

	منظمة الأغذية والزراعة للأمم المتحدة	CPGR/87/3/Add.1 17 March 1987
	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	
	ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION	

COMMISSION ON PLANT GENETIC RESOURCES

Second Session

Rome, 16-20 March 1987, Green Room

SECOND MEETING OF THE WORKING GROUP OF THE
COMMISSION ON PLANT GENETIC RESOURCES

12-13 March 1987

Chairman's Report

The second meeting of the Working Group was held last week under my chairmanship.

The Working Group decided to focus its discussions on items 5, 6, 10 and 4, in that order. It considered these items to be interrelated, and felt that their discussion by the Working Group could facilitate the work of the Commission.

The Working Group acknowledged that document CPGR/87/5 offered much useful information on the legal situation of the plant genetic resource base and active collections. The Group likewise observed that only two existing gene banks could strictly be considered international. It added that while a number of fairly complex laws governed seed production, legislation on plant genetic resources was scant, and allowed too broad a margin for different interpretations. There were many gaps and confusions with respect to the ownership of germplasm as well. This was particularly true (and particularly worrying) for germplasm now held in the international centres. In view of the foregoing, the Working Group considered that existing legislation on germplasm could not guarantee free access to plant genetic resources, and agreed on the need to establish a network of base collections under the auspices and/or jurisdiction of FAO, as soon as possible, as stipulated in Article 7 of the Undertaking, and in line with the models proposed in document CPGR/87/6. Most delegations expressed their preference for model "B", model "C" being considered a good alternative choice. Model "A", though theoretically ideal, was considered probably too expensive and not sufficiently realistic, whereas "D" was held to be insufficient on all counts. Despite this, the Working Group agreed to recommend to the Commission that all four models proposed by the Secretariat be retained, considering them to be representative examples within a broad gamut of possible agreements in which "A" and "D" would constitute the most and least acceptable models.

The Working Group agreed on the need for FAO to contact governments, international centres and other organizations maintaining genebanks to ascertain whether they might be interested in participating in the establishment of this international network, and either contributing physical space to store international collections in their banks, or contributing germplasm, or both. Should their answer be yes, and in the light of the discussions of the Commission, they should indicate the main features of the agreements they would like to see drawn up.

During the discussion on item 10, there was unanimous agreement on the need to establish the International Fund for Plant Genetic Resources as soon as possible, taking into consideration the tenets of Article 8 of the International Undertaking. The Working Group observed with satisfaction that there were no technical barriers to opening this Fund, to which not only donor governments but also non-governmental organizations, private industry and other groups might contribute.

The Working Group considered that plant genetic improvement and seed production should, together with the conservation of plant genetic resources, be among the activities to be financed by the said Fund. This would make it more attractive to donor countries. It would also make it possible to promote the use as well as the conservation of their plant genetic resources within the recipient countries, and would be in line with the tenets of the Undertaking.

The Working Group agreed that the Fund should be established as soon as possible, as this would mean opening up the economic channels necessary for the development of the Undertaking, and considered that no prior consultation was necessary. After a period of time, the results obtained could be analysed and if they were not held to be sufficiently satisfactory the suitability of closing it might then be considered. The ratification of the establishment of the Fund by the next Conference was not indispensable, but might well confer a greater moral authority on the Fund.

During the discussion of document CPGR/87/4, the Working Group agreed that the breeding of modern commercial plant varieties had been made possible first of all by the constant and joint efforts of the people/farmers (in the broad sense of the word) who had first domesticated wild plants and conserved and genetically improved the cultivated varieties over the millennia. Thanks were due in the second place to the scientists and professional people who, utilizing these varieties as their raw material, had applied modern techniques to achieve the giant strides made over the last 50 years in genetic improvement. In recent years some countries had incorporated the rights of the latter group into law as "Breeders' Rights" i.e. the right of professional plant breeders or the commercial companies which employ them to participate in the financial benefits derived from the commercial exploitation of the new varieties. However, as document CPGR/87/4 pointed out, there was presently no explicit acknowledgement of the rights of the first group, in other words, no "Farmers' Rights". The

Working Group considered such rights to be fair recognition for the spade work done by thousands of previous generations of farmers, and which had provided the basis for the material available today and to which the new technologies were in large measure applied. The Group agreed that what was at issue here was not individual farmers or communities of farmers but the rights of entire peoples who, though having bred, maintained and improved cultivated plants, had still not achieved the benefits of development nor had they the capacity to produce their own varieties. Alternative names such as "right of the countries of origin" or "gene donors", were proposed, but the conclusion was that the name "rights of farmers" was the most expressive.

The Working Group explicitly refused to give a definition of the "Right of Farmers" but was unanimous in recommending its recognition by the Commission. Many delegations asked the Secretariat to examine possible mechanisms for giving concrete expression to this right (to the extent possible), in specific activities designed to promote and develop national germplasm conservation programmes, plant genetic improvement, and seed production in the developing countries, and through the International Fund discussed in item 10.

In discussing part 2 of document CPGR/87/4, the Working Group agreed on the need to enlist greater country participation in the Undertaking and unanimously recommended adoption of the second option presented by the Secretariat for this purpose, i.e. to negotiate a simple, single interpretation for the Undertaking, which would be maintained in its present terms. The principal objective of this interpretation would be to broaden consensus and make the Undertaking operative. The Group considered that the first option, i.e. recognition of the status quo, did not represent any progress with respect to the present situation, whereas the third. option, amending the Undertaking, could give rise to complex technical and legal problems.

The Working Group recommended that the foundations for arriving at this single interpretation be established by a small, informal contact group, made up of delegates standing for the various options. Participation in the contact group would be voluntary, and would be open to observers as well. This contact group would meet during the second session of the Commission, i.e. now. The Working Group agreed that the three major items which should be negotiated by the contact group were:

- Breeder Rights;
- Farmer Rights; and,
- The free exchange of genetic material.

The Working Group concurred that Breeder Rights and Farmer Rights were parallel and complementary rather than opposed, and that the simultaneous recognition and international legitimization of both these rights could help to boost and speed up the development of the people of the world.