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**MECHANISMS FOR COOPERATION BETWEEN THE
COMMISSION AND THE GOVERNING BODY OF THE
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

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MECHANISMS FOR COOPERATION BETWEEN THE COMMISSION AND THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

I. INTRODUCTION

1. The relationship between the Commission on Genetic Resources for Food and Agriculture (Commission) and the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (Governing Body) is particularly close.

Scope of work

The Commission and the Governing Body overlap in their scope of work. The Treaty relates to plant genetic resources for food and agriculture. The Commission's mandate was broadened in 1995 (FAO Conference Resolution 3/95) to cover all components of biological diversity for food and agriculture, including plant genetic resources for food and agriculture.

Supporting components of the Treaty under the guidance of the Commission

A number of elements of the FAO Global System for Plant Genetic Resources, which remain under the guidance of the Commission, are given specific roles in Part V of the Treaty, as "supporting components" of the Treaty. By Article 17.3 of the Treaty, "Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of *The State of the World's Plant Genetic Resources for Food and Agriculture* in order to facilitate the up-dating of the rolling *Global Plan of Action* referred to in Article 14 [of the Treaty]."

Recognised need for cooperation

The Treaty not only refers to elements of the FAO Global System that remain under the guidance of the Commission, it also reflects the need for cooperation, and coordination between its Governing Body and the Commission. Article 19.9 stipulates that sessions of the Governing Body should, as far as possible, be held back-to-back with the regular sessions of the Commission. No comparable provision exists as yet in the Commission's Statutes.

Membership

While all Contracting Parties to the Treaty are Members of the Commission, there are more than 50 Members of the Commission that have not yet joined the Treaty, though it is to be hoped that, over time, the Treaty will achieve universal membership.

2. In the spirit of cooperation, both the Commission and the Governing Body have expressed their willingness to cooperate and to coordinate their activities. The Commission, at its Tenth Regular Session, "suggested that work undertaken for the Commission and for the Governing Body of the International Treaty should be complementary, and optimize the potential for synergy between them".¹ The Commission also expressed its "willingness to develop its work on the Global System [on Plant Genetic Resources for Food and Agriculture] in ways that would complement the objectives of the International Treaty".² The Governing Body, at its first session in June 2006, "welcomed the Commission's offer to support the implementation of the Treaty, including through the further development of components of the FAO Global System on Plant Genetic Resources for Food and Agriculture, as part of the Commission's Multi-Year Programme

¹ Document CGRFA-10/04/REP, *Report of the Tenth Regular Session of the Commission on Genetic Resources for Food and Agriculture*, available on the internet at: <ftp://ftp.fao.org/ag/cgrfa/cgrfa10/r10repe.pdf>, paragraph 18.

² Document CGRFA-10/04/REP, paragraph 19.

of Work”.³ The Governing Body “stressed the need to develop close cooperation with the Commission, underlining the need to promote coherence and mutual supportiveness between the two bodies, including through the exchange of information. The Governing Body emphasized the need for close cooperation between the two Secretariats in the future”.⁴ The Governing Body also adopted its Funding Strategy, which states that:

*“Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture should, as appropriate, facilitate the implementation of the supporting components of the Treaty, in particular, The Global Plan of Action for the Conservation and of Plant Genetic Resources for Food and Agriculture”.*⁵

3. The present document provides summary information on the functions of the Governing Body with particular reference to the Commission, and the components of the FAO Global System on Plant Genetic Resources for Food and Agriculture that remain under the guidance of the Commission. Suggestions are then made as to how the Commission may wish to strengthen cooperation and synergy with the Governing Body, and on practical approaches to doing so, and the guidance of the Commission is sought.

II. FUNCTIONS OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

4. Article 19.1 of the Treaty provides that the Governing Body is composed of all Contracting Parties. As at 31 January 2007, the Treaty has 111 Contracting Parties. Its main function is to direct and promote the full implementation of the Treaty, and, in particular, to provide policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of the Treaty and, in particular, for the operation of the Multilateral System.

5. At its first session, the Governing Body adopted its Rules of Procedure,⁶ Financial Rules,⁷ and a Funding Strategy⁸ that aims at enhancing the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty. The Governing Body also adopted the Standard Material Transfer Agreement that will apply to the transfers of plant genetic resources under the Multilateral System.⁹

III. SUPPORTING COMPONENTS OF THE TREATY AND THE FAO GLOBAL SYSTEM ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

6. Since 1983, the Commission has developed the FAO Global System on Plant Genetic Resources for Food and Agriculture. Components of the FAO Global System include a number of the “supporting components” of the International Treaty.

7. The supporting components of the Treaty include:

³ Document IT/GB-1/06/Report, *First Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*, available on the internet at: <ftp://ftp.fao.org/ag/cgrfa/gb1/gb1repe.pdf>, paragraph 42.

⁴ Document IT/GB-1/06/Report, paragraph 43.

⁵ Document IT/GB-1/06/Report, *Appendix F*, paragraph VIII.15.

⁶ Document IT/GB-1/06/Report, *Appendix D*.

⁷ Document IT/GB-1/06/Report, *Appendix E*.

⁸ Document IT/GB-1/06/Report, *Appendix F*.

⁹ Document IT/GB-1/06/Report, *Appendix G*.

- The periodic *State of the World's Plant Genetic Resources for Food and Agriculture*,
- *The Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture*,
- *Ex situ* collections held by International Agricultural Research Centres and other international institutions,
- International plant genetic resources networks, and
- The Global Information System on Plant Genetic Resources for Food and Agriculture.

Supporting component	Reference in Treaty
<i>The State of the World's Plant Genetic Resources for Food and Agriculture</i>	Article 17.3

8. *The State of the World's Plant Genetic Resources for Food and Agriculture*¹⁰ was prepared under the guidance of the Commission in a country-driven process, and was welcomed by 150 countries at the Leipzig International Technical Conference on Plant Genetic Resources for Food and Agriculture in 1996, as the first comprehensive worldwide assessment of the status and use of plant genetic resources for food and agriculture. Following a decision of the Commission, FAO is currently preparing a second *State of the World's Plant Genetic Resources for Food and Agriculture*, with a target date of 2008.¹¹

9. The Treaty assigns an important role to the periodic reassessment of *The State of the World's Plant Genetic Resources*, for the updating of the rolling *Global Plan of Action*. Although the Governing Body is not directly involved in the preparation of *The State of the World's Plant Genetic Resources for Food and Agriculture*, which is overseen by the Commission, by Article 17.3 of the Treaty, "Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of *The State of the World's Plant Genetic Resources for Food and Agriculture* in order to facilitate the updating of the rolling *Global Plan of Action*". The Governing Body, in its first session, emphasized the need to avoid duplication of efforts, especially in the light of the preparations by the Commission for the second *State of the World's Plant Genetic Resources for Food and Agriculture*.

Supporting component	References in Treaty
<i>The Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture</i>	Recital No. 5, Articles 13.2, 13.5, 14, 17.3, 18.3

10. The first ever *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture* was formally adopted by representatives of 150 countries during the Fourth International Technical Conference on Plant Genetic Resources. FAO periodically monitors and updates *The Global Plan of Action*, under the guidance of the Commission.

11. Article 14 of the Treaty recognizes that "the rolling *Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture* is important to this Treaty [and that] Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation

¹⁰ Available on the Internet at <http://www.fao.org/ag/AGP/AGPS/Pgrfa/pdf/swrfull.pdf>.

¹¹ See document, *Progress in the preparation of the second The State of the World's Plant Genetic Resources for Food and Agriculture* (CGRFA-11/07/12).

to provide a coherent framework, *inter alia*, for capacity building, technology transfer and exchange of information.”

12. The Treaty recognises the important role to *The Global Plan of Action* in relation to benefit-sharing in the context of the Multilateral System, and, more specifically, in relation to its Funding Strategy: the priority activity areas in the rolling *Global Plan of Action* will be taken into account for the exchange of information, access to and transfer of technology, capacity-building, and the sharing of the benefits arising from commercialization.¹² The Funding Strategy states that “Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture should, as appropriate, facilitate the implementation of [...] in particular, *The Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*.”¹³ The Governing Body will take *The Global Plan of Action* into account when it periodically establishes a target for funding, in order to mobilize funding for priority activities, plans and programmes, in particular in developing countries and countries with economies in transition.¹⁴ The Governing Body, at its first session, requested the Commission to support the development of the Funding Strategy, in the context of its work in relation to the supporting components of the Treaty.¹⁵ The Governing Body also decided that the initial priorities of the Funding Strategy will be the priority activity areas of *The Global Plan of Action* for further development by the Governing Body.¹⁶

Supporting component	Reference in Treaty
<i>Ex situ collections of plant genetic resources for food and agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international institutions</i>	Article 15

13. In line with Article 7 of the International Undertaking, the Commission established the International Network of *Ex Situ* Collections under the Auspices of FAO, through agreements signed between FAO and the holders of such collections.

14. Article 15 of the Treaty provides for the Governing Body to sign agreements with the International Agricultural Research Centres of the CGIAR, and other relevant international institutions, regarding their *ex situ* collections of plant genetic resources for food and agriculture. At its first session, the Governing Body “approved” a model draft agreement.¹⁷ All international institutions that had earlier joined the International Network of *Ex Situ* Collections under the Auspices of FAO have already signed such agreements, or are in the process of doing so. The agreements under Article 15 of the Treaty replace the agreements previously concluded under Article 7 of the International Undertaking.

Supporting component	Reference in Treaty
International Plant Genetic Resources Networks	Article 16

15. Within the context of the FAO Global System and priority activity area 16 of *The Global Plan of Action*, the Commission promotes the development of crop, regional, and thematic

¹² Article 13.2.

¹³ Document IT/GB-1/06/Report, *Appendix F*, paragraph VIII.15.

¹⁴ Article 18.3.

¹⁵ Document IT/GB-1/06/Report, paragraph 17.

¹⁶ Document IT/GB-1/06/Report, *Appendix F*, paragraph III.4.

¹⁷ Document IT/GB-1/06/Report, *Appendix K*.

networks. A detailed study of existing international plant genetic resources for food and agriculture was carried out as background information on this subject.¹⁸

16. Article 16 of the Treaty states that “existing cooperation in international plant genetic resources for food and agriculture networks will be encouraged or developed on the basis of existing arrangements and consistent with the terms of this Treaty, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture”.

Supporting component	Reference in Treaty
The Global Information System on Plant Genetic Resources for Food and Agriculture	Article 17

17. Article 17.1 of the Treaty states that “the Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture, with the expectation that such exchange of information will contribute to the sharing of benefits, by making information on plant genetic resources for food and agriculture available to all Contracting Parties”.

18. The World Information and Early Warning System (WIEWS), which is overseen by the Commission, may be of value in this context. WIEWS is a worldwide dynamic mechanism to foster information exchange among Members, by gathering and disseminating information on plant genetic resources for food and agriculture, and supports the periodic assessment of *The State of the World’s Plant Genetic Resources for Food and Agriculture*.

19. WIEWS presently consists of:¹⁹

- A number of relational databases, resulting from direct contributions from Members and from routine (*e.g.*, World Seed Review; data gathering from publications; *etc.*) and event-related (*e.g.*, country reports for the Leipzig International Technical Conference) data collating activities;
- A Global Network of Country Correspondents on Plant Genetic Resources for Food and Agriculture, nominated by Members;
- A repository directory of documents and proceedings related to:
 - The activities of the Global Network on Plant Genetic Resources for Food and Agriculture Information Exchange;
 - The Early Warning System on Genetic Erosion; and
 - *The Global Plan of Action*.

20. At its last session, the Commission’s Working Group on Plant Genetic Resources for Food and Agriculture recommended that “the Commission invite the Governing Body of the International Treaty to develop the partnership required for the development of a Global Information System, through a series of consultations to address pertinent issues, in association with the Commission, in order to benefit from synergy with FAO’s World Information and Early Warning System”. The Working Group also recommended to invite the Governing Body “to utilise the new approach for monitoring the implementation of *The Global Plan of Action*, with its main outputs (the establishment of National Information Sharing Mechanisms and capacity-

¹⁸ Background Study Paper No. 16, *A summary and analysis of existing international plant genetic resources networks*, by Electra Kalaugher and Bert Visser, available on the Internet at <ftp://ftp.fao.org/ag/cgrfa/BSP/bsp16e.pdf>.

¹⁹ See http://apps3.fao.org/wiews/wiewspage.jsp?i_1=EN&show=Meetings/WSMeet.

building, as well as the information provided), as an essential element contributing to the Global Information System”.²⁰

IV. POSSIBLE WAYS OF STRENGTHENING COOPERATION WITH THE GOVERNING BODY

21. The Commission may wish to consider various possible ways of strengthening collaboration with the Governing Body. These include:

- Periodic reporting by the Commission on the supporting components of the Treaty;
- Coordination of the Work Programmes of the Commission and of the Treaty, and
- Conclusion of a formal agreement between the Governing Body and the Commission.

V. PERIODIC REPORTING BY THE COMMISSION ON THE SUPPORTING COMPONENTS OF THE TREATY

22. At its Tenth Regular Session in 2004, the Commission requested the Secretariat to prepare a document on actions taken by the Commission, and on its future work in relation to the FAO Global System, and decided that the Commission would present such a paper to the Governing Body. As a contribution to this, the Commission requested its subsidiary Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture “to identify and advise on activities undertaken by FAO, including through its Commission, to support the work of the Governing Body of the International Treaty, in relation to the Supporting Components of the Treaty, in order to move the process forward in a cost-effective and rational manner.”²¹ This has been done, and is available in the *Report of the Third Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture*.²² In providing input to the Commission’s Multi-Year Programme of Work (MYPOW), the Working Group noted, in particular, the importance of the relationship between the Commission and the Governing Body.

23. The Commission may accordingly wish to request its Secretariat to report succinctly to meetings of the Treaty’s Governing Body in relation to the further development of the supporting components of the Treaty.

VI. COORDINATION OF THE WORK PROGRAMMES OF THE COMMISSION AND OF THE TREATY

24. Given the key role of the Commission in relation to the supporting components of the Treaty, there will be a need for the two bodies to coordinate their work programmes. Within the work programme of the Commission, as reflected in the draft MYPOW that the Commission will discuss at this session, there are two main milestones, around which a number of preparatory issues cluster: the adoption of the second *State of the World’s Plant Genetic Resources for Food and Agriculture*, and the subsequent updating of *The Global Plan of Action*, which will draw on

²⁰ Document CGRFA-11/07/10, *Report of the Third Session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture*, paragraphs 16-18, available on the internet at <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPS/pgr/ITWG3rd/docsp1.htm>.

²¹ CGRFA-10/04/REP, *ibid*, paragraph 38.

²² Document CGRFA-11/07/10, paragraphs 9-20, available on the Internet at <http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPS/pgr/ITWG3rd/docsp1.htm>. Document CGRFA-11/07/11 provides information on *Follow-up to the recommendations of the Commission on Genetic Resources for Food and Agriculture regarding Plant Genetic Resources for Food and Agriculture*, in particular in relation to the Report of the Working Group.

the monitoring system of the WIEWS. The Commission may wish to inform the Governing Body of its time scheduling for these two major milestones, and to invite the Governing Body, in due course, to make any recommendations it wishes, to be taken into account in the preparation of the second *Global Plan of Action*, as well as on any other relevant matters.

25. While it may not be difficult to identify areas for joint cooperation, the Commission and the Governing Body may wish to explore appropriate procedures that allow both bodies to develop effective joint decision-making on areas of collaboration. Such procedures might include:

- Participation of the chairpersons of the one body in the meetings of the other body, when matters of common interest are being considered,
- The regular exchange of information, for example, on implementation of *The Global Plan of Action*, which may be of value to the Governing Body in the development and implementation of its Funding Strategy,
- The coordination of positions in major international processes and bodies, such as in the CBD, WIPO and the WTO, and
- Cooperation on individual projects.

26. In day-to-day terms, it is expected that the Secretariats of the Commission and of the Treaty will keep close contact and coordinate their work programmes.

VII. FORMAL COOPERATION BETWEEN THE GOVERNING BODY AND THE COMMISSION

27. It may be considered appropriate to establish formal cooperation between the Commission and the Governing Body. It should be borne in mind that the Commission (established under Article VI of the FAO Constitution) and the Treaty (established under Article XIV of the FAO Constitution), are both bodies of the FAO. As such, they do not have independent legal personality, and must draw on the legal personality of FAO. As a consequence, no formal agreement may be concluded between these two bodies. However, alternative practical approaches, such as a joint statement of intention, adopted by both the Commission and the Governing Body, specifying the areas and modalities of cooperation, would serve the same purpose.

VIII. GUIDANCE SOUGHT FROM THE COMMISSION

28. The Commission may wish to:

- Forward the present document and the report of this Session to the Second Session of the Governing Body;
- Inform the Governing Body of its intention to report regularly on developments regarding the supporting components of the Treaty that are under the aegis of the Commission;
- Inform the Governing Body of the scheduling of the relevant items of its MYPOW;
- Invite the Governing Body to make any representations it will regarding the process for the development of the updated *Global Plan of Action*;
- Request its Secretary to work closely, on a day-to-day basis, with the Secretary of the Governing Body;
- Propose to the Governing Body that a joint statement of intention be adopted by both the Governing Body and the Commission, specifying the areas and modalities of cooperation;

- Request its Secretary to report jointly with the Secretary of the Governing Body on the cooperation of the Commission and the Governing Body to the Second Session of the Governing Body, as requested by the Bureau of the Governing Body, and to reflect the guidance of the Commission in this session in this joint report.