

September 2004



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

E

Item 2 of the Draft Provisional Agenda

COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Second meeting of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture

Rome, 15 – 19 November 2004

PROVISIONAL ANNOTATED AGENDA AND TIME-TABLE

1. Election of Chairperson and Vice-Chairpersons

In accordance with Rule II of the Rules of Procedure for the Commission on Genetic Resources for Food and Agriculture Acting as The Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture,¹ the Bureau shall be elected at the beginning of a Regular Session and shall hold office until the beginning of the following Regular Session. The Rule provides for the Bureau to comprise a Chairperson and not more than six Vice-Chairpersons.

2. Adoption of agenda and timetable

The present document contains the *Provisional Annotated Agenda* and the *Provisional Timetable*, for the consideration of the Interim Committee.

The agenda for this meeting is very full, reflecting the volume of work necessary to prepare issues for the Governing Body. It also reflects the fact that the Open-ended Working Group on the Rules of Procedure of the Governing Body, the Financial Rules of the Governing Body and Compliance, established by the First Meeting of the Interim Committee, could not be convened due to a lack of adequate extra-budgetary resources. These matters will therefore need to be addressed during the present meeting.

¹ Appendix C of document CGRFA-MIC-1/02/REP, *Report of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture*. Rome, 9 – 11 October 2002, available on the internet at <http://www.fao.org/ag/cgrfa/docsic1.htm>.

The Interim Committee may therefore wish to consider how best to programme this work, within the overall time-table of the meeting. The Provisional Time-table provides for all issues to be addressed in Plenary. However, should the Interim Committee consider it useful, an alternative Provisional Time-table is provided under which a restricted Working Group or a Committee of the Whole might be established to work in parallel to the Plenary during the first two days of the meeting. This would prepare the Plenary's consideration of Agenda Items 5, 6 and 7, and report back to it on Wednesday, 17 November.

3. Report on progress and activities since the First Meeting of the Interim Committee, including on the entry into force of the Treaty

The Secretariat will briefly report for information on progress and activities since the First Meeting of the Interim Committee.² Up-to-date information on the status of signature and ratification of the Treaty will be provided to the meeting.

Arrangements will be made for Governments that wish to do so to deposit instruments of ratification, acceptance, approval or accession during the meeting.³

4. Report of the Expert Group on the Terms of the Standard Material Transfer Agreement

At the time of preparing this document (August 2004) the first meeting of the Expert Group on the Terms of the Standard Material Transfer Agreement was to meet in Brussels from 4 to 8 October 2004, at the invitation of the European Commission.⁴ The Interim Committee will wish to consider the *Report of the Expert Group on the Terms of the Standard Material Transfer Agreement*.⁵ It is expected that the Expert Group will have made recommendations for further work on the Standard Material Transfer Agreement, which the Interim Committee will be invited to consider.

The attention of the Interim Committee is drawn to the options for handling Agenda Items 5, 6 and 7 that are discussed under Item 2 above and reflected in the *Provisional Time-table*. These items are accordingly described as a block, below.

5. Preparation of draft Rules of Procedure for the Governing Body

6. Preparation of draft Financial Rules for the Governing Body

7. Preparation of draft procedures and mechanisms to promote compliance and to address issues of non-compliance

In Resolution 3/2001, the Conference requested the Interim Committee for the Treaty to prepare, for consideration at the first Session of the Governing Body, draft Rules of Procedure, draft Financial Rules and proposed procedures to promote compliance in accordance with Article 21 of

² See document CGRFA/MIC-2/04/Inf. 2, *Report on Progress and Activities since the First Meeting of the Interim Committee*.

³ Countries wishing to deposit instruments of ratification or accession on this occasion are requested to inform the Secretary of the Interim Committee as soon as possible.

⁴ The Terms of Reference of the Open-ended Working Group, which were adopted by the First Meeting of the Interim Committee (*Appendix D* to CGRFA-MIC-1/02/REP, *Report of the First Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture*, available on the internet at <http://www.fao.org/ag/cgrfa/docsic1.htm>).

⁵ CGRFA/IC/MTA-1/04/REP.

the International Treaty. Draft Rules of Procedure⁶ and draft Financial Rules⁷ were tabled at the first meeting of the Interim Committee, but not considered in detail: instead, the Interim Committee established an Open-ended Working Group on the Rules of Procedure of the Governing Body, the Financial Rules of the Governing Body and Compliance, but this could not be convened before this second meeting of the Interim Committee, due to a lack of adequate extra-budgetary funds. The Interim Committee will wish to note that the document *Draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture* prepared for the first meeting of the Interim Committee is being re-issued⁸ with a revised *Annex I*, which brings the draft Financial Rules more into line with the Financial Regulations adopted or being considered by other recent international conventions, and to clarify financial procedures.

The Interim Committee also requested the Director General of the FAO to collect countries' views on compliance with the Treaty, and that these be placed on the FAO Internet web-site.⁹ Furthermore it requested the Secretariat to compile and analyse the replies and produce a report. The document *Compilation and Analysis of Government's views on Compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture*¹⁰ responds to that request. A Background Study Paper, entitled *Compliance Building under the International Treaty on Plant Genetic Resources for Food and Agriculture*,¹¹ has also been prepared in order to provide information on compliance provisions in other international agreements and to stimulate thinking regarding the implementation of Article 21 of the Treaty.

The Interim Committee may wish to:

- Adopt draft Rules of Procedure for the Governing Body of the Treaty, for submission to the First Meeting of the Governing Body.
- Adopt draft Financial Rules for the Treaty, for submission to the First Meeting of the Governing Body.
- Prepare and adopt draft procedures and mechanisms to promote compliance and to address issues of non-compliance, for submission to the First Meeting of the Governing Body.
- Should any of the above tasks not be completed by the Interim Committee during the current meeting, it may also consider that—subject to the availability of adequate extra-budgetary resources—a meeting of the Open-ended Working Group (or some other group) should be convened in advance of the First Meeting of the Governing Body, to complete the work. In this case, it is suggested that terms of reference be adopted, and the officers of the Group appointed. The Interim Committee may also wish to consider whether it would wish to request the Secretariat to assemble information or prepare technical studies, before such a meeting.

⁶ CGRFA/MIC-1/02/4, *Draft Rules of Procedure for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*.

⁷ CGRFA/MIC-1/02/5, *Draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*.

⁸ CGRFA/MIC-2/04/8.

⁹ Countries' submissions have been posted at <http://www.fao.org/ag/cgrfa/compliance.htm>.

¹⁰ CGRFA/MIC-2/04/3.

¹¹ Background Study Paper 20, available on the internet at <ftp://ext-ftp.fao.org/ag/cgrfa/BSP/bsp20e.pdf>.

8. Preparation of the draft funding strategy for the implementation of the Treaty

At its first meeting, the Governing Body is to adopt the funding strategy for the implementation of the Treaty. The document, *Preparation for Consideration by the Governing Body of the Funding Strategy for the Treaty*,¹² reviews the provisions of the Treaty related to the establishment and implementation of the funding strategy, including in relation to the nature of the funding strategy, the mobilisation of resources, the use of those resources, and the role of the *Global Plan of Action*. On the basis of the requests for guidance in that document, the Interim Committee is invited to decide what needs to be done to make it possible for the Governing Body to address the funding strategy at its first meeting, and whether it would wish the secretariat to undertake any preparatory work. The Interim Committee is also requested to consider whether further development of the funding strategy should be undertaken at the inter-governmental level, perhaps through a Technical Committee, and in this case, it is suggested that terms of reference be adopted, and the officers of the Technical Committee appointed.

At its Ninth Regular Session, the Commission on Genetic Resources for Food and Agriculture was informed of the joint efforts of FAO and the CGIAR to establish a Global Crop Diversity Trust,¹³ which would operate in the framework of the Treaty, and be an essential element of its funding strategy. The document, *Report on the Status of the Global Crop Diversity Trust*,¹⁴ reports on the current status of the Trust. It invites the Interim Committee to consider either asking its Bureau to liaise with the Trust in the period before the First Meeting of the Governing Body or to establish a small working group for this purpose, in particular in relation to the appointment of four members of the Trust's Executive Board, and the appointment of the Trust's Executive Secretary.

9. Preparation of draft Programme of Work and Budget for adoption by the Governing Body

Conference Resolution 3/2001 requested the Interim Committee to prepare a draft Programme of Work and Budget for the consideration of the Governing Body at its First Meeting. The document, *Preparation of draft Programme of Work and Budget for adoption by the Governing Body of the International Treaty*,¹⁵ accordingly identifies possible elements of the programme of work, as well as an estimate of the cost of each element. The Interim Committee is requested to provide guidance on the activities to be included, as well as on the structure of the Treaty's Secretariat, so that a budget may be prepared on this basis. The Interim Committee will wish to note that the question of how the budget will be funded will be considered in the context of Agenda Item 6, Preparation of Draft Financial Rules for the Governing Body.

10. Adoption of the Programme of Work and Budget for the Interim Committee

A programme of work must be established for the period up to the First Meeting of the Governing Body. The document, *Adoption of the Programme of Work and Budget for the Interim Committee*,¹⁶ provides a number of elements which could form the basis of such a programme of work, as well as an estimate of the cost of each element. Information is also provided regarding incremental staff needs for the secretariat in this period, without which the programme of work cannot be effectively executed. The Interim Committee is asked to formulate a programme work of and budget from the information provided. It is also asked to consider the means by which the budget would be funded.

¹² CGRFA/MIC-2/04/4.

¹³ Then called the "Global Conservation Trust".

¹⁴ CGRFA/MIC-2/04/5.

¹⁵ CGRFA/MIC-2/04/6.

¹⁶ CGRFA/MIC-2/04/7.

11. Preparation of draft agreements between the Governing Body and the International Agricultural Research Centres of the CGIAR and other relevant international institutions

Conference Resolution 3/2001 requested the Interim Committee to consult with the International Agricultural Research Centres and other relevant international institutions on agreements to be signed with the Governing Body, in accordance with Article 15 of the Treaty, and to prepare draft agreements for consideration by the Governing Body at its first session. A document, *Consultations with the International Agricultural Research Centres of the CGIAR and other relevant International Institutions on the Agreements to be Signed with the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*,¹⁷ was prepared for the First Meeting of the Interim Committee, but consideration of it was postponed to the current meeting. The document contains a draft model Agreement, which has been reviewed by the International Agricultural Research Centres. The Interim Committee is invited to review and comment upon the model agreement, with a view to recommending its consideration by the Governing Body at its first session.

12. Report on cooperation with international bodies

The document, *Report on Cooperation with International bodies*,¹⁸ provides information on a draft Memorandum of Cooperation between the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty and the Secretariat of the Convention on Biological Diversity, and seeks the guidance of the Interim Committee. It also reports on follow-up to the request by the Commission at its Ninth Regular Session that WIPO cooperate with FAO in preparing a study on how intellectual property rights may effect the availability and use of material from the International Network of *Ex Situ* Collections Under the Auspices of FAO and the International Treaty. WIPO's study will be made available to the Interim Committee.

13. Other business

14. Date and place of the First Meeting of the Governing Body

The Interim Committee will wish to recommend to the Director General when the First Session of the Governing Body should be convened.

15. Adoption of the Report

¹⁷ CGRFA/MIC-1/02/8.

¹⁸ CGRFA/MIC-2/04/Inf. 3.

PROVISIONAL TIME-TABLE

Time	Agenda Item	Title	Working Documents
Monday, 15 November 2004			
morning			
10:00-10:30	1	Election of the Chair and Vice-Chairs	
10:30-11:00	2	Adoption of the Agenda and Timetable	CGRFA/MIC-2/04/1 CGRFA/MIC-2/04/2
11:00-12:00	3	Report on progress and activities since the First Meeting of the Interim Committee	CGRFA/MIC-2/04/Inf. 2
12:00-13:00	4	Report on the outcome of the Expert Group on the Terms of the Standard Material Transfer Agreement	CGRFA/IC/MTA-1/04/REP
Monday, 15 November 2004			
afternoon			
15:00-16:00	4	<i>Continued</i>	

16:00-18:00	5	Preparation of draft Rules of Procedure for the Governing Body	CGRFA/MIC-1/02/4
Tuesday, 16 November 2004			
morning			
10:00-13.00	6	Preparation of draft Financial Rules for the Governing Body	CGRFA/MIC-2/04/8
Tuesday, 16 November 2004			
afternoon			
15:00-18:00	7	Preparation of draft procedures and mechanisms to promote compliance and to address issues of non-compliance	CGRFA/MIC-2/04/3
Wednesday, 17 November 2004			
morning			
10:00-13.00	8	Preparation of a draft funding strategy for the International Treaty	CGRFA/MIC-2/04/4 CGRFA/MIC-2/04/5
Wednesday, 17 November 2004			
afternoon			
15:00-18.00	9	Preparation of a draft Programme of Work and Budget for the Governing Body	CGRFA/MIC2/04/6

Thursday, 18 November 2004			
morning			
10:00-13:00	10	Adoption of the Programme of Work and Budget for the Interim Committee	CGRFA/MIC-2/04/7
Thursday, 18 November 2004			
afternoon			
15:00-16:00	11	Preparation of draft agreements between the Governing Body and the IARCs and other relevant international institutions	CGRFA/MIC-1/02/8
16.00-16.30	12	Report on Cooperation with international bodies	CGRFA/MIC-2/04 Inf.3
16.30-17.30	13	Other Business	
17.30-18.00	14	Date and Place of the First Meeting of the Governing Body	
Friday, 19 November 2004			
morning			
10.00-13.00		Free	
Friday, 19 November 2004			
afternoon			
15.00-18.00	15	Adoption of Report	

ALTERNATIVE PROVISIONAL TIMETABLE

Including a Working Group or a Committee of the Whole for Items 5, 6 and 7

<i>Plenary</i>				
Time	Agenda Item	Title	Working Documents	
Monday, 15 November 2004				
morning				
10.00-10.30	1	Election of the Chair and Vice-Chairs		
10.30-11.00	2	Adoption of Agenda and Timetable	CGRFA/MIC-2/04/1 CGRFA/MIC-2/04/2	
<i>Parallel Sessions</i>				
	Plenary		Working Group or Committee of the Whole	
Time	Agenda Item	Title and working documents	Agenda Item	Title and working documents
11.00-12.00	3	Report on Progress and activities since the First Meeting of the Interim	5	Preparation of draft Rules of Procedure for the Governing Body

		Committee, including entry into force of the Treaty CGRFA/MIC-2/04/Inf.2		CGRFA/MIC-1/02/4
12.00-13.00	12	Report on Cooperation with relevant international bodies (for information) CGRFA/MIC-2/04/Inf.3		
<p>Monday, 15 November 2004</p> <p>afternoon</p>				
15.00-18.00	4	Report on the outcome of the Expert Group on the Terms of the Standard Material Transfer Agreement CGRFA/IC/MTA-01/04/REP	5	<i>Continues</i>
<p>Tuesday, 16 November 2004</p> <p>morning</p>				
10.00-13.00	4	<i>Continues</i>	6	Preparation of draft Financial Rules for the Governing Body CGRFA/MIC-2/04/8

Tuesday, 16 November 2004				
afternoon				
15.00-18.00	8	Preparation of a draft Funding Strategy for the Treaty CGRFA/MIC-2/04/4 CGRFA/MIC-2/04/5	7	Preparation of draft procedures and mechanisms to promote compliance and to address issues of non-compliance CGRFA/MIC-2/04/3
<i>Plenary</i>				
Time	Agenda Item	Title	Working Documents	
Wednesday, 17 November 2004				
morning				
10.00-13.00	5,6 and 7	Consideration of Report from Working Group/Committee of the Whole on Rules of Procedure and Financial Rules for the Governing Body and on Compliance		
Wednesday, 17 November 2004				
afternoon				
15.00-18.00	9	Preparation of draft Work Programme and Budget for adoption by the Governing Body		CGRFA/MIC-02/04/6

Thursday, 18 November 2004			
morning			
10.00-13.00	10	Adoption of the Work Programme and Budget for the Commission on Genetic Resources for Food and Agriculture, acting as Interim Committee	CGRFA/MIC-2/04/7
Thursday, 18 November 2004			
afternoon			
15.00-16.00	11	Preparation of draft agreements between the Governing Body and the IARCs and other relevant international institutions	CGRFA/MIC-1/02/8
16.00-17.00	13	Other business	
17.00-18.00	14	Date and place of the First Meeting of the Governing Body	
Friday, 19 November 2004			
morning			
10.00-13.00			
Friday, 19 November 2004			
afternoon			
13.00-18.00	15	Adoption of Report	