

CGRFA/WG-ABS-1/12/Report

COMMISSION ON GENETIC RESOURCES FOR
FOOD AND AGRICULTURE

First Session of the Ad Hoc Technical Working Group on Access and Benefit- Sharing for Genetic Resources for Food and Agriculture

Longyearbyen (Svalbard), Norway

11 – 13 September 2012



Food and Agriculture Organization of the United Nations

**REPORT OF THE AD HOC TECHNICAL WORKING GROUP ON ACCESS AND
BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

First Session

Longyearbyen (Svalbard), Norway, 11 – 13 September 2012

The documents of the First Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture are to be found on the internet at:

<http://www.fao.org/nr/cgrfa/cgrfa-meetings/cgrfa-abs/wg-abs-1/en/>

They may also be obtained from:

The Secretary
FAO Commission on Genetic Resources for Food and Agriculture
Natural Resources Management and Environment Department
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy

E-mail: cgrfa@fao.org

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CONTENTS

	<i>Paragraphs</i>
I. Opening of the session	1 – 7
II. Election of the Chair, Vice-Chairs and <i>Rapporteur</i>	8 – 9
III. Adoption of the agenda and timetable	10
IV. Distinctive features of the different sectors and subsectors of genetic resources for food and agriculture	11 – 13
V. Guiding and assisting countries in addressing possible modalities of and options for access and benefit-sharing for genetic resources for food and agriculture	14 – 17
VI. Closing statements	18 – 22

Appendices

- A. Agenda of the First Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture
- B. Distinctive features of genetic resources for food and agriculture requiring distinctive solutions for access and benefit-sharing
- C. List of documents
- D. Members of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture
- E. List of delegates and observers

I. OPENING OF THE SESSION

1. The First Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture (Working Group) was held in Longyearbyen (Svalbard), Norway, from 11 to 13 September 2012. The list of delegates and observers is given in *Appendix E*.
2. Mr Brad Fraleigh, Chair of the Fourteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture (Commission), opened the meeting. He welcomed delegates and observers and thanked the Government of Norway for hosting the meeting and for its hospitality in the unique environment of Longyearbyen, Svalbard. He also welcomed Palau as a new Member of the Commission.
3. Ms Ane Handsdatter Kismul, Political Advisor to the Minister of Agriculture and Food, Government of Norway, welcomed delegates and observers and highlighted the importance of holding the meeting at the location of the Global Seed Vault, where almost three-quarters of a million of seed samples from all over the world were stored. She noted that there were many tasks in genetic resources for food and agriculture that, in the future, would require intergovernmental collaboration within the framework of the Commission. In addressing access and benefit-sharing, she stressed the need to consider financial supporting mechanisms and to acknowledge the contribution of local communities, smallholder and family farmers to the conservation and sustainable use of biodiversity for food and agriculture. Ms Handsdatter Kismul recognized the Commission and the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty) as two important governance instruments at the global level and also acknowledged other relevant international instruments, such as 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 (Nagoya Protocol). She reiterated that the meeting of the Working Group came at an opportune time. The world needed practical and efficient systems for the conservation and sustainable use of genetic resources for food and agriculture.
4. Ms Christin Kristoffersen, Chair of the Community Council of Longyearbyen, recalled the connection between Svalbard and agriculture, as symbolized by the Global Seed Vault. She noted that the loss of biological diversity could have negative consequences for agriculture, including the irreversible inability to grow crops that can adapt to changing climatic conditions. Ms Kristoffersen noted on-going research on the “re-growing” potential of seeds stored in the Global Seed Vault. She wished participants a productive meeting for the benefit of biodiversity for food and agriculture.
5. Ms Linda Collette, Secretary of the Commission, thanked the Government of Norway for hosting and financially supporting the meeting, as well as the Governments of Spain and Switzerland for their financial contributions. Ms Collette recalled that the meeting of the Working Group was part of the Commission’s long-standing history of work on access and benefit-sharing for genetic resources for food and agriculture, that started with the 1983 International Undertaking on Plant Genetic Resources, later revised into the International Treaty. Ms Collette highlighted food security and rural poverty eradication as overriding objectives of policies for genetic resources for food and agriculture, including policies on access and benefit-sharing. Ms Collette noted that it was of pivotal importance to ensure that, as stated by the Commission, work on access and benefit-sharing “move in a direction supportive of the special needs of the agricultural sector, in regard to all components of biological diversity of interest to food and agriculture.”
6. Working Group Members took the floor to thank the Government of Norway for hosting the meeting and enabling the participation of delegates from developing countries. They also

stressed the importance of the meeting in addressing the special role of genetic resources for food and agriculture for food security.

7. Statements were made by International Organizations, including the Convention on Biological Diversity, CABI, the International Organization for Biological Control (IOBC), and the International Treaty.

II. ELECTION OF THE CHAIR, VICE-CHAIRS AND *RAPPORTEUR*

8. The Working Group elected Ms Grethe Helene Evjen (Norway) as Chairperson of the Working Group. Mr Pedro Brancante Machado (Brazil), Mr M. Khalequzzman Akanda Chowdhury (Bangladesh), Mr Graybill Munkombwe (Zambia), Mr Raj Patil (Australia), Mr Javad Mozafari Hashjin (Islamic Republic of Iran) and Mr Brad Fraleigh (Canada) were elected as Vice-Chairpersons of the Working Group. Ms Tashi Yangzome Dorji (Bhutan) was elected as the meeting's *Rapporteur*.

9. The Chair thanked the Working Group for the confidence it placed in her. She recalled the Terms of Reference of the Working Group according to which it provides a report on the outcome of the meeting to the Fourteenth Regular Session of the Commission and, prior to that, to the Commission's intergovernmental technical working groups.¹

III. ADOPTION OF THE AGENDA AND TIMETABLE

10. The Working Group adopted the agenda, as given in *Appendix A*.

IV. DISTINCTIVE FEATURES OF THE DIFFERENT SECTORS AND SUBSECTORS OF GENETIC RESOURCES FOR FOOD AND AGRICULTURE

11. The Working Group considered the document, *Distinctive features of genetic resources for food and agriculture*.² It took note of the relevant background study papers.³

12. Based on the above mentioned document, the Working Group decided to agree on the list of distinctive features of genetic resources for food and agriculture requiring distinctive solutions for access and benefit-sharing, as given in *Appendix B*. The Working Group did not have time to consider the distinctive features of the various subsectors of genetic resources for food and agriculture. It agreed that it would be appropriate to have the distinctive features of subsectors addressed by the intergovernmental technical working groups, where they exist, as suggested by the Commission in the Terms of Reference for the Working Group.

13. The Working Group agreed that a more precise delineation of the scope of genetic resources for food and agriculture and their subsectors, in particular forest genetic resources, would be useful to the Commission's further work on access and benefit-sharing for genetic resources for food and agriculture, and also for national authorities designing and implementing domestic access and benefit-sharing systems. The descriptions of genetic resources for food and agriculture and agricultural biodiversity by the Commission and the Convention on Biological Diversity were noted.

¹ CGRFA/WG-ABS-1/12/Inf. 2.

² CGRFA/WG-ABS-1/12/3.

³ Background study papers Nos. 42; 43; 44; 45; 46; 47; 48; 59.

V. GUIDING AND ASSISTING COUNTRIES IN ADDRESSING POSSIBLE MODALITIES OF AND OPTIONS FOR ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE

14. The Working Group considered the documents, *Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture*⁴ and, *Options to guide and assist countries in developing legislative, administrative and policy measures*.⁵ It noted that the background information referred to in paragraph 11 above was also relevant to these considerations.

15. The Working Group agreed to consider approaches and modalities for addressing access and benefit-sharing for genetic resources for food and agriculture, in exploring options for the Commission to assist and guide countries in developing legislative, administrative and policy measures for access and benefit-sharing for genetic resources for food and agriculture.

16. The Working Group agreed that it was premature to consider recommending to negotiate an international agreement or agreements on access and benefit-sharing for genetic resources for food and agriculture.

17. The Working Group recommended that the Commission, taking into account the International Treaty, the Convention on Biological Diversity, the Nagoya Protocol and other relevant international agreements and subject to the availability of resources, where relevant:

- (a) Encourage countries that have not done so, to ratify or accede to the International Treaty as soon as possible and promote its full implementation in regard to plant genetic resources for food and agriculture and recognize the importance of providing support to developing countries for this purpose, in particular through the capacity building activities under the International Treaty;
- (b) Encourage countries to consider the option of ratifying or acceding to the Nagoya Protocol, taking into account its role in the international regime on access and benefit-sharing, as well as the importance of genetic resources for food and agriculture and their special role for food security;
- (c) Invite the Governing Body of the International Treaty, in its continued governance of plant genetic resources for food and agriculture, to continue to closely coordinate with the Commission in order to address in a complementary way the distinctive features and specific uses of genetic resources for food and agriculture especially in light of the development of access and benefit-sharing measures at both national and international levels;
- (d) Request the Secretary to develop, upon request from governments, targeted awareness-raising activities, including materials, with regard to access and benefit-sharing for different subsectors of genetic resources for food and agriculture and, in collaboration with all relevant FAO divisions and the Secretariats of the International Treaty and the Convention on Biological Diversity, provide support to national, regional and international awareness-raising processes on access and benefit-sharing, including in the context of wider access and benefit-sharing initiatives implemented by other organizations and institutions;

⁴ CGRFA/WG-ABS-1/12/5.

⁵ CGRFA/WG-ABS-1/12/4.

- (e) Request the Secretary to develop targeted capacity-building and technical assistance activities with regard to access and benefit-sharing for different subsectors of genetic resources for food and agriculture, in cooperation with the Secretariats of the Convention on Biological Diversity and the International Treaty and with relevant stakeholders, taking into account existing regional and national institutions and the special needs of farmers and indigenous and local communities;
- (f) Request the Secretariat to work with the Secretariat of the Convention on Biological Diversity to ensure the former's active participation at regional and national level meetings, organized by the Secretariat of the Convention on Biological Diversity to discuss the Nagoya Protocol, including, as appropriate, making presentations at such meetings and providing its expertise and inputs in the preparation of documentation for such meetings, with the purpose of sharing information on access and benefit-sharing for genetic resources for food and agriculture, taking into account the relevant provisions of the Joint Work Plan of the Secretariats of the Convention on Biological Diversity, of the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture, Phase 2 (2011-2020),⁶ and the Memorandum of Cooperation signed between the Secretary of the International Treaty and the Executive Secretary of the Convention on Biological Diversity.⁷
- (g) Request the Members of the Commission to report, at national and/or regional levels, on the conditions under which specific genetic resources for food and agriculture are exchanged and utilized with the engagement of relevant stakeholders, including institutions, in all subsectors; request the Secretary to compile the information obtained, for consideration by the intergovernmental technical working groups, in order that the Commission can decide on developing model contractual clauses for subsectors of genetic resources for food and agriculture other than plant genetic resources for food and agriculture;
- (h) Request the Secretary to invite stakeholder groups to report on voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing for subsectors of genetic resources for food and agriculture and to compile them for consideration by the intergovernmental technical working groups;
- (i) Request the Secretary to prepare, based on regional consultations as well as submissions by governments and international organizations and all relevant stakeholders from all subsectors, including farmers and indigenous and local communities, draft elements for voluntary guidelines at the appropriate level for domestic legislative, administrative and policy measures for access and benefit-sharing for different subsectors of genetic resources for food and agriculture, taking account of the existing different instruments and stages of international discussions on access and benefit-sharing for different subsectors of genetic resources for food and agriculture, and in particular the International Treaty and its Governing Body, and taking into account relevant elements from options (g) and (h) above, for future review; and
- (j) Develop a matrix illustrating international practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture in the context of access and benefit-sharing that are or could form mutually supportive parts of the international regime on access and benefit-sharing, including recognition of the distinctive features of genetic resources for food and agriculture.

⁶ CGRFA-13/11/Inf.11.

⁷ IT/GB-4/11/22.

VI. CLOSING STATEMENTS

18. The Working Group expressed its gratitude to the Chair for her wisdom and guidance and the manner in which she had conducted the session. It also noted with appreciation the guidance provided by the Vice-Chairs and the dedicated work of the *Rapporteur*.

19. Several representatives from developing countries expressed their appreciation for the financial support from the Government of Norway that had enabled their participation in the session.

20. A representative from the European Region announced that the Region would submit additional relevant information not contained in the report of the meeting and requested the Secretariat to make this information available to the intergovernmental technical working groups and to the Commission.

21. The Working Group thanked the Secretary and the Secretariat and all the staff from FAO for their efforts before and during the session, noting the importance of all of the staff that had made the session possible.

22. The Secretary noted that the meeting had made important recommendations to the Commission. She thanked the governments that had provided financial support to the meeting of the Working Group and expressed her deep appreciation to the Member countries, the Chair, and Vice-Chairs for their advice and support, and to the interpreters, translators, technicians, and staff for their dedication.

APPENDIX A**AGENDA OF THE FIRST SESSION OF THE AD HOC TECHNICAL
WORKING GROUP ON ACCESS AND BENEFIT-SHARING FOR
GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

1. Election of the Chair, Vice-Chairs and *Rapporteur*
2. Adoption of the agenda and timetable
3. Distinctive features of the different sectors and subsectors of genetic resources for food and agriculture
4. Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture
5. Options to guide and assist countries, upon their request, in developing legislative, administrative and policy measures
6. Other business
7. Adoption of the Report

APPENDIX B

DISTINCTIVE FEATURES OF GENETIC RESOURCES FOR FOOD AND AGRICULTURE REQUIRING DISTINCTIVE SOLUTIONS FOR ACCESS AND BENEFIT-SHARING

The distinctive features of genetic resources for food and agriculture requiring distinctive solutions for access and benefit-sharing are presented below in seven clusters. They aim to reflect an equilibrium between all subsectors of food and agriculture. Not every feature is necessarily applicable to each and every genetic resource for food and agriculture and the various subsectors often have different features. Further detailing of subsector-specific features may still be developed.

The features are distinctive, but not necessarily unique to genetic resources for food and agriculture. While other genetic resources may share with genetic resources for food and agriculture some of the features listed below, the specific combination of these features distinguishes genetic resources for food and agriculture from most other genetic resources.

Cluster A: The role of genetic resources for food and agriculture for food security

A.1 Genetic resources for food and agriculture are an integral part of agricultural and food production systems and play an essential role for achieving food security and the sustainable development of the food and agriculture sector.

A.2 Plant, animal, invertebrate and micro-organism genetic resources for food and agriculture form an interdependent network of genetic diversity in agricultural ecosystems.

Cluster B: The role of human management

B.1 The existence of most genetic resources for food and agriculture is closely linked to human activity and many genetic resources for food and agriculture can be regarded as human-modified forms of genetic resources.

B.2 The maintenance and evolution of many genetic resources for food and agriculture depend on continued human intervention, and their sustainable utilization in research, development and production is an important instrument to ensure conservation.

Cluster C: International exchange and interdependence for food security, nutrition and sustainable agriculture

C.1 Historically, genetic resources for food and agriculture have been widely exchanged across communities, countries and regions over often long periods of time, and a relevant part of the genetic diversity used in food and agriculture today is of exotic origin.

C.2 Countries are interdependent with regard to genetic resources for food and agriculture and act both as providers of some genetic resources for food and agriculture and as recipients of others.

C.3 The international exchange of genetic resources for food and agriculture is essential to the functioning of the sector, and its importance is likely to increase in future.

Cluster D: The nature of the innovation process

D.1 The innovation process for genetic resources for food and agriculture is usually of incremental nature and the result of contributions made by many different people, including indigenous and local communities, farmers, researchers and breeders, in different places and at different points in time.

D.2 Many genetic resources for food and agriculture products are not developed out of an individual genetic resource, but with the contributions of several genetic resources for food and agriculture at different stages in the innovation process.

D.3 Most products developed with the use of genetic resources for food and agriculture can in turn be used as genetic resources for further research and development, which makes it difficult to draw a clear line between providers and recipients of genetic resources for food and agriculture.

D.4 Many agricultural products reach the market place in a form in which they may be used both as biological resources and as genetic resources.

Cluster E: Holders and users of genetic resources for food and agriculture

E.1 Genetic resources for food and agriculture are held and used by a broad range of very diverse stakeholders. There are distinct communities of providers and users with respect to the different subsectors of genetic resources for food and agriculture.

E.2 The different stakeholders managing and using genetic resources for food and agriculture are interdependent.

E.3 A significant amount of genetic resources for food and agriculture is privately held.

E.4 An important part of genetic resources for food and agriculture is held and can be accessed *ex situ*.

E.5 An important part of genetic resources for food and agriculture is conserved *in situ* and on farm under different financial, technical and legal conditions.

Cluster F: Exchange practices for genetic resources for food and agriculture

F.1 The exchange of genetic resources for food and agriculture takes place in the context of customary practices and existing communities of providers and users.

F.2 An extensive transfer of genetic material between different stakeholders along the value chain occurs in research and development.

Cluster G: Benefits generated with the use of genetic resources for food and agriculture

G.1 While the overall benefits of genetic resources for food and agriculture are very high, it is difficult to estimate at the time of the transaction the expected benefits of an individual sample of genetic resources for food and agriculture.

G.2 The use of genetic resources for food and agriculture may also generate important non-monetary benefits.

G.3 The use of genetic resources for food and agriculture may lead to external effects going far beyond the individual provider and recipient.

APPENDIX C

LIST OF DOCUMENTS

Working Documents

CGRFA/WG-ABS-1/12/1	Provisional agenda
CGRFA/WG-ABS-1/12/2	Provisional annotated agenda and timetable
CGRFA/WG-ABS-1/12/3	Distinctive features of genetic resources for food and agriculture
CGRFA/WG-ABS-1/12/4	Options to guide and assist countries in developing legislative, administrative and policy measures
CGRFA/WG-ABS-1/12/5	Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture

Information Documents

CGRFA/WG-ABS-1/12/Inf.1	Information note for participants
CGRFA/WG-ABS-1/12/Inf.2	Terms of Reference of the Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture
CGRFA/WG-ABS-1/12/Inf.3	Members of the Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture

Background Study Papers

Background study paper No.42	Framework study on food security and access and benefit-sharing for genetic resources for food and agriculture
Background study paper No.43	The use and exchange of animal genetic resources for food and agriculture
Background study paper No.44	The use and exchange of forest genetic resources for food and agriculture
Background study paper No.45	The use and exchange of aquatic genetic resources for food and agriculture
Background study paper No.46	The use and exchange of microbial genetic resources for food and agriculture
Background study paper No.47	The use and exchange of biological control agents for food and agriculture
Background study paper No.48	The impact of climate change on countries' interdependence on genetic resources for food and agriculture
Background study paper No.59	Access and benefit-sharing for genetic resources for food and agriculture – Current use and exchange practices, commonalities, differences and user community needs – Report from a multi-stakeholder expert dialogue

Other documents

CGRFA-13/11/Report	Report of the Thirteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture
UNEP/CBD/COP/DEC/X/1	Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization

APPENDIX D
**MEMBERS OF THE AD HOC TECHNICAL WORKING GROUP ON
ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR
FOOD AND AGRICULTURE**

<i>Composition (no. of countries per region)</i>	<i>Country</i>
Africa (5)	Cameroon Eritrea Togo Tunisia Zambia
Asia (5)	Bangladesh Bhutan Indonesia Lao, People's Democratic Republic Thailand
Europe (5)	Netherlands Norway Spain Switzerland United Kingdom
Latin America and the Caribbean (5)	Brazil Chile Ecuador Guyana Paraguay
Near East (3)	Iran, Islamic Republic of Lebanon Yemen
North America (2)	Canada United States of America
Southwest Pacific (2)	Australia Cook Islands ⁸

⁸ Palau replaced Cook Islands in this session of the Working Group.

APPENDIX E**LIST OF DELEGATES AND OBSERVERS**

Chair:	Ms Grethe Helene Evjen (Norway)
Vice-Chairs:	Mr Raj Patil (Australia)
	Mr M. Khalequzzman Akanda Chowdhury (Bangladesh)
	Mr Pedro Brancante Machado (Brazil)
	Mr Brad Fraleigh (Canada)
	Mr Javad Mozafari Hashjin (Islamic Republic of Iran)
	Mr Graybill Munkombwe (Zambia)
<i>Rapporteur:</i>	Ms Tashi Yangzome Dorji (Bhutan)

MEMBERS OF THE WORKING GROUP**BRAZIL****AUSTRALIA**

Mr Raj PATIL
Assistant Director
Multilateral Policy Trade and Market
Access Division
Department of Agriculture, Fisheries and
Forestry
Phone: +61 2 62723058
Fax: +61 2 62724600
Email: Raj.Patil@daff.gov.au

BANGLADESH

Mr M. Khalequzzman Akanda
CHOWDHURY
Member-Director (Crops)
Bangladesh Agricultural Research Council
Farmgate
Dhaka 1215
Phone: +88 028118275
Fax: + 88 028110924
Email: md-crops@barc.gov.bd

BHUTAN

Ms Tashi Yangzome DORJI
Programme Director
National Biodiversity Center
Ministry of Agriculture and Forests
Thimpu
Phone: +975 2 351416
Fax: + 975 2351219
Email: yangzome2011@gmail.com

Mr Pedro BRANCANTE MACHADO
Second Secretary, Permanent
Representation of Brazil to FAO, IFAD and
WFP
Via S. Maria dell' Anima, 32
00186 Rome - Italy
Phone: +39 06 6789353
Fax: +39 06 68398802
Email: pedro.brancante@brafaio.it

Mr Lidio CORADIN
Gerente de Recursos Genéticos
Secretaría de Biodiversidade e Florestas
Ministry of Environment
SEPN 505 Bloco "B" 4 andar
70730-542 Brasilia, DF
Phone: +61 20282029
Email: lidio.coradin@mma.gov.br

Ms Marilia LOBO BURLE
EMBRAPA
Recursos Genéticos e Biotecnología
Final W5 Norte
Brasilia
Phone: +55 6134484646
Fax: +55 6133403666
Email: Marilia.burle@embrapa.br

Mr Marcio Antonio TEIXEIRA
MAZZARO
Legal Officer
Ministry of Agriculture, Livestock and
Food Supply
Esplanada dos Ministérios
Bloco "D" – Ed. Sede – Sala 635
70043-900 – Brasilia, DF
Phone: +55 6132182932
Fax: +55 6199816342
Email: marcio.mazzaro@agricultura.gov.br

Ms Paula RASSI BRASIL
Subsecretaria-Geral de Meio Ambiente,
Ciência e Tecnologia
Ministério das Relações Exteriores
70170-900 Brasília, DF
Phone: +55 6134116377
Fax: +55 6134116365
Email: paula.rassi@itamaraty.gov.br

Ms Carolina RIZZI STARR
Ministry of Agrarian Development
International and Commercial Promotion
Advisory
Esplanada dos Ministérios
Bloco A 1 andar, Sala 109
Brasília, DF
Phone: +61 20200126
Fax: +61 20200128
Email:
Carolina.starr@consultor.mda.gov.br

CANADA

Mr Brad FRALEIGH
Director
Multilateral Science Relations
International Engagement
Science and Technology Branch
Agriculture and Agri-Food Canada
Phone: +1 6137731838
Fax: +1 6137731833
Email: brad.fraleigh@agr.gc.ca

CHILE

Ms Teresa AGÜERO TEARE
Encargada Ambiental, Recursos Genéticos
y Bioseguridad
Oficina de Estudios y Políticas Agrarias
(ODEPA)
Ministerio de Agricultura
Santiago
Phone: +56 2 3973039
Fax: +56 2 397 3044
Email: taguero@odepa.gob.cl

ECUADOR

Mr Álvaro MONTEROS ALTAMIRANO
Estación Experimental Santa Catalina
Instituto Nacional Autónomo de
Investigaciones Agropecuarias (INIAP)
Panamericana Sur Km 1, Via Tambillo
Quito
Phone: +593 023006089
Fax: +593 023006089
Email: Alvaro.monteros@iniap.gob.ec

ERITREA

Mr Amanuel MAHDERE
Ministry of Agriculture
National Agricultural Research Institute
Head, Plant Genetic Resources Unit
Asmara
Phone: +291 18600001/48
Fax: +291 18600004/181415
Email: amanuelmaz@yahoo.com

GUYANA

Mr Mahendra PERSAUD
Plant Breeder/Chief Scientist
Guyana Rice Development Board
Ministry of Agriculture
D3 Rice Research Station Burma
Mahaicony
East Coast Demerara
Guyana
Phone: +592 2321301
Fax: +592 2321304
Email: mahendra21@gmail.com

INDONESIA

Mr Muhamad SABRAN
Deputy Director
Research Cooperation Public Relation
Division
Indonesian Agency for Agricultural
Research and Development
Ministry of Agriculture
Jl. Ragunan No. 29
Pasar Minggu
Jakarta Selatan
Phone: +62 8125131958
Fax: +62 2178831114
Email: msbran23@yahoo.com

IRAN (ISLAMIC REPUBLIC OF)

Mr Javad MOZAFARI HASHJIN
Head of National Plant Gene Bank of Iran
Seed and Plant Improvement Institute
(SPII)
Ministry of Jihad-e-Agriculture (MOJA)
Mahdasht Avenue
P.O. Box 31585
4119 Karaj
Phone: +98 261 2701260
Fax: +98 261 2716793
Email: jmozafar@yahoo.com

**LAO PEOPLE'S DEMOCRATIC
REPUBLIC**

Mr Bounthong BOUAHOM
Director General
National Agriculture and Forestry Research
Institute
Ministry of Agriculture and Forestry
P.O. Box 1086
Vientiane
Email: bounthong@nafri.org.la

LEBANON

Mr Lamis CHALAK
Plant Genetic Resources Advisor
Professor at the Lebanese University
Dekwaneh
Beirut
Phone: +961 3 211855
Email: lamis.chalak@gmail.com

NETHERLANDS

Mr Hans SMOLDERS
Policy Advisor - genetic resources and
phytosanitary research
Ministry of Economic Affairs, Agriculture
and Innovation
Directorate-General for Agro, Plant Supply
Chain and Food Quality
Prins Clauslaan 8
2595 The Hague
Phone: +31 070 3785016
Fax: +31 070 3786123
Email: j.w.j.smolders@mineleni.nl

Mr Bert VISSER
Director of the Centre for Genetic
Resources
Wageningen University and Research
Centre
P.O. Box 16
6700 AA Wageningen
Phone: +31 317 480993
Fax: +31 317 438094
Email: bert.visser@wur.nl

NORWAY

Mr Peer BERG
Section Leader Farm Animals
NordGen, Nordic Genetic Resource Center
Box 41
SE-230 53 Alnarp
Sweden
Fax: +47 64942980
Email: Peer.Berg@nordgen.org

Mr Erik COCKBAIN
Adviser
Ministry of Agriculture and Food
P.O. Box 8007 Dep., N-0030
Phone: + 47 22249072
Fax: + 47 22242753
Email: erik.cockbain@lmd.dep.no

Ms Liv Astrid EIKELAND
Senior Adviser
Ministry of Agriculture and Food
P.O. Box 8007 Dep., N-0030 Oslo
Phone: + 47 22249493
Email: liv-astrid.eikeland@lmd.dep.no

Ms Grethe Helene EVJEN
Senior Adviser
Ministry of Agriculture and Food
P.O. Box 8007 Dep., N-0030
Phone: + 47 22249311
Fax: + 47 22242753
Email: Grethe-Helene.Evjen@lmd.dep.no

Ms Nina HOVDEN SAETHER
Director
Norwegian Genetic Resource Centre,
P.O. Box 115, N-1432 Ås
Phone: +47 64949055
Fax: +47 64948001
Email: nhs@skogoglandskap.no

Ms Ane JØREM
Researcher
Fridtjof Nansen Institute
Phone: +4767111900; +4797796246
Fax: +47 67111910
Email: aej@fni.no

Ms Ane Hansdatter KISMUL
Political Adviser
Ministry of Agriculture and Food
P.O.Box 8007 Dep., N-0030
Phone: + 47 22249104
Fax: + 47 22249558
Email: ane.kismul@lmd.dep.no

Ms Elisabeth KOREN
Senior Adviser
Ministry of Agriculture and Food
Box 8007 Dep., N-0030 Oslo
Phone: + 47 22249132
Fax: + 47 22242753
Email: elisabeth.koren@lmd.dep.no

Mr Tore RIISE
Special Adviser
Ministry of Fisheries and Coastal Affairs
P.O. Box 8118 Dep., N-0032 Oslo
Phone: + 4722246454
Fax: +47 22 24 9585
Email: tr@fkd.dep.no

Mr Roland VON BOTHMER
Professor
NordGen, Nordic Genetic Resource Center
Phone: +46 70 676 44 18
Fax: +46 40 53 66 50
Email: Roland.von.Bothmer@ltj.slu.se

PALAU

Ms Aurora G. DEL ROSARIO
Researcher
Palau Community College
Phone: +680 4882746
Fax: +680 4883307
Email: aderose929@yahoo.com

SPAIN

Mr Fernando LATORRE GARCÍA
Técnico Superior Especializado de OPIS
Instituto Nacional de Investigación y
Tecnología Agraria y Alimentaria
Ministerio de Economía y Competitividad
Madrid
Phone: +34 918819286 ext. 25
Fax: +34 91 819287
Email: latorre@inia.es

Mr Luis SALAICES
Jefe de Área de Registro de Variedades
Subdirección General de Medios de
Producción Agrícolas y Oficina
Española de Variedades Vegetales
Ministerio de Agricultura, Alimentación y
Medio Ambiente
Madrid
Phone: +34 913476712
Fax: +34 913476703
Email: luis.salaices@magrama.es

SWITZERLAND

Ms Catherine MARGUERAT
Secteur Produits animaux et élevage
Office fédéral de l'agriculture
Mattenhofstrasse 5
CH-3003 Bern
Phone: +41 31 3223814
Fax: +41 31 3235142
Email: Catherine.marguerat@blw.admin.ch

Mr François PYTHOUD
Responsable
Secteur Agriculture Durable
Internationale
Office fédéral de l'agriculture
Mattenhofstrasse 5
Phone: +41 31 3234445
Fax: +41 31 3222634
Email: francois.pythoud@blw.admin.ch

THAILAND

Ms Sopida HEAMAKOM
Secretary/Head of the Legal Office
Department of Agriculture
Phone: +66 2 5792445
Fax: +66 2 9405527
Email: sopida_doa@yahoo.com

Dr Manthana MILNE
Deputy Director General
Department of Agriculture
Phone: +66 2 5790582
Fax: +66 2 9407460
Email: manthana2011@yahoo.com

Ms Chutima RATANASATIEN
Senior Agricultural Scientist
Plant Variety Protection Office
Department of Agriculture
Phone: +66-2-940-7214
Fax: +66-2-940-7214
Email: chutima_ratanasatien@yahoo.com

TOGO

Ms Hadyatou DANTSEY-BARRY
Chef, Unité des Ressources
Phytogénétiques pour l'Alimentation et
l'Agriculture
Institut Togolais de Recherche
Agronomique (ITRA)
Phone: +228 22252148
Fax: +228 22251559
Email: itra@cafe.tg; hadyabarry@yahoo.fr

TUNISIA

Mr Mohamed NEFFATI
Institut des Régions Arides de Médnine -
Tunisie
Phone: +216 75633839
Fax: +216 75633006
Email: Mohamed.neffati@yahoo.fr

UNITED KINGDOM

Ms Clare HAMILTON
Department for Environment, Food and
Rural Affairs
Horseferry Road
London SW1P 2AL
Phone: +44 2072380533
Email: clare.hamilton@defra.gsi.gov.uk

Mr Julian JACKSON
Department for Environment, Food and
Rural Affairs
Horseferry Road
London SW1P 2AL
Horseferry Road
London SW1P 2AL
London
Phone: + 44 2072386813
Email: julian.jackson@defra.gsi.gov.uk

UNITED STATES OF AMERICA -

Ms Margaret SHARPS CATON
Deputy Director
Office of Ecology and Conservation
U.S. Department of State
2201 C Street NW, Rm 4333
Washington, DC 20520
Phone: +1 202-647-4268
Fax: +1 202-736-7351
Email: catonms@state.gov

Mr Peter TABOR
Director, Plant Division
Office of Agreements & Scientific Affairs
Foreign Agricultural Service
U.S. Department of Agriculture - South
Building, Room 5957
Phone: +1 (202) 720-0765
Fax: +1 (202) 690-0677
Email: peter.tabor@fas.usda.gov

ZAMBIA

Mr Graybill MUNKOMBWE
Senior Agricultural Research Officer
Zambia Agriculture Research Institute
Mount Makulu Central Research Station
Private Bag 7
Chilanga
Phone: +260 211278130
Fax: +260 211278130
Email: munkombwegraybill@yahoo.com

**OBSERVERS FROM COUNTRIES
MEMBERS OF THE COMMISSION****ALGERIA**

Mr Abdelhamid HEMDANI
Sous-Directeur de la Protection des
Patrimoines Génétiques
Ministère de l'Agriculture et du
Développement Rural
Bvd. Colonel Amirouche
Algiers 16000
Phone: +213 021743290
Fax: +213 0211743290
Email: hhemdani@yahoo.fr

Mr Salah CHOUAKI
Chargé de Recherche
Coordinateur des Activités Scientifiques
"Agrobiodiversité"
Institut National de la Recherche
Agronomique d'Algérie
Phone: +213 021521281
Fax: +213 021521283
Email: chouaki_salah@yahoo.fr ;
chouaki.s@gmail.com

DENMARK

Ms Helle PALMØ
Special Advisor
Ministry of Food, Agriculture and Fisheries
The Danish AgriFish Agency
Nyropsgade 30
DK-1780 Copenhagen V
Phone: +45 3395800
Email: hpa@naturerhverv.dk

**EUROPEAN UNION (MEMBER
ORGANIZATION)**

Ms Simona GUEORGUIEVA
Political administrator at the Council of the
European Union
Council of the European Union
General Secretariat
DGB 2A Financial and Agri-monetary
Questions, Rural Development, Plant
Generic Resources
Phone: +3222817166
Email:
simona.gueorguieva@consilium.europa.eu

FRANCE

Mr Didier BOUCHEL
Bureau du lait, des produits laitiers et de la
sélection animale
Ministère de l'agriculture, de
l'agroalimentaire et de la forêt
Phone: +33 1495546 03
Fax: +33 149554590
Email: didier.bouchel@agriculture.gouv.fr

Mme Elise LECLERCQ
GNIS - Relations Internationales
44, rue du Louvre
F 75001 Paris
Phone: +33 142337697
Fax: +33 140284016
Email: elise.leclercq@gnis.fr

GERMANY

Mr Frank BEGEMANN
32 Sustainability international affairs
Federal Office for Agriculture and Food
(BLE)
Phone: +49 0228996845-3239
Fax: +49 02286845-3105
Email: frank.begemann@ble.de

Ms Barbara KOSAK
 Head of Division Biological Diversity and
 Biopatents
 Federal Ministry of Food, Agriculture and
 Consumer Protection
 Bonn
 Phone: +49 0228995294353
 Fax: +49 0228995294332
 Email: barbara.kosak@bmelv.bund.de

Ms Ursula MONNERJAHN
 Federal Ministry of Food, Agriculture and
 Consumer Protection
 Desk Officer, Div. Biological Diversity and
 Biopatents
 Rochusstrasse 1
 53123 Bonn
 Phone: +49 228995294776
 Fax: +49 228995294332
 Email: ursula.monnerjahn@bmelv.bund.de

JAPAN

Mr Akira NAGAOKA
 Coordinator, Environment Policy Division
 Minister's Secretariat
 Ministry of Agriculture, Forestry and
 Fisheries
 Kasumigaseki 1-2-1
 Chiyoda-ku
 Tokyo, 100-8950
 Phone: +81 335028458
 Fax: +81 335926640
 Email: akira_nagaoka@nm.maff.go.jp

Ms Fumiko YAGIHASHI
 Section Chief, Research Policy Planning
 Division
 Agriculture, Forestry and Fisheries
 Research Council Secretariat
 Ministry of Agriculture, Forestry and
 Fisheries
 Phone: +81 35028111 (Extn.86388)
 Fax: +81 335078794
 Email: fumiko_yagihashi@nm.maff.go.jp

LIBYA

Mr Abdulhakim A. DEGHAYES
 Libyan Gene Bank
 240 Mailbox
 Tripoli
 Phone: +218 923062805
 Email: a_deghayes@hotmail.co.uk

Mr Ali Ahmed EL-MAGTUF
 Ministry of Foreign Affairs
 Tripoli
 Phone: +218 213403011

NAMIBIA

Mr Pierre DU PLESSIS
 Multi-media, appropriate technology and
 natural products consultant at the Centre for
 Research, Information, Action in Africa,
 Southern Africa-Development and
 Consulting
 (CRIA SA-DC)
 Phone: +264 61220117
 Fax: +264 61232293
 Email: pierre@criasadc.org

NIGERIA

H.E. Yaya A.O. OLANIRAN
 Permanent Representative of Nigeria to
 FAO
 Permanent Representation of Nigeria to the
 United Nations
 Rome-based Food and Agriculture
 Agencies
 Email: nigeriapermrep@email.com

PANAMA

Mr Alberto ARJONA A.
Secretario General
Ministerio de Desarrollo Agropecuario
Apartado Postal 0879-07512
Email: aarjona@mida.gob.pa

POLAND

Ms Elzbieta MARTYNIUK
National Coordinator for Animal Genetic
Resources
National Focal Point for Animal Genetic
Resources
National Research Institute of Animal
Production
Phone: +48 22 6231714/6231056
Fax: +48 2262310 56
Email: elzbieta_martyniuk@sggw.pl ;
Elzbieta.Martyniuk@minrol.gov.pl

**REPRESENTATIVES OF UNITED
NATIONS AND SPECIALIZED
AGENCIES**

**CONVENTION ON BIOLOGICAL
DIVERSITY**

Mr Lyle GLOWKA
Senior Legal Advisor
Secretariat of the Convention on Biological
Diversity
United Nations Environment Programme
Phone: +1 5142877022
Fax: +1 5142886588

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

Mr Kent NNADOZIE
Treaty Support Officer
International Treaty on Plant Genetic
Resources for Food and Agriculture
Viale delle Terme di Caracalla
00153Rome
Italy
Phone: +39 06 57052465
Fax: +39 06 57053057
Email: Kent.Nnadozie@fao.org

Mr Clive STANNARD
Consultant
International Treaty on Plant Genetic
Resources for Food and Agriculture
Viale delle Terme di Caracalla
00153Rome
Italy
Fax: +39 06 57053057
Email: PGRFA-Treaty@fao.org

**OBSERVERS FROM
INTERGOVERNMENTAL
ORGANIZATIONS**

CABI

**INTERNATIONAL ORGANISATION
FOR BIOLOGICAL CONTROL**

Mr Matthew COCK
Chief Scientist
CAB International (CABI)
Bakeham Lane
Egham, Surrey
Phone: +44 1491829037
Fax: +44 1491829100
Email: m.cock@cabi.org

Ms Johannette KLAPWIJK
IOBC
Koppert B.V.
Veilingweg 14
P.O. Box 155
2650 AD Berkel en Rodenrijs
Netherlands
Phone: +31 105140444
Email: jklapwijk@koppert.nl

**CONSULTATIVE GROUP ON
INTERNATIONAL AGRICULTURAL
RESEARCH**

BIOVERSITY INTERNATIONAL

Mr Ronald VERNOOY
Genetic Resources Policy Specialist,
Policy Group
Conservation and Availability
Programme
Bioversity International
Via dei Tre Denari
Maccarese – Rome, Italy
Phone: +39 066118280
Fax: +39 0661979661

**INTERNATIONAL RICE RESEARCH
INSTITUTE**

Mr Ruaraidh SACKVILLE HAMILTON
Head, T.T. Chang Genetic Resources
Center
International Rice Research Institute
Los Baños
Laguna
Philippines
Phone: + 63 2 5805600
Fax: +63 2 5805699
Email: r.hamilton@irri.org

**OBSERVERS FROM NON-
GOVERNMENTAL ORGANIZATIONS****INTERNATIONAL SEED FEDERATION**

Ms Radha RANGANATHAN
Director Technical Affairs
International Seed Federation
Ch. du Reposoir 7
1260 Nyon
Switzerland
Phone: + 41 22 3654420
Fax: +41 22 3654421
Email: r.ranganathan@worldseed.org

THE THIRD WORLD NETWORK

Mr Edward HAMMOND
P.O. Box 660
Mason TX76856
United States Of America
Phone: +1 3253472829
Email: eh@pricklyresearch.com