriculture.

The Governing Body of the Treaty and the FAO Commission share an important objective: Together with our Members/ Contracting Parties and our partners, we aim to conserve biodiversity for food and agriculture and to promote its sustainable use in support of global food security and sustainable development, for present and future generations. The Governing Body and the Commission are the intergovernmental bodies that address biodiversity for food and agriculture and, more specifically, genetic resources *for food and agriculture*. We share a truly Herculean task and the fundamental role of our bodies play is fully recognised by the Conference of the Parties of the Convention on Biological Diversity.

The Commission deals with policy, sectoral and cross-sectoral matters related to the conservation and sustainable use of *all* genetic resources of relevance to food and agriculture, including plant, animal, forest, aquatic, microbial and invertebrate genetic resources. The Treaty relates to plant genetic resources only. However, even though the two bodies differ as to the scope of their activities, their collaboration in the field of plant genetic resources has set an example of efficiency and an example of smooth coordination. Allow me to briefly illustrate this and to report at the same time on Commission-led activities which are of particular relevance to the Governing Body:

- The International Treaty requires its Contracting Parties to cooperate with the Commission 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*. Only six months ago, the Director-General of FAO launched *The Second Report on the State of the World's Plant Genetic Resources for Food and Agriculture* which FAO produced under the guidance of its Commission. The *Second Report* which the Commission welcomed as the "authoritative assessment of this sector" will be of great value to everyone dealing with plant genetic resources, in particular the Treaty and its Contracting Parties. **At the same time the Second Report sets an excellent example of collaboration between our two bodies and of the synergies between our mandates.**
- **The draft updated *Global Plan of Action*, as provided in information document 14 to this session, is another example of collaboration between our two bodies.** While, as requested by the Commission, the draft updated *Global Plan of Action* is primarily based on the gaps and needs identified in the *Second Report*, it does reflect the provisions of the Treaty and takes into account comments from consultations in the seven regions of FAO as well as inputs received from the Treaty Secretariat. At the end of next month, the draft updated *Global Plan*

of Action will be reviewed by the Commission's Intergovernmental Technical Working Group which will also consider comments it received from a Joint Bureau Meeting of our Bureaus that was held last week. Chair, I am convinced that this update will make the *Global Plan of Action* even more useful and relevant as a supporting component to the Treaty and that it will help the Governing Body, the Commission and their partners to focus their efforts on priorities identified and coordinate their activities even better.

- A **third example of good collaboration** are the draft revised *Genebank Standards*, as presented in information document 12 to this session. They are a product of joint efforts and of true collaboration between FAO, our secretariats, our Bureaus and our partners.

These examples show that collaboration is possible and beneficial.

A look ahead shows how crucial it will be in the future to capitalize on this collaboration:

- The Commission, at its forthcoming session in July of this year, will for the first time address the issue of climate change and genetic resources for food and agriculture in an overall and comprehensive manner. Genetic resources for food and agriculture have played and still play a rather minor role in the global climate change debate. But the world community needs to understand that climate change threatens the very basis of our food production and agricultural systems and, thus, the future of humankind. Together with their partners, including the Convention on Biological Diversity, the Treaty and the Commission need to join forces to make policy makers aware of this fact and need to ensure that climate change policies at national and global level reflect our common concerns.
- Collaboration between the Treaty and the Commission is also required in the implementation of the *Nagoya Protocol*. The Protocol itself suggests so. It recognizes “the interdependence of all countries with regard to genetic resources for food and agriculture and their special role and importance for achieving food security worldwide and for sustainable development or agriculture in the context of poverty alleviation and climate change.” And the Protocol acknowledges “the fundamental roles” of the International Treaty and the Commission “in this regard”. It will be important that we all work together to facilitate implementation at national level.

Chair, distinguished delegates, dear friends! The Commission, its Bureau and its Secretariat stand ready to fully collaborate with the Governing Body, its Bureau and its Secretariat in the implementation of the International Treaty and on all matters which are of relevance to the mandates of our bodies. I wish you a very successful and rewarding meeting.

Thank you.

APPENDIX G**REPORTS BY THE CHAIR OF THE GOVERNING BODY
AND THE SECRETARY OF THE TREATY**

APPENDIX G.1**REPORT OF THE CHAIR OF THE GOVERNING BODY OF THE INTERNATIONAL
TREATY ON PLANT GENETIC RESOURCES ON FOOD AND AGRICULTURE,****MS COSIMA HUFLER**

I. INTRODUCTION

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).

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.

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.

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 4th 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.

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.

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

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.

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.

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.

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

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.

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.

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.

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

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

In October 2010, the 10th 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

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.

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.

APPENDIX G.2**REPORT OF THE SECRETARY OF THE INTERNATIONAL TREATY ON PLANT
GENETIC RESOURCES ON FOOD AND AGRICULTURE,
MR SHAKEEL BHATTI**

This November it will be exactly 10 years since you adopted the International Treaty on Plant Genetic Resources for Food and Agriculture, at the FAO Conference in Rome in 2001. In those ten years, you have come a very long way with your Treaty and, as you begin this Fourth Session of the Governing Body, this might be an opportune moment to pause, take a step back and reflect on what progress has been made, where you are now and where you want to be going next with the implementation of this Treaty.

Looking back, you can be truly proud of your achievements. Within the history of FAO, you have achieved the fastest rate of ratification of any treaty and now the fastest implementation of the operational systems of any legal instrument housed in FAO. I wish to commend you on your commitment to this Treaty and to congratulate you on these extraordinary accomplishments. Just to illustrate the reality of what you have achieved, let me illustrate this progress with a few simple facts and figures.

In the past year, there has been an encouraging and growing number of new notifications of incorporation of plant genetic material in the Multilateral System, that I have received, including from developing countries. To date, the following Contracting Parties have made such a notification: Brazil, Canada, Czech Republic, Denmark, Finland, Iceland, Norway and Sweden, Estonia, Germany, Jordan, Lebanon, Madagascar, Namibia, the Netherlands, Portugal, Romania, Spain, Sudan, Switzerland, the United Kingdom, Zambia and, most recently, from Kenya and Malawi.

Based on this and the reports submitted by the CGIAR Centers, the Multilateral System now practically comprises more than 1.5 million known accessions of Plant Genetic Resources, and in reality it is far more.

600,000 accessions have been distributed by the CGIAR Centers, mostly to developing countries, in the last year.

In addition from CGIAR distribution data, over 2,000 SMTA reports were received and safely stored by the Treaty Secretariat.

With the real-time synchronization of the functioning of the CGIAR's SINGER System with the global information infrastructure for the Multilateral System, which we have created in this last biennium, simple and practical reporting interfaces for major genebanks, and a stand-alone SMTA preparation and reporting application, at the disposal of any person or institution, are being rolled out. Through the *Ad Hoc Committee on the Multilateral System*, many technical and legal questions from users of the Multilateral System have received practical answers. The Third Party Beneficiary Procedures are fully operational and, with the adoption of Mediation Rules at this Session, will be completed.

At this session, you will be working on compliance procedures that will make the Treaty's legal machinery even stronger and more predictable. All this has meant and is meaning, for Contracting Parties and, most importantly, for individual users of the System worldwide, increase in the exchange of germplasm, greater efficiency and reduced transaction costs, legal certainty and effective participation in the system through intergovernmental processes and through daily interactions with the various levels of governance and management of the system.

A real life example of the functioning of the System comes from the Center for Pacific Crops and Trees, which is managed by the Secretariat of the Pacific Community under Article 15 of the Treaty. Having learned that taro leaf blight is a pest affecting not only the South Pacific but West Africa too, and having SPC led a regional research project that resulted in new resistant breeding lines, SPC has decided to share them with the West Africa region through the International Institute for Tropical Agriculture. As we speak, the material is travelling from SPC to the Institute, under the Standard Material Transfer Agreement. These and other facts bring us one message: the infrastructure of the system is in place, is solid and is adapting to new emerging needs. The Contracting Parties have progressively built such infrastructure, thus creating added value around the Treaty, and have made the Treaty's Multilateral System a reality outside of this room.

In terms of benefits of the system for those who have constantly conserved and improved the genetic resources that are in it, the Benefit-sharing Fund has produced many and will soon produce more. The first round of projects that were funded in 2009 are already producing concrete and encouraging results on the ground, as we will hear this week from recipients of funding. Resources are now being invested more strategically, thanks to the elements of a programmatic approach of the Fund, that connects it to the wider reality of crops in the field, a reality that is increasingly shaped by changing climatic conditions to which farmers need to adapt.

The Benefit-sharing Fund is growing at a tremendous pace, we all will appreciate it this week when a new set of at least 30 projects will be approved under the second call for proposals, thanks to considerable financial resources directly made available or mobilised with commitments ahead of the call for proposals. We all should thank the governments of Australia, Ireland, Italy, Spain and Norway for giving to the Fund and making the call for proposals 2010 a reality. But, the Fund is not growing only in its financial capacity, it is growing also in structure. Applicants have received formulation support and inter-agency partnerships for project implementation have been created.

To secure the highest quality of outputs, top notch reporting, monitoring and evaluation procedures will be set forth this week and fiduciary standards for partners in the Fund will build the kind of excellence that will make our Contracting Parties truly *leading the field*. In fact, they are already leading the field.

For example, one of the projects financed in 2009 by the Benefit-sharing Fund works on farmer-bred varieties of cassava in Kerala, India. The women who participated in self-help groups, established by the project, are producing high-yielding and drought-resistant local varieties of cassava, thanks to the identification of indigenous practices that the project made possible. With those varieties, the self-help group members have quadrupled their incomes through developing new products for the market such as cassava bread and cakes. And, they are sharing planting materials with other farmers, thus contributing to conserving their agricultural heritage.

Efforts have also continued to further increase the synergies and collaboration with the Global Crop Diversity Trust, which is an essential element of the Funding Strategy of the Treaty. Given the close relationship between the Global Trust, the success of the Trust is also the success of the Treaty.

All these and many others are the achievements that Contracting Parties made with the Treaty, a Treaty that is not operating in a self-contained micro cosmos, rather is connecting our PGRFA community to the most urgent realities with practical and concrete mechanisms. The world is experiencing interconnected crises of food, biodiversity and climate. Food security is becoming one of the main challenges of our time across different continents. 925 million people are presently undernourished. Agriculture biodiversity of crops is disappearing, as we have heard in the recent State of the World, food prices are soaring, as we have seen in recent months.

In 2010, in China, the food component of consumer's price index is up 10.1% from a year earlier. China. Climate change is increasingly impacting agriculture and will affect food security globally. In some countries, due to changing climatic conditions, yields from rain-fed agriculture could be reduced by up to 50 percent by 2020. All this points to the increasing importance of PGRFA. Without access to the genetics of the world's key crops, and their continual exchange and improvement, we cannot hope to feed the nine billion people who will inhabit the planet at the middle of this century. The Treaty, within its scope and ambit, responds to such challenges with an organized collective effort to fund conservation and sustainable use of plant genetic resources, mechanisms of exchange that reduce transaction costs and a widely accessible genepool to find suitable agronomic traits and integrate them into modern climate-ready varieties.

The Treaty works to secure a better present and the brightest future for plant genetic resources but, indeed, the whole world does care about genetic resources. Governments have just adopted a Protocol on access and benefit-sharing that marks a new era of international environmental law and on which one single government has already pledged 4 billion dollars. The International Treaty is now facing this new and evolving global policy environment and must be positioned in such an environment with strong policy responses coming from its Contracting Parties.

The International Treaty is recognised by the Protocol as one of the complementary instruments that constitute the International Regime. The special nature of agro-biodiversity, the importance of genetic resources for food security, the interdependence of all countries with regard to those resources and the fundamental role of the International Treaty in this regard are all embedded with the Protocol. Mutual supportiveness is enshrined in the Protocol's text, as in the Treaty text itself, where it is stated that

Due regard should be paid to useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of and do not run counter to the objectives of the Convention and th[e] Protocol.

All these elements call for a sustainable and stable relationship between the Protocol and our Treaty. A major response is needed and, in fact, expected from the Treaty by the CBD community. I am delighted that Ahmed Djoghlaif, the Executive Secretary of the CBD, is here with us today. There is an opportunity and there are already initiatives jointly promoted with the Treaty community going in the direction of synergies and collaboration. However, it is more urgent than ever for Treaty Contracting Parties to realise today that a major strategic realignment is needed to act effectively in the new policy environment and that making the whole International Treaty more advanced is the best response that we can give to pursue integration and cooperation, and to avoid any possible marginalization of the agricultural sector.

This is why, speaking in concrete terms, in the work programme and budget for the next biennium we are proposing to securely and predictably fund the Core Implementing Functions of the Treaty. That is, the substantive activities to be undertaken to implement the Treaty and its core systems during the biennium besides the pure maintenance functions. In a period of natural, rapid growth of your Treaty, this growth can only be sustained if it is at least minimally reflected in the work programme and budget. Resources are required to make and keep the Treaty's systems and processes functioning. The core implementing functions of the work programme and budget relate to permanent, continuing activities that arise directly out of the provisions of the Treaty, and the decisions of the Governing Body which have launched its operational mechanisms.

The elements of the Core Implementing Functions reflect the fact that the Treaty has grown and its systems have matured. A number of the major fields of activity that derive directly from the provisions of the Treaty are now taking substantive shape, and the overall level of activities is greatly increased, as the Treaty's systems come into full operation. The related budget component seeks to

sustain the successes achieved in previous biennia, particularly in the practical operations of the Multilateral System of Access and Benefit-sharing and the Standard Material Transfer Agreement, as well as its Benefit-sharing Fund. It provides for the full participation of the Treaty in the further development of international and national regimes for access and benefit-sharing, now at a critical moment. The Multilateral System now has many of its elements in place, but they need to be firmed up and if we want to keeping the Treaty static on its early achievements is not an option at this crucial juncture.

I would like to thank all of you who have shown Contracting Parties that this objective is within reach for the Treaty Community. We have to work closely with the Protocol mechanisms through systematic interfaces on both the side of access and that of benefit-sharing and the best way to do this is to stabilise, reinforce and expand our Treaty systems and effectively make them the international benchmark when it comes to access and benefit-sharing for plant genetic resources for food and agriculture.

As the Treaty's early achievements demonstrate, our core values, which are food security and sustainable agriculture, remain at the heart of the Treaty and are translated into effective and concrete action. This week and in the next biennium, we have to breathe new life into our Treaty and, under your prudent guidance, open a new era for it, an era defined by continued commitment, integrity and cooperation.

APPENDIX H**STATEMENTS ON THE WORK PROGRAMME AND BUDGET 2012/13**

APPENDIX H.1**STATEMENT OF THE UNITED KINGDOM FOLLOWING THE ADOPTION OF THE
WORK PROGRAMME AND BUDGET 2012/2013**

I am speaking on behalf of the UK. Madame Chair, we all know that times are tight. This is shown by the absence of some of the faces that were present at the previous meeting of the Governing Body.

I welcome the efforts of the Secretariat in keeping many of the individual budget lines as low as possible and I am grateful for the patience of everyone involved in the Budget Committee.

However, we must be realistic. The UK cannot support any increase in the Core Administrative Budget. I would like this to be recorded in the minutes.

I understand that once the proposed increases have been shared between the Contracting Parties, they represent a relatively small increase in amounts allocated to each individual Party, but there is a very important principle at stake here.

I also understand that the budget lines included in the programme and all the resolutions being discussed are of importance to all Parties. What is also obvious to all of us is that the Treaty is young and still requires to be fully implemented. However, it is essential to be realistic and for the Treaty to live within its means.

To help ensure further budgets are established on a sound footing I would ask that the future Programme of Work and Budget includes an option for, and the implications of, a zero-real growth increase in Core Administrative Budget, furthermore that this is published in good time.

The comments made by the UN Secretary General last week regarding cuts in budget may be understood to be of relevance to the UN bodies such as FAO and not the Treaty, but the sentiments surely apply to the Treaty too. We must do more or the same with less.

This is also something that we and other countries are being faced with at home with significant cuts both to budgets and staffing. It will be essential going forward to prioritize very strictly what can be done within the resources that are in practice available.

*APPENDIX H.2***STATEMENT OF SWITZERLAND FOLLOWING THE ADOPTION OF THE WORK PROGRAMME AND BUDGET 2012/2013**

Madam Chairperson,
Distinguished Delegates,

My delegation wishes to make the following declaration on the Budget and Programme of Work: we ask that the content of this declaration be recorded in the minutes of the Governing Body's session.

First of all, the Swiss delegation would like to pay tribute to the extraordinary work carried out by the Secretariat's team since the Governing Body's last session. This commitment has enabled significant progress to be made in realizing the Treaty's Programme of Work, especially in implementing the Multilateral System and mobilizing resources to carry out the Treaty's Funding Strategy, enabling the second cycle of projects to be launched.

Each meeting of the Governing Body shows clear progress in the implementation of the Treaty, which is heartening given the somewhat unfavourable financial climate, mainly due to the fact that despite a significant improvement in the number of contributors, only a limited number of Parties are making a voluntary contribution to the Treaty's working budget.

Switzerland has always been firmly committed to ensuring that the Secretariat has sufficient resources to carry out both maintenance work and the crucial activities of the Treaty's Programme of Work.

Since the adoption of the first budget by the Governing Body's 1st session five years ago in Madrid, we have made voluntary contributions to the Treaty's working budget, based on the indicative scale of the United Nations, with payments made at the start of the biennium to enable the Secretariat to make more effective forecasts.

Switzerland has also given active support to the Treaty by making additional voluntary contributions to the Benefit-sharing Fund and making a member of staff available to the Secretariat in order to strengthen support for the Treaty.

The Swiss delegation notes with some concern the increase in the share of the Treaty's working budget for the biennium 2012-2013, which must be funded by voluntary contributions from the Parties. It is an increase of almost 15% compared with the biennium 2010-2011, a huge rise given the current economic funding climate and unusual within the framework of United Nations organizations.

This increase poses a series of problems for our delegation. First and foremost, we, like all of you, only received the draft budget one week prior to the opening of our session, and not 6 weeks prior, as stipulated by the Governing Body's rules of procedure. This has made it impossible for us to

carry out the necessary internal preparatory consultations. On this issue, we insist that for the next Governing Body session, the six-week notice be respected.

Furthermore, we note that the share of the budget needing to be covered by voluntary contributions from Parties is greater than the sum that features in the draft prepared by the Secretariat. This is highly unusual when it comes to drawing up budgets and is the first time I have personally encountered such a practice.

These various factors do not give a particularly positive image to the Governing Body's methods of finance management. It risks making it even more difficult for us to seek the additional voluntary funding resources that the Treaty urgently needs.

In conclusion, we are aware that the Treaty is in a critical phase of implementation and we fully support the priorities for the working programme established by the Governing Body.

Switzerland will continue to make a voluntary contribution to the Treaty's working budget. The Swiss delegation will undertake to keep this voluntary contribution at the rate it has been up until now, based on the indicative scale of the United Nations.

Thank you, Madam Chairperson

*APPENDIX H.3***STATEMENT BY THE SECRETARY OF THE INTERNATIONAL TREATY ON THE
WORK PROGRAMME AND BUDGET 2012/2013**

BUDGET INTRODUCTION

The final budget that you now have before you is the result of very intensive discussions since the beginning of the week. Let me first and foremost thank all the participants in the Budget Committee. I highly appreciate the efforts that all Contracting Parties have made to arrive at this budget and I am grateful that several of them have gone to the limits of what their domestic policies and resources can at present accommodate. The times, I recognize, are hard, and we have striven to give you a bare bones budget, a budget with no fat. We have had to accept a budget that has cut into the flesh itself. As your Secretary, I must be honest with you: I believe I can deliver the processes you want, at this budget level, but only just, and only if Contracting Parties make their contributions in full, and early, and only if early and adequate contributions are made to the Special Fund. Thank you again for your commitment to the International Treaty and we will make every possible effort to implement for you the work programme that you have adopted.

APPENDIX I

STATEMENTS BY INTERNATIONAL ORGANIZATIONS

APPENDIX I.1

**STATEMENT BY THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT
(IFAD)**

Excellencies,

Colleagues,

Ladies and gentlemen,

I am honoured to be here with such a distinguished audience on this important occasion.

IFAD, the International Fund for Agricultural Development, is a specialized agency of the United Nations established in 1977. IFAD is dedicated to alleviating rural poverty in developing countries.

Biodiversity is important for rural poverty reduction.

Today, the connection between biodiversity and the fight against poverty is clearer than ever. There are 1.4 billion people who live on less than US\$1.25 a day, and 70 % of them are in rural areas and rely directly on ecosystems for food, water and fuel.

An important finding that has emerged clearly from TEEB study is the contribution of ecosystems services to poor rural people's livelihoods. It is estimated that ecosystem services account for between 47% and 89% of the so-called 'GDP of the poor'. During periods of crises, for example drought, war or other shocks, we know that this proportion can rise considerably.

So poor rural people face disproportionate losses from the depletion of natural capital. This is a matter of great concern to us, as we are already experiencing the negative effects of climate change.

What is IFAD doing?

We did an analysis to identify the degree of involvement of IFAD in addressing the nexus between rural poverty and biodiversity conservation. The analysis was based on IFAD proposals – related to grants and loans - presented to our Executive Board for approval. We searched for the word “biodiversity”.

We found that approximately 40 grants referred explicitly to biodiversity (total value USD 38 million). IFAD works with Governments, NGOs, CGIAR centres and other research organizations, etc. Prominent partners included: ICRAF, FAO and Bioversity International.

Several themes were identified, with particular focus on indigenous peoples and poor small holder farmers. These themes include crops that grow in marginal areas; medicinal plants; natural resources management; eco-tourism, etc.

An example of an IFAD-funded grant is one awarded to Bioversity International (IPGRI, at the time), approved in 1996. The grant's name is “Development of Strategies for In Situ Conservation and Utilization of Plant Genetic Resources in Africa.” We saw that farmers in Zimbabwe and Mali maintain biodiversity on their farms and that they produced 11 different kinds of corn. This was not for improving yields. They did so for: (1) risk management, to maximise stability for drought years or

against pests and diseases; (2) in order to optimise factors of production, for example to balance labour or other input requirements such as wood necessary for cooking; and (3) diversity of uses, including for different recipes, hence the importance of taste, texture, colour and so on.

In terms of Loans 36 IFAD-funded investment projects refer to biodiversity, representing cumulatively over half a billion dollars. It is worth mentioning investment projects in Kyrgyzstan, Mexico, Ethiopia and India. In Kyrgyzstan, a specific component of the IFAD-funded “Forestry and Carbon Trading Project” approved in 2009 is for supporting improved biodiversity, including increased availability of non-timber forest products.

What has IFAD learnt from these projects?

We found that when people can sustainably manage their ecological patrimony, it improves their self esteem, income, nutrition and response to environmental challenges. We appreciate the value of biodiversity most when we can use it. So our mantra is: Biodiversity Conservation through Sustainable Utilization

We have noted the important role of cultural biodiversity too – for example, knowledge of medicinal plants or indigenous crops suited to the local climate.

We also found that local knowledge about biodiversity differs between the genders, with important implications for rural poverty reduction, targeting, biodiversity management and conservation.

And we have long recognised that poor rural people are important custodians of biodiversity and have found ingenious ways of conserving it – for instance through sacred groves.

In conclusion, IFAD recognises the important role of the Benefit-sharing Fund as a new mechanism to prioritize the conservation and use of biodiversity in addressing poverty reduction. We of course share this important goal.

We are pleased to confirm that IFAD will soon be presenting, for our Executive Board’s approval, the proposal for US\$ 1.5 million under the initiative “Leading the Field”.

In this regard, IFAD will support proposals that are of direct relevance to IFAD’s country programmes. This will help strengthen linkages with our country-programmes, enhance potential for scaling up and help us develop partnerships for this important cross-cutting theme.

Finally, as highlighted by Amartya Sen, human development is the process of enlarging people’s choices and enhancing human freedoms. Poor rural people often lack several freedoms, and not only economic.

But if we consider wealth as composed of various dimensions: Environmental, Physical, Spiritual, Economic, Social, etc. Then we need to acknowledge that rural people who live below the poverty line are not poor in everything – they are wealthy in terms of biodiversity and culture. And we should be grateful to them for guarding this enormous wealth for us. That is why we fully align ourselves with Professor Swaminathan when he says we should move away from “biodiversity hotspots”, towards “biodiversity happy spots”

Thank you

Bali, Indonesia, 14 – 18 March 2011

*APPENDIX I.2***STATEMENT BY THE GLOBAL FORUM FOR AGRICULTURAL RESEARCH (GFAR)**

The Global Forum on Agricultural Research (GFAR) has welcomed the strong partnership that has been developed with the ITPGRFA over the last year. This has been built on the coherent objectives of the two organizations and the synergies to be gained. This resulted in a successful joint workshop earlier in 2011, and resultant joint action on sustainable use, as highlighted in the side-event during this meeting.

GFAR has over the last year supported the development of regional frameworks for action on agro-biodiversity in the Asia-Pacific and Africa regions, and thematic networks in other regions and is keen to work with Contracting Parties to take these forward.

The diverse stakeholders brought together through GFAR welcome linkage with the Treaty and agro-biodiversity is a theme prioritized by all. In regard to costs of these linkages we are pleased to report that this has been a true cost-sharing partnership, recognizing the mutual complementarities involved and the synergies to be realized through this link.

APPENDIX I.3**STATEMENT BY THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

The Secretariat of World Intellectual Property Organization is pleased to participate as an observer in the fourth session of the GB. I would like to elaborate briefly on some recent developments at WIPO relevant to this process.

As you may be aware, the WIPO General Assembly established in October 2000 the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to constitute a forum in which discussions could proceed among Member States on IP issues that arise in the context of: (i) access to genetic resources and benefit sharing; (ii) protection of TK; and (iii) protection of expressions of folklore.

In September 2009, the WIPO General Assembly agreed to renew the mandate of the IGC. According to this mandate, the GO is currently undertaking text-based negotiations with the objective of reaching agreement on a text of an international legal instrument (or instruments) which will ensure the effective protection of genetic resources (GRs) traditional knowledge (TK) and traditional cultural expressions (TOEs).

It is important to note that the mandate expressly recalls that the IGO's work will proceed without prejudice to the work pursued in other fora.

Experts meeting at the Second Intersessional Working Group (IWG 2) worked intensively to craft a text on the protection of TK. The text addresses questions such as a definition of TK, beneficiaries of protection and the scope of rights to be granted in TK and how they would be managed and enforced.

An IWG was held last week to discuss issues related to IP and GRs, but I won't provide further details for the sake of time.

The Secretariat of the World Intellectual Property Organization looks forward to continuing its excellent relationship with the Secretariat of the International Treaty.

We pledge our willingness to offer whatever practical support and information the Governing Body of the International Treaty find helpful and appropriate.

Thank you.

APPENDIX J
CLOSING STATEMENTS

APPENDIX J.1
STATEMENT BY INDONESIA

Madam Chair,

Distinguished Participants, Ladies and Gentlemen,

Before we come to the end of this event, let us thank Allah SWT, God Almighty, for His blessings and guidance, so that we remain in healthy condition and could conclude this important meeting according to the schedule.

I congratulate you all for the adoption of the resolutions, after long and tiring, yet fruitful, debates and deliberations. It is our fervent hope that those resolutions could be implemented and have significant impact on our endeavor to conserve biodiversity and to secure food for our future generations, despite the adverse effects posed by climate change.

Our gathering here in Bali is not only important for future development of the Treaty as well as to our effort to conserve biodiversity and sustain food security, but also to extend our networking — professionally and personally - and to improve understanding and friendship, thus in broader sense, contribute positively to our effort for having a peaceful world.

Finally, I wish you a safe journey home. For those of you who have not had the chance to explore Bali, I recommend you to stay here for a few more days, to enable you to explore its beautiful culture, its sandy beaches, various points of interests, and of course do some shopping and buy your loved ones tokens from Bali. As you know, Bali is only a small part of Indonesia. Other parts of this country also have various beautiful cultures and nature.

Therefore, when you have the opportunity, I also invite you to visit other parts of Indonesia, which are as beautiful as Bali.

Thank you.

Director General of the Indonesian Agency for
Agricultural Research and Development

APPENDIX J.2**STATEMENT BY THE UNITED STATES OF AMERICA**

Thank you, Madame Chair.

The United States would once again like to thank Indonesia for its hospitality in hosting what we feel was a productive and successful Session of the Treaty's Governing Body. And I would be remiss if I didn't express gratitude to the Secretariat and to you, Madame Chair, for your tireless efforts not just this week, but in what I am sure were many months in preparation for this Session.

The United States was an active participant in the development of this Treaty and views it as an important instrument in what must be a coordinated multilateral effort to conserve and sustainably use plant genetic resources for food and agriculture. Treaty Parties and Non-Parties alike should take note of the progress made here this week and the ambitious course set for the Treaty in the coming years. As a very interested Non-Party, we would like to thank the Chair and the Treaty Parties for allowing us to contribute to some key discussions on varied topics. We hope our contributions were helpful and were received in the spirit with which they were provided, that of enabling the Treaty to meet its objectives.

I reiterate that we look forward to participating in future Governing Body sessions as a Treaty Party.

Thank you.

APPENDIX J.3
STATEMENT BY JAPAN

Madam Chair,

First of all, I would like to take this opportunity to express my gratitude to you and all participants for the kindness shown in the course of the meeting regarding the tragedy in Japan. Also, I would like to express my sincere gratitude as a representative of Japan, to all the countries, international organizations and NGOs that offered various aid and supports to Japan, such as sending their rescuers.

The Japanese Government has started intensive examination regarding accession to the Treaty last year. The examination has been conducted in parallel with those for the ABS Nagoya Protocol. Within the process, financial implication of the accession to this Treaty has become one of the main issues, because of the current financial situation of the Japanese government, which has huge amount of debt. In this context, I think that the new text regarding voluntary contributions, which accommodate diverse interests of countries, would have good influence to our work. I really appreciate you and your colleagues finding out a solution.

Madam Chair, Japan has sufficiently understood the importance of the Treaty, and we are making every effort for accession. Also, we are making every effort to contribute under voluntary contribution scheme once we join the Treaty. Having said this, I would like to seek your, and the Contracting Parties' understanding on our current status.

Lastly, I would like to thank the Government of Indonesia for their warm hospitality, and thank the Secretariat for excellent organization of the meeting.

Thank you.

APPENDIX J.4**STATEMENT BY LA VIA CAMPESINA**

GB4 – CSO Statement 18 March 2011

[I am speaking on behalf of Via Campesina and CSOs present at this fourth session of the Governing Body]

Introduction

We are pleased to take this opportunity, Chair, to say a few words of reflection on the progress of this fourth session of the GB. We thank you for your considerate approach that has made us feel welcome.

At the second meeting of the Governing Body, civil society organizations suggested that it might be more realistic to suspend the treaty than to continue to work without adequate resources. At the third meeting we remained optimistic and pressed for a programme that assumed that governments who ratified the treaty would take the responsibility to make it work. Now, we expected at this 4th session of the GB that Contracting Parties would resolve to find the means and political commitment to make the Treaty work in the interests of the majority users and developers of PGRFA – the world's small-scale farmers.

We do not need to remind you that the purpose of this Treaty is to promote the conservation and sustainable use of PGRFA. The Treaty also commits to support farmers, as primary beneficiaries of the Treaty. It is only through our work on-farm in conserving and developing crop biodiversity that is resilient to respond to threats such as climate change, that the higher objectives of the Treaty to feed present and future generations in ways that sustain the environment will be realised. But we, small-scale farmers and peasants, as threatened as the PGRFA we sustain, require support and protection that will be enhanced through the realisation of our inalienable Farmers Rights to save, use, exchange and sell our seeds and protect our knowledge.

Farmers' Rights and Funding

We have called on you, the GB, repeatedly and urgently, to deliver on Farmers' Rights as expressed in Article 9 and supported by Articles 5 and 6 (on conservation and sustainable use) and to ensure there is sufficient funding for this. We are pleased that support has been maintained on certain aspects such as the request to convene regional workshops and involve the collaboration of farmers' organizations. However, we hope that it will be a priority to make funding available in order to translate this resolution into reality. This action is still needed not only for us but also for the Treaty in the long term. We also hope that you will work to facilitate the publication of a periodic State of the World's Farmers Report with the active participation of farmers.

We proposed an *Ad Hoc* and inclusive working group to ensure the interconnection between sustainable use and Farmers' Rights. Although this did not materialise at GB4, we hope that this will become a reality at the next meeting of the Governing Body.

A more complete implementation of Farmers' Rights is very important. Farmers Rights, which you 'affirm' in the Treaty should be promoted at an international level, are being eroded by the clamour for securing internationally promoted monopoly privileges for industrial plant breeders.

The MLS "benefit sharing" mechanism is not and is unlikely to deliver real benefits in the future as loopholes exempt industrial plant breeders from paying, while only delivering varieties protected by its industrial property rights. There should be adequate protection, developed in consultation with farmers and peasants, for farmers' materials that might be included in the MLS, in view of the continuing mis-use, mis-appropriation and biopiracy and the application of the seed industry's monopoly privileges (industrial property rights).

The financial mechanisms and funding strategies under the Treaty must not be attached to patents and plant breeders' rights. Other mechanisms should be used and all funding, including that used by the CGIAR, Global Crop Diversity Trust and others should be allocated primarily to *in situ* conservation on-farm rather than in large centralised genebanks and digital DNA libraries. The seed industry that has benefitted, without payment, from our seeds collected for free from our fields, and continues to benefit from the erosion of plant genetic diversity, through variety replacement, and from its increasing monopoly control over commercial seed sales, should be required to pay compensation to the farmers who developed the world's agricultural biodiversity, especially PGRFA.

Although we appreciate the efforts of a few CPs to provide funds for projects, any finance mobilised is of little systemic use in the struggle to conserve PGRFA, in the absence of legal and public policy to implement Farmers' Rights.

We agree with some of you that the lack of funding through the Treaty and the failure to implement effective Farmers' Rights must be regarded as cases of non-compliance.

Sustainable Use

We have urged you to avoid the distraction of 'toolboxes' geared to manipulating seeds and follow the advice of the UN Special Rapporteur on the Right to Food who has called on governments to implement a fundamental shift away from input-intensive conventional farming towards agroecology, as a way for countries to feed themselves while addressing climate- and poverty challenges, re-enforcing the need to support the implementation of sustainable use of diverse PGRFA which is an important component of agroecology.

New Threats

The need for continued action is ever more urgent. Since GB3, the threats to PGRFA have worsened – hundreds of 'climate ready' multi-genome patents are being claimed by the Gene Giant corporations; and digital DNA libraries will facilitate gene synthesis technologies, potentially circumventing the Treaty. These will further increase the appropriation of the PGRFA in Annex 1, and more, and this undermines the trust of those farmers who put seeds into the MLS. The GB is silent as the genepool dries up. And Encouraging developments in long-term seed storage that may make it possible to conserve orthodox seed, locally, without stringent temperature controls over some decades while maintaining high germination rates at low cost. This game changing technology that would release significant funds for on-farm conservation seems to be passing you by.

Way Forward

We have offered you many proposals for ways forward. This will be enhanced by improved engagement of civil society and especially farmers' organizations on a more equal footing, based on the successful model agreed by FAO Members in the reformed CFS. Without effective inclusion, the

Treaty will not be able to achieve its objectives and reach out to the wider public who you need to support you. For this GB we organized ourselves autonomously and ensured coherent interventions by CSOs. We believe that the GB would be enhanced by internalising this approach, which provides an excellent model to achieve the inclusive participation by civil society including representatives of small scale farmers who conserve, use and develop PGRFA on-farm.

We would also like to work with you in the cooperation between the Treaty and international organisations, specifically FAO's Commission on Genetic Resources for Food and Agriculture (CGRFA) – the 'mother of the Treaty'; the UN/FAO Committee on World Food Security (CFS) – that has oversight of food and agriculture governance; the CBD – that defends agricultural biodiversity; the Global Crop Diversity Trust – that focuses on ex situ collections; and Bioversity International – the CGIAR's agricultural biodiversity research arm. We would hope that you, like us, will find ever more effective ways of collaborating at policy levels with these organisations in order to improve the conservation and sustainable use of PGRFA, especially on-farm.

We said at the beginning of this GB that we were looking for a sign of real change. We know that you, Chair, and all here, share our passion for seeds and for the Treaty. We can see that the Secretariat is trying its best. But the signals coming out of this meeting are not encouraging. The survival of the Treaty requires the recognition and international implementation of our Farmers' Rights and sufficient funding to back this.

Is the Treaty to abandon us, who are the primary users and developers of PGRFA, to our fate and our struggle to keep alive the resilient agricultural biodiversity that feeds the world.

We must not and will not give up – we will resist the onslaught that threatens us and our seeds and food sovereignty – but we would wish to do so safe in the knowledge that the one legally binding instrument in the UN system that should defend our Farmers' Rights to our seeds – the International Treaty – is backing us all the way.

We would request that our full statement be added to the record of this meeting.

Thank you.

CONTRACTING PARTIES
PARTIES CONTRACTANTES
PARTES CONTRATANTES

ALGERIA - ALGÉRIE - ALGERIA

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