

	<b>منظمة الأغذية والزراعة للأمم المتحدة</b> <b>联合国粮及农业组织</b> <b>FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS</b> <b>ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE</b> <b>ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION</b>	CPGR/85/3 February 1985
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Item 3 of the  
Provisional  
Agenda

COMMISSION ON PLANT GENETIC RESOURCES

FIRST SESSION

Rome, 11-15 March 1985

COUNTRY AND INTERNATIONAL INSTITUTIONS' RESPONSE  
TO CONFERENCE RESOLUTION 8/83 AND  
COUNCIL RESOLUTION 1/85

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COUNTRY AND INTERNATIONAL INSTITUTIONS' RESPONSE  
TO CONFERENCE RESOLUTION 8/83 AND  
COUNCIL RESOLUTION 1/85

I. INTRODUCTION

1. Resolution 8/83 (Annex I) on the International Undertaking on Plant Genetic Resources, as adopted by the Twenty-Second Session of the FAO Conference, requested the Director-General to transmit the Resolution and the attached International Undertaking to Member Nations of FAO, to non-member nations which are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, and to autonomous international institutions having responsibilities with respect to plant genetic resources and to invite them to declare their interest in the Undertaking and the extent to which they can give effect to the principles contained in the Undertaking (reference C 83/REP, para. 285).
2. The Director-General transmitted the text of the Resolution with a letter dated 22 February 1984 to 156 Member Nations of FAO, 13 Non-Member Nations, including the Union of Soviet Socialist Republics and the German Democratic Republic, UNEP and UNESCO, IUCN and CATIE and relevant Institutions supported by the CGIAR (CIAT, CIMMYT, CIP, IBPGR, ICARDA, ICRISAT, IITA, ILCA, IRRI and WARDA).
3. A follow-up letter of 12 October 1984, requested Member Nations which had not responded to the first communication to indicate their views. Follow-up cables were also sent to all the FAO Country Representatives, as well as letters to the Permanent Missions of Member Nations to FAO, on 26 November and 4 November 1984, respectively.
4. As requested by Conference Resolution 9/83, the Council, at its 85th Session held in Rome on 24 November 1983, established by Resolution 1/85 (Annex II) the Commission on Plant Genetic Resources.
5. The Director-General's Circular State Letter dated 6 April 1984 informed the Member Nations of FAO of the establishment of the Commission and requested them to indicate their interest in becoming members of the Commission.

II. RESPONSE OF COUNTRIES, ORGANIZATIONS AND INSTITUTIONS  
TO RESOLUTION 8/83 ON THE INTERNATIONAL UNDERTAKING  
ON PLANT GENETIC RESOURCES 1/

(A) Member Nations

6. Out of a total of 156 Member Nations, 64 (41 percent) have as of 12 February 1985, responded officially and, of these, 58 countries have agreed in principle to adhere to, or have expressed support for, the Undertaking (Annex III).

7. No replies to the Undertaking were received from 92 countries (Annex IV).

8. Out of the 45 Member Nations that wish to become Members of the Commission on Plant Genetic Resources (Annex V), 26 have not indicated their adherence to the Undertaking. If it can be assumed that their membership also entails support for the Undertaking, then the total number of FAO Member Nations agreeing to the Undertaking would be 84.

9. Six countries were unable to adhere to the Undertaking; five of them because of a lack of financial and manpower resources, but were otherwise sympathetic to the principles of the Undertaking. One country reiterated its objections, mainly related to the Undertaking being in conflict with national legislation and in its concern about duplication of efforts with IBPGR.

10. A total of 44 countries supported the Undertaking without restriction (Annex III), although nine provided some qualifications. Such qualifications included references to available government resources; requests for joint studies by national institutions and international bodies; and agreement to the Undertaking with the provision that plant genetic material will only be supplied on mutually agreed terms and conditions as envisaged under Article 5. One country, while expressing its support to the Undertaking is obliged to await the promulgation of the national seed law before arriving at a detailed decision with respect to the Undertaking.

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1/ Extracts of responses received are contained in background document CPGR/85/3 Add.1. The responses are shown in their original language if received in English, French or Spanish; otherwise they are given in their English or French translation. For reasons of economy translation into the five official languages of the Organization has not been possible.

11. Further qualifications given in the responses referred to participation in the Undertaking through an existing sub-regional gene bank and to the need not to conflict with other existing international agreements. One country felt it essential to develop an international network of base collections under the jurisdiction of FAO and offered its own national gene bank as part of the network. Another country stressed the importance of preserving the variability of genetic resources by the establishment of genebanks in areas of major genetic diversity.

12. Fourteen countries, while expressing support for the Undertaking, made specific reservations. Ten of these countries reserved their position with regard to Article 2.1(a)(v) in respect of plant breeders' rights and the free access to and exchange of private breeders' lines, which were not under government control. In addition, one of these countries reserved its position with respect to Article 2.1(a)(i), concerning cultivars in actual use, as they cannot be freely distributed. From among this group, two countries broadly indicated that Articles 5 and 7.2 can only be agreed to in respect of base collections, as inclusion of such material in an international network of genebanks is subject to the laws of the countries and therefore remains at the discretion of the respective governments.

13. Four other countries reserved their position with regard to Article 5 in respect of free access and exchange of plant genetic material under their control which is subject to their respective national laws and legislation.

14. Another country stated that it is not in a position to give effect to the International Undertaking with respect to Article 1.

15. With reference to Article 7.1(a), one country expressed reservations on the principle of unrestricted exchange. Its legislation does not permit unrestricted exchange of plant genetic resources.

16. Finally, three countries expressed reservations with regard to Article 9.2. Their participation in the International Undertaking will not bind them to the decisions and recommendations of the Commission on Plant Genetic Resources.

(b) Non-Member Nations

17. From among 13 Non-Member Nations of FAO, only three countries responded. One of these indicated its willingness to give all necessary attention to Resolution 8/83. The second agreed to comply with the Undertaking, subject to future legislation which will take account of plant breeders' rights. The third declined to participate in the Undertaking as it has no programme on plant genetic resources.

(c) UN Bodies and Agencies, International Organizations and Institutes

18. All the 12 Organizations and Institutes addressed to by the Director-General's letter of 22 February 1984 responded.

19. UNESCO and UNEP gave official support to the Undertaking and expressed their willingness to co-operate with the Commission on Plant Genetic Resources.

20. IUCN welcomed the Undertaking and was, as far as possible, ready to support and participate in the international arrangements. It considered that efforts towards a global binding agreement to ensure in situ conservation of genetic resources should continue in parallel with the implementation of the International Undertaking.

21. One regional international research institute declared its interest in the Undertaking and would be in a position to co-operate on an international basis mainly with regard to the tropics, and would in this context like their own collection to be recognized as part of the international network of base collections.

22. Of the eight International Research Centres of the CGIAR, one indicated its full concurrence with the Resolution as the aims of the Undertaking were the policy of all the International Research Institutes and were effectively promoted by IBPGR. It indicated its full support for the provisions of the Undertaking and offered its co-operation in the collection, conservation, distribution and utilization of plant genetic resources.

23. Three others expressed their agreement and full support of the principles of the Undertaking which was in line with their own policies as laid down in the respective mandates.

24. Four other Centres indicated that since the International Undertaking on Plant Genetic Resources was predicated on security of germplasm and its free availability, which were also basic to their own philosophy, they had no problems in agreeing with the aims of the Undertaking. However, since the Centres were independent institutions operating under Boards of Trustees, most of them would have to wait until their Boards met before making any formal commitment to the Undertaking.

25. IBPGR expressed satisfaction that the Undertaking had enhanced awareness of the importance of plant genetic resources. It also offered to continue its collaboration with FAO, but stressed the need to avoid overlapping of functions.

III. RESPONSE OF MEMBER COUNTRIES WISHING TO BE MEMBERS OF THE  
COMMISSION ON PLANT GENETIC RESOURCES

26. As of 12 February 1985, 45 countries had indicated their interest in becoming Members of the Commission (Annex V). Of this group 19 had also responded to the Undertaking. Of those wishing to be Members, some expressed the need for further clarification. One country, though interested, would like to learn the positions of other Member Nations before providing a definite reply.

27. A few countries without wishing to become members of the Commission commented on its establishment.

28. The Governments of two countries hold the view that in order for the Commission to assure comprehensive international co-operation, all countries irrespective of membership of FAO should be included and be eligible to fill elective offices in the Commission.

29. Yet another two countries expressed the view that the FAO Conference should reconsider membership of the inter-governmental body so as to be more representative than that of the present Commission.

IV. CONCLUDING REMARKS

30. The response of Governments to the International Undertaking on Plant Genetic Resources required more time than originally anticipated. That has particular relevance for some countries which have had to consult the various national sectors involved. It is expected that additional replies will even be received after the completion of this document on 12 February 1985. Moreover some replies did not clearly distinguish between adherence to the Undertaking and membership of the Commission. The analysis in this report only categorizes those responses where both items were clearly addressed.

31. More than one third of FAO Member Nations have so far expressed support for the Undertaking. Among them are a number of countries with important *in vitro* or *in situ* plant genetic resources. In addition, all the organizations and institutes addressed by the Director-General rendered their support, including the International Agricultural Research Centres of the CGIAR having major, crop genetic resources centres. The result can be considered as a favourable start, although immediate follow-up will be required to ensure world-wide coverage.

32. While a majority of responses expressed interest and support without restrictions, others specifically identified the extent to which a government would be ready to adhere to the Undertaking in accordance with point 2 of

Resolution 8/83. The restrictions expressed reflect particular situations in certain countries, although a number of them could be interpreted more as an expression of initial caution or even misunderstanding. Therefore it seems advisable to provide interpretation on particular paragraphs of the Undertaking to which reservations were expressed.

33. The unrestricted exchange of germplasm (Article 1) or the access to samples of germplasm of such resources (Article 5) are certainly not intended to provide a carte blanche for free access to all. The sovereignty of Governments responsible for such resources clearly has to be respected, and their desire for reciprocity in the exchange process is included in the substance of the Undertaking. In practice the exchange of germplasm can never be considered as a parochial definition similar to a barter agreement but rather as an open door policy with the end result being an exchange based on mutual interest. Moreover requests for germplasm would normally be channeled through genetic resources centres, FAO or ICPGR ascertaining the bona fide character of the request for use in research, plant breeding programmes or genetic resources conservation.

34. Another set of restrictions is related to the categories of plant genetic resources as listed in Article 2.1(a) of the Undertaking. So far as cultivated varieties (cultivars) in current use and newly developed varieties are concerned, these are not normally deposited in genebanks and therefore cannot be acquired by requests made to those institutions or governments controlling them. Requests can be directed to those public or private institutions producing basic or certified seed of that variety. To provide samples of varieties in use to bona fide users for scientific or breeding purposes is common practice and the seed laboratory of FAO handles several thousands of such requests each year. In addition such seed can be purchased on the open market. The request for unrestricted exchange of such samples cannot be interpreted as unauthorized commercialization of variety seed in competition with the breeder of the variety or cultivar in question.

35. Special genetic stocks, including elite and current breeders' lines and mutants (Article 2(a)(v)) were the restrictions of a number of countries in their adherence to the Undertaking. Such material can be available for exchange only when it has been deposited and documented in a genebank. Material from various stages of genetic improvements in active breeding work cannot be expected to be available for exchange as it would hardly be possible to identify it in any request or search. However important crosses, inbred lines or mutants containing particular gene combinations might well be deposited in genebanks and then become available for exchange purposes. In addition, International Agricultural Research Centres of the CGIAR make available advanced lines from their breeding programmes without restriction.

36. The above Interpretation of Articles 2 and 5 concerning the exchange of plant genetic resources does not conflict with current national Plant Breeders' Rights legislation in a number of countries. Such legislation regulates the commercialization of varieties but not the exchange of genetic resources for scientific, breeding or conservation purposes.

37. Other restrictions referred to in the responses related to specific international obligations of governments such as the Paris Convention or membership of the European Economic Community. As the International Undertaking on Plant Genetic Resources is not a legally binding instrument, adherence to it cannot be interpreted as a violation of existing legal instruments at national or international level.

38. Finally some responses referred to the need to avoid duplication of the Undertaking with the work of the IBPGR. The preparation of the First Session of the Commission on Plant Genetic Resources, as well as statements by the Director-General on various occasions to the CGIAR and to the Chairman of the IBPGR, should have clarified such concerns respecting the important technical and scientific role of IBPGR. The implementation of the Undertaking will require close collaboration with IBPGR and will not duplicate its work.





## TWENTY-SECOND SESSION OF THE FAO CONFERENCE

Rome, 54-23 November 1983

Resolution 8/83INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES 1/ 2/

THE CONFERENCE,

Recalling its Resolution 6/81 on plant genetic resources,Recognizing that:

(a) plant genetic resources are a heritage of mankind to be preserved, and to be freely available for use, for the benefit of present and future generations;

(b) full advantage can be derived from plant genetic resources through an effective programme of plant breeding, and that, while most such resources in the form of wild plants and old land races are to be found in developing countries, training and facilities for plant survey and identification and plant breeding are insufficient or even not available in many of those countries;

(c) plant genetic resources are indispensable for the genetic improvement of cultivated plants, but have been insufficiently explored and are in danger of erosion and loss;

Considering that:

(a) the international community should adopt a concrete set of principles designed to promote the exploration, preservation, documentation, availability and full use of relevant plant genetic resources essential to agricultural development;

(b) it is the responsibility of governments to undertake such activities as are needed to ensure the exploration, collection, conservation, maintenance, evaluation, documentation and exchange of plant genetic resources in the interest of all mankind; to provide financial and technological support to institutions engaged in such activities; and to ensure the equitable and unrestricted distribution of the benefits of plant breeding;

(c) progress in plant breeding is essential to the present and future development of agriculture; and the establishment or strengthening of plant breeding and seed production capabilities, at the national, sub-regional and regional levels, is a prerequisite to making efficient use of international cooperation in the exploration, collection, conservation, maintenance, evaluation, documentation and exchange of plant genetic resources;

1. Adopts the International Undertaking on Plant Genetic Resources attached hereto;

2. Requests the Director-General to transmit this Resolution and the attached International Undertaking to Member Nations of FAO, to non-Member Nations which are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, and to autonomous international institutions having responsibilities with respect to plant genetic resources, and to invite them to inform him whether or not they are interested in the Undertaking and to what extent they are in a position to give effect to the principles contained in the Undertaking;

- 1/ The delegation of New Zealand reserved its position on the text of the International Undertaking on Plant Genetic Resources because there was no provision which took account of plant breeders' rights.
- 2/ The delegations of Canada, France, Germany (Federal Republic of), Japan, Switzerland, United Kingdom and the United States of America reserved their positions with respect to the Resolution and the International Undertaking on Plant Genetic Resources.

3. Urges Governments and the aforesaid institutions to give effect to the principles of the Undertaking and to support and participate in the international arrangements outlined therein;

4. Endorses the Director-General's proposal for the establishment as soon as possible, within the framework of FAO, of an intergovernmental committee or other body on plant genetic resources open to all States interested in the Undertaking.

(Adopted 23 November 1983)

Annex to Resolution 8/83

INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

I. GENERAL

Article 1 - Objective

1. The objective of this Undertaking is to ensure that plant genetic resources of economic and/or social interest, particularly for agriculture, will be explored, preserved, evaluated and made available for plant breeding and scientific purposes. This Undertaking is based on the universally accepted principle that plant genetic resources are a heritage of mankind and consequently should be available without restriction.

Article 2 - Definitions and Scope

2.1 In this Undertaking:

- (a) "plant genetic resources" means the reproductive or vegetative propagating material of the following categories of plants:
  - (i) cultivated varieties (cultivars) in current use and newly developed varieties;
  - (ii) obsolete cultivars;
  - (iii) primitive cultivars (land races);
  - (iv) wild and weed species, near relatives of cultivated varieties;
  - (v) special genetic stocks (including elite and current breeders' lines and mutants);
- (b) "base collection of plant genetic resources" means a collection of seed stock or vegetative propagating material (ranging from tissue cultures to whole plants) held for long-term security in order to preserve the genetic variation for scientific purposes and as a basis for plant breeding;
- (c) "active collection" means a collection which complements a base collection, and is a collection from which seed samples are drawn for distribution, exchange and other purposes such as multiplication and evaluation;
- (d) "institution" means an entity established at the international or national level, with or without legal personality, for purposes related to the exploration, collection, conservation, maintenance, evaluation or exchange of plant genetic resources;
- (e) "centre" means an institution holding a base or active collection of plant genetic resources, as described in Article 7.

2.2 This Undertaking relates to the plant genetic resources described in para. 2.1(a), of all species of economic and/or social interest, particularly for agriculture at present or in the future, and has particular reference to food crops.

Article 3 - Exploration of Plant Genetic Resources

3.1 Governments adhering to this Undertaking will organize or arrange for missions of exploration, conducted in accordance with recognized scientific standards, to identify potentially valuable plant genetic resources that are in danger of becoming extinct in the country concerned, as well as other plant genetic resources in the country which may be useful for development but whose existence or essential characteristics are at present unknown, in particular:

- (a) known land races or cultivars in danger of becoming extinct due to their abandonment in favour of the cultivation of new cultivars;
- (b) the wild relatives of cultivated plants in areas identified as centres of genetic diversity or natural distribution;
- (c) species which are not actually cultivated but may be used for the benefit of mankind as a source of food or raw materials (such as fibres, chemical compounds, medicine or timber).

3.2 Special efforts will be made, in the context of Article 3.1, where the danger of extinction of plant species is certain, or is likely, having regard to circumstances such as the clearance of vegetation from tropical rain forests and semi-arid lands with a view to the expansion of cultivated areas.

Article 4 - Preservation, Evaluation and Documentation of Plant Genetic Resources

4.1 Appropriate legislative and other measures will be maintained and, where necessary, developed and adopted to protect and preserve the plant genetic resources of plants growing in areas of their natural habitat in the major centres of genetic diversity.

4.2 Measures will be taken, if necessary through international cooperation, to ensure the scientific collection and safeguarding of material in areas where important plant genetic resources are in danger of becoming extinct on account of agricultural or other development.

4.3 Appropriate measures will also be taken with respect to plant genetic resources held, outside their natural habitats, in gene banks or living collections of plants. Governments and institutions adhering to this Undertaking will, in particular, ensure that the said resources are conserved and maintained in such a way as to preserve their valuable characteristics for use in scientific research and plant breeding, and are also evaluated and fully documented.

Article 5 - Availability of Plant Genetic Resources

5. It will be the policy of adhering Governments and institutions having plant genetic resources under their control to allow access to samples of such resources, and to permit their export, where the resources have been requested for the purposes of scientific research, plant breeding or genetic resource conservation. The samples will be made available free of charge, on the basis of mutual exchange or on mutually agreed terms.

**II. INTERNATIONAL COOPERATION**

Article 6 - General

6. International cooperation will, in particular, be directed to:

- (a) establishing or strengthening the capabilities of developing countries, where appropriate on a national or sub-regional basis, with respect to plant genetic resources activities, including plant survey and identification, plant breeding and seed multiplication and distribution, with the aim of enabling all countries to make full use of plant genetic resources for the benefit of their agricultural development;

- (b) intensifying international activities in preservation, evaluation, documentation, exchange of plant genetic resources, plant breeding, germ plasm maintenance, and seed multiplication. This would include activities carried out by FAO and other concerned agencies in the UN System; it would also include activities of other institutions, including those supported by the CGIAR. The aim would be to progressively cover all plant species that are important for agriculture and other sectors of the economy, in the present and for the future;
- (c) supporting the arrangements outlined in Article 7, including the participation in such arrangements of governments and institutions, where appropriate and feasible;
- (d) considering measures, such as the strengthening or establishment of funding mechanisms, to finance activities relating to plant genetic resources.

Article 7 - International Arrangements

7.1 The present international arrangements, being carried out under the auspices of FAO and other organizations in the United Nations System, by national and regional institutions and institutions supported by the CGIAR, in particular the IBPGR, for the exploration, collection, conservation, maintenance, evaluation, documentation, exchange and use of plant genetic resources will be further developed and, where necessary, complemented in order to develop a global system so as to ensure that:

- (a) there develops an internationally coordinated network of national, regional and international centres, including an international network of base collections in gene banks, under the auspices or the jurisdiction of FAO, that have assumed the responsibility to hold, for the benefit of the international community and on the principle of unrestricted exchange, base or active collections of the plant genetic resources of particular plant species;
- (b) the number of such centres will be progressively increased so as to achieve as complete a coverage as necessary, in terms of species and geographical distribution, account also being taken of the need for duplication, of the resources to be safeguarded and preserved;
- (c) the activities of the centres that are related to the exploration, collection, conservation, maintenance, rejuvenation, evaluation and exchange of plant genetic resources will be carried out with due account being taken of scientific standards;
- (d) sufficient support in funds and facilities will be provided, at the national and international levels, to enable the centres to carry out their tasks;
- (e) a global information system, under the coordination of FAO, relating to plant genetic resources maintained in the aforementioned collections, and linked to systems established at the national, sub-regional and regional levels, will be developed on the basis of relevant arrangements that already exist;
- (f) early warning will be given to FAO, or to any institution designated by FAO, of any hazards that threaten the efficient maintenance and operation of a centre, with a view to prompt international action to safeguard the material maintained by the centre;
- (g) the IBPGR pursues and develops its present activities, within its terms of reference, in liaison with FAO;
- (h) (i) the general expansion and improvement of related professional and institutional capability within developing countries, including training within appropriate institutions in both developed and developing countries, is adequately funded; and (ii) the overall activity within the Undertaking ultimately ensures a significant improvement in the capacity of developing countries for the production and distribution of improved crop varieties, as required to support major increases in agricultural production, especially in developing countries.

7.2 Within the context of the global system any Governments or institutions that agree to participate in the Undertaking, may, furthermore, notify the Director-General of FAO that they wish the base collection or collections for which they are responsible to be recognized as part of the international network of base collections in gene banks, under the auspices or the jurisdiction of FAO. The centre concerned will, whenever requested by FAO, make material in the base collection available to participants in the Undertaking, for purposes of scientific research, plant breeding or genetic resource conservation, free of charge, on the basis of mutual exchange or on mutually agreed terms.

#### Article 8 - Financial Security

8.1 Adhering Governments, and financing agencies, will, individually and collectively, consider adopting measures that would place activities relevant to the objective of this Undertaking on a firmer financial basis, with special consideration for the need of developing countries to strengthen their capabilities in genetic resource activities, plant breeding and seed multiplication.

8.2 Adhering Governments, and financing agencies, will, in particular, explore the possibility of establishing mechanisms which would guarantee the availability of funds that could be immediately mobilized to meet situations of the kind referred to in Article 7.1(f).

8.3 Adhering Governments and institutions, and financing agencies, will give special consideration to requests from FAO for extra-budgetary funds, equipment or services needed to meet situations of the kind referred to in Article 7.1(f).

8.4 The funding of the establishment and operation of the international network, insofar as it imposes additional costs on FAO, in the main will be funded from extra-budgetary resources.

#### Article 9 - Monitoring of Activities and Related Action by FAO

9.1 FAO will keep under continuous review the international situation concerning the exploration, collection, conservation, documentation, exchange and use of plant genetic resources.

9.2 FAO will, in particular, establish an intergovernmental body to monitor the operation of the arrangements referred to in Article 7, and to take or recommend measures that are necessary or desirable in order to ensure the comprehensiveness of the global system and the efficiency of its operations in line with the Undertaking.

9.3 In the performance of its responsibilities outlined in Part II of this Undertaking, FAO will act in consultation with those Governments that have indicated to FAO their intention to support the arrangements referred to in Article 7.

### III. OTHER PROVISIONS

#### Article 10 - Phytosanitary Measures

10. This Undertaking is without prejudice to any measures taken by Governments - in line with the provisions of the International Plant Protection Convention, adopted in Rome on 6 December 1951 - to regulate the entry of plant genetic resources with the aim of preventing the introduction or spread of plant pests.

#### Article 11 - Information on the Implementation of this Undertaking

11. At the time of adhering, Governments and institutions will advise the Director-General of FAO of the extent to which they are in a position to give effect to the principles contained in the Undertaking. At yearly intervals, they will provide the Director-General of FAO with information on the measures that they have taken or propose to take to achieve the objective of this Undertaking.





ANNEX II

EIGHTY-FIFTH SESSION OF THE FAO COUNCIL  
Rome, 24 November 1983

Resolution 1/85

ESTABLISHMENT OF A COMMISSION ON PLANT GENETIC RESOURCES 1/

THE COUNCIL

Having noted Conference Resolution 8/83 on an International Undertaking on Plant Genetic Resources and,

Having further noted Conference Resolution 9/83 on the Establishment of a Commission on Plant Genetic Resources, and

Having considered the relevant provisions of the Basic Texts of the Organization and in particular Article VI.1 of the Constitution and the "Principles and Procedures which should govern Conventions and Agreements concluded under Articles XIV and XV of the Constitution, and Commissions and Committees established under Article VI of the Constitution", set out in Appendix R of the Basic Texts of the Organization,

Decides to establish, under Article VI.1 of the Constitution, a Commission to be known as "the Commission on Plant Genetic Resources" the Statutes of which shall be as follows:

1. Membership

The Commission shall be open to all Member Nations and Associate Members of the Organization. It shall be composed of those Member Nations or Associate Members which notify the Director-General of their desire to be considered as Members,

2. Terms of Reference

The terms of reference of the Commission shall be:

- (a) to monitor the operation of the arrangements referred to in Article 7 of "The International Undertaking on Plant Genetic Resources", hereinafter referred to as "the Undertaking";
- (b) to recommend measures that are necessary or desirable in order to ensure the comprehensiveness of the global system and the efficiency of its operation in line with "the Undertaking"; and in particular,
- (c) to review all matters relating to the policy, programmes and activities of FAO in the field of plant genetic resources, and to give advice to the Committee on Agriculture or, where appropriate, to the Committee on Forestry.

3 Sessions

Sessions of the Commission shall normally be held at the Headquarters of the Organization at the time of regular sessions of the Committee on Agriculture (COAG). The first session shall be convened by the Director-General and thereafter in consultation with the Chairman of the Commission.

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1/ The Governments of Canada, France, Germany (Federal Republic of), Japan, United Kingdom and United States of America reserved their positions with respect to this Resolution.

4. Subsidiary bodies

- (a) The Commission may establish such subsidiary bodies as may be required for the effective discharge of its functions;
- (b) the establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization or from extra-budgetary sources. Before taking any decision involving expenditure in connexion with the establishment of subsidiary bodies, the Commission shall have before it a report from the Director-General on the programme, administrative and financial implications thereof.

5. Reporting

At the conclusion of each session, the Commission shall submit to the Director-General a report on its activities and recommendations taking into account the need for the Director-General to be in a position to take such reports into consideration when preparing the draft Programme of Work and Budget of the Organization or other submissions to the Organization's governing bodies. The Director-General shall bring to the attention of the Conference through the Council any recommendations adopted by the Commission which have policy implications or which affect the programme or finances of the Organization. As soon as they become available, copies of each report of the Commission will be circulated to Member Nations and Associate Members of the Organization and also to international organizations and agencies that are concerned with Plant Genetic Resources.

6. Secretariat and Expenses

- (a) The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him. The expenses of the Secretariat of the Commission shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization;
- (b) expenses incurred by representatives of members of the Commission, their alternates or advisers, when attending sessions of the Commission or its subsidiary bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.

7. Observers

The participation as observers of Member Nations and Associate Members that are not members of the Commission, of states which are not Members or Associate Members of the Organization, and of international organizations shall be governed by the relevant provisions of the principles adopted by the Conference,

8. Rules of Procedure

The Commission may adopt and amend its own rules of procedure, which shall be in conformity with the Constitution and the General Rules of the Organization and with the statement of principles governing commissions and committees adopted by the Conference.<sup>1/</sup> The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.

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<sup>1/</sup> See Basic Texts, Section R.

## ANNEX III

LIST OF COUNTRIES WHICH RESPONDED TO RESOLUTION 8/83 ON THE UNDERTAKING

	AFRICA	ASIA	EUROPE	LATINA AMERICA AND THE CARIBBEAN	NEAR EAST	NORTH AMERICA	SOUTHWEST PACIFIC
Support without Restrictions	Burkina Faso Cape Verde Central African Republic Gabon Guinea Kenya Liberia Madagascar Malawi Mali Mauritania Mauritius Mozambique Zambia	Bangladesh China Iceland Korea, Republic of Nepal Philippines Sri Lanka	Cyprus Greece Iceland Liechtenstein* Spain	Antigua and Barbuda Barbados Chile Cuba Dominica El Salvador Haiti Honduras Mexico Paraguay	Bahrain Iraq Kuwait Lebanon Syria Yemen (PDR)		Fiji Solomon Islands Tonga
Support with Restrictions	Zimbabwe		Denmark Finland France Germany, F.R. Netherlands Norway Sweden Turkey United Kingdom	Colombia Jamaica	Oman		New Zealand
Not able to support	Seychelles	Maldives Singapore*		Belize		United States	Papua New Guinea Vanuatu

\* Non-member Nations

FAO MEMBER NATIONS WHICH HAVE NOT RESPONDED TO RESOLUTION 8/83 ON THE UNDERTAKING

AFRICA	ASIA	EUROPE	LATINA AMERICA AND THE CARIBBEAN	NEAR EAST	NORTH AMERICA	SOUTHWEST PACIFIC
Algeria	Bhutan	Albania	Argentina*	Afghanistan*	Canada	Australia
Angola	Burma	Austria	Bahamas	Djibouti		Samoa
Benin*	Democratic Kampuchea	Belgium	Brazil*	Egypt*		
Botswana*	Korea, DPR	Bulgaria	Costa Rica	Iran*		
Burundi	Indonesia	Czechoslovakia	Dominican Republic	Jordan		
Cameroon*	Hungary		Grenada	Libya		
Chad	Japan	Ireland	Guatemala*	Qatar		
Comoros	Laos	Israel	Guyana	Saudi Arabia		
Congo*	Malaysia	Italy	Nicaragua	Somalia		
Equatorial Guinea	Mongolia	Luxemburg	Panama*	Sudan		
Ivory Coast	Pakistan*	Malta	Peru*	United Arab Emirates		
Lesotho	Thailand*	Poland	St. Christopher and Nevis	Yemen (AR)*		
Morocco*	Viet Nam	Portugal*	St. Lucia*			
Namibia		Romania	St. Vincent and the Grenadines*			
Niger		Switzerland	Suriname			
Nigeria		Yugoslavia*	Trinidad and Tobago			
Rwanda			Uruguay*			
Sao Tome and Principe			Venezuela			
Senegal*						
Sierra Leone*						
Swaziland*						
Tanzania						
Togo						
Tunisia*						
Uganda						
Zaire						

\* Countries which have agreed to be Members of the Commission

COUNTRIES AGREEING TO BE MEMBERS OF THE COMMISSION ON PLANT GENETIC RESOURCES

AFRICA	ASIA	EUROPE	LATINA AMERICA AND THE CARIBBEAN	NEAR EAST	NORTH AMERICA	SOUTHWEST PACIFIC
Benin*	India	Denmark	Argentina*	Afghanistan*		
Botswana*	Pakistan*	Finland	Barbados	Egypt*		
Cameroon*	Philippines	Greece	Belize	Iran*		
Congo*	Thailand*	Iceland	Bolivia	Syria		
Gambia*		Netherlands	Brazil*	Yemen (AR)*		
Morocco*		Portugal*	Chile			
Senegal*		Spain	Ecuador*			
Sierra Leone*		Sweden	El Salvador*			
Tunisia*		Turkey	Guatemala*			
		United Kingdom	Haiti			
		Yugoslavia*	Mexico			
			Panama*			
			Peru*			
			St. Lucia*			
			St. Vincent and the Grenadines*			
			Uruguay*			

\* Countries which have not responded to Resolution 8/83 on the Undertaking