REPORT

Rome,
Italy,
17–21
April
1989

Commission on Plant Genetic Resources

Third session

Food and Agriculture Organization
of the United Nations

CPGR/89/REP

REPORT OF THE

COMMISSION ON PLANT GENETIC RESOURCES

Third Session

Rome, 17 - 21 April 1989

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Rome, 1989

TABLE OF CONTENTS

INTRODUCTION

1. The Third Session of the Commission on Plant Genetic Resources was held in Rome from 17 to 21 April 1989. Since its Second Session in 1987, ten new members had joined the Commission: the membership thus stood at 96. The list of members of the Commission and countries which have adhered to the International Undertaking on Plant Genetic Resources is attached as Appendix B. The Session was attended by representatives of 63 Member Nations which are members of the Commission, by observers from 13 other Member Nations, by an observer from one United Nations Member State which is not a Member of FAO, by representatives from the United Nations Environment Programme and the United Nations Industrial Development Organization, by representatives from the European Economic Community, and by observers from eleven international organizations. The list of delegates and observers is attached as Appendix C.

ELECTION OF CHAIRMAN AND VICE-CHAIRMEN

2. The Commission elected Mr. Horacio M. Carandang (Philippines) as Chairman of the Commission, Mr. José Miguel Bolivar (Spain) as first Vice-Chairman, and Mr. Melaku Worede (Ethiopia) as second Vice-Chairman.

3. Mr. C.H. Bonte-Friedheim, Assistant Director-General, Department of Agriculture, informed the Commission of the successful establishment of the International Fund on Plant Genetic Resources, and of the contributions so far received. He mentioned the recent meeting of the Working Group, which had paved the way for the discussions of the Commission itself, and reviewed some of the main issues that would be covered. Mr. Bonte-Friedheim informed the Commission of the decision of the International Board for Plant Genetic Resources (IBPGR) to separate from FAO and relocate its headquarters from Rome to Copenhagen; this would be the subject of a new paper to be presented to the Commission for its consideration. Mr. Bonte-Friedheim underlined FAO's long interest and involvement in the conservation and use of plant genetic resources and biodiversity in general; he noted that the next session of the Committee on Agriculture (COAG) would discuss the preservation of animal genetic resources, which might lead to a recommendation to enlarge the mandate of the Commission on Plant Genetic Resources to cover other genetic resources as well. In concluding, he expressed the Director-General's hope that the Commission would reach consensus on the major issues, paving the way for further assistance to developing countries for the protection of all endangered plant species, to the benefit of farmers everywhere, and of future generations.

ADOPTION OF THE AGENDA AND TIMETABLE FOR THE SESSION

4. The Agenda as adopted is set out in Appendix A. The list of documents appears as Appendix D.

5. The Commission appointed the following members to the Drafting Committee: Australia, Cyprus, Ethiopia, Guinea, India, Indonesia, Libya, Mexico, Norway, Peru, Spain and the United Kingdom. Mr. M. A. Cuadra Palafox of Mexico was elected Chairman of the Drafting Committee.

REPORT OF THE THIRD MEETING OF THE WORKING GROUP ON PLANT GENETIC RESOURCES

6. The Chairman of the Working Group, Ambassador Carlos Di Mottola Balestra, reported on the third meeting of the Working Group, which was held on 13 and 14 April 1989 at FAO, Rome. His report is attached as Appendix E. The Working Group discussed, in particular, items 4 (Progress Report on the International Undertaking on Plant Genetic Resources) and 6 (Overall Review of FAO's Activities in Plant Genetic Resources and Progress Report on the International Fund for Plant Genetic Resources) of the proposed agenda for the Commission's Third Session. The meeting also discussed IBPGR's decision to move its Headquarters to Denmark.

7. The Working Group considered that document CPGR/89/5, which reviewed FAO's activities in plant genetic resources, gave an excellent overview of this work, and that the various matters it presented constituted a useful basis for developing a plan of work for the Commission.

8. The Chairman highlighted the global framework which FAO had established since 1983, to coordinate actions in the field of plant genetic resources, and which consisted of a basic legal document - the International Undertaking on Plant Genetic Resources, an international forum - the Commission on Plant Genetic Resources, and a financial mechanism - the International Fund for Plant Genetic Resources. The Working Group welcomed this global framework and, in particular, the establishment of the International Fund.

9. The Working Group stressed the need for close cooperation between all organizations involved in plant genetic resources activities, and proposed the establishment of an Advisory Committee, which should include all the parties interested. The Working Group also proposed the development of a Code of Conduct for collectors of plant genetic resources.

10. The Chairman reported that progress had been made towards an agreed interpretation of certain articles of the International Undertaking, in particular, the matter of the free exchange of plant genetic resources, the question of plant breeders' rights, and the proposals made during the Second Session of the Commission with respect to farmers' rights.

11. The Working Group expressed strong concern about the proposed separation of IBPGR from FAO, particularly because FAO had until now provided the necessary legal and political cover for IBPGRs' activities. The Working Group considered that the various financial, legal and administrative consequences of the separation would need further study. It also expressed concern that proper arrangements should be made for the various documents and data bases that had been jointly developed by IBPGR and FAO.

12. The Commission agreed that the report of the Third Meeting of the Working Group should be further discussed under the various agenda items concerned.

OVERALL REVIEW OF FAO'S ACTIVITIES IN PLANT GENETIC RESOURCES, AND PROGRESS REPORT ON THE ESTABLISHMENT OF THE INTERNATIONAL FUND FOR PLANT GENETIC RESOURCES

13. The Commission recognized the useful information given in document CPGR/89/5 regarding the historical and legal context of FAO's activities and the role of the Commission on Plant Genetic Resources; the document identifies

the matters that the Commission would have to deal with to carry out its work in a systematic way. The Commission appreciated the pioneering work that FAO had undertaken since 1947, and agreed that the Organization had, since 1983, developed a unique and irreplaceable global system on plant genetic resources.

This included:

(i) the International Undertaking, a legal framework to ensure the conservation, use and availability of these resources;

(ii) the Commission, a unique intergovernmental forum, where countries which were donors or users of germplasm, funds and technology, could seek consensus on subjects of global interest; and

(iii) the International Fund, a financial mechanism which would permit the implementation of the principles of the International Undertaking, to the equitable benefit of both the countries which contributed germplasm, and those which contributed funds and technology.

14. It was agreed that the main task of the Commission was to keep under permanent review the overall situation of plant genetic resources, and to monitor progress in fulfilling the objectives of the International Undertaking.

15. The Commission generally endorsed the proposal for systematizing its work contained in paragraphs 22 to 44 of CPGR/89/5. The Commission agreed that the Secretariat should prepare periodical reports on FAO's activities, programmes and policies for its consideration. The Commission recommended that the Secretariat should periodically prepare a report on the State of the World's Plant Genetic Resources, with the cooperation of the other bodies concerned. The report should analyse the current plant genetic resources situation, and describe activities and programmes being carried out by regional, international and non-governmental organizations, with the aim of identifying gaps, constraints, and emergency situations; this would allow the Commission to recommend priorities, and ways of harmonizing the overall effort.

16. The Commission noted that financial constraints had resulted in its recommendation on the development of a Global Information System on Plant Genetic Resources not being implemented. It again recommended the establishment of a flexible but comprehensive information system, in close cooperation with those organizations which are already working in this field. The Commission also agreed that, as part of this system, an Early Warning System should be developed, to draw rapid attention to hazards threatening the operation of genebanks holding base collections, and to the danger of the extinction of plant species and the loss of genetic diversity throughout the world.

17. The Commission noted the proposal for an Action Plan, but considered that this needed careful consideration before being endorsed and requested its Working Group to study the possible form such an action plan might take, and the financial implications.

18. The Commission encouraged FAO to pursue the development, in cooperation with other organizations, of an international network of base collections, including those under the auspices of FAO, as provided for by Article 7 of the Undertaking.

19. The Commission considered that implementation of the International Undertaking, and the many activities this would involve, was a task which would have to draw on the resources of all the world's countries, and also involve, by means of appropriate coordination, intergovernmental, international, regional and non-governmental organizations working in this field. The Commission therefore recommended that its Working Group develop its proposal for the establishment of an Advisory Committee to foster dialogue between the organizations involved, harmonize responsibilities, and promote cooperation.

20. The Commission expressed its strong concern at the proliferation of the institutions and organizations initiating programmes on plant genetic resources and biological diversity, each of which had its own mandate and priorities. It felt that there was a possibility of a duplication of efforts and a waste of resources, which the proposed Advisory Committee might help avoid. The Commission considered that it was necessary to utilize all possible means to ensure adequate coordination among all bodies which were engaged in plant genetic resources work.

21. The Commission considered another important task to be the development of international agreements for the conservation and use of plant genetic resources. In this respect, it recommended that the Secretariat, in cooperation with the Working Group, draft a Code of Conduct for international collectors of germplasm, to also cover the conservation and use of plant genetic resources. Further tasks were to promote strategies for regional cooperation, and cooperation with non-governmental organizations, which were broadly supported.

22. Most members of the Commission expressed satisfaction with the establishment of the International Fund for Plant Genetic Resources and with the contributions received so far.

23. However, many members expressed concern about the limited amounts received, given the multitude of activities to be undertaken, and emphasized the need for increased contribution in the future.

24. The Commission also welcomed the contributions in kind that have been made to the Fund, including space in national genebanks, offers of in-service training in national institutions, and the donation of germplasm samples. The Commission expressed the wish that contributions in cash and kind continued to be made by countries, organizations, and private companies and individuals. In this respect it noted with appreciation the initiative of the International Coalition for Development Action (ICDA), a non-governmental organization, in starting a fund-raising campaign amongst the general public throughout the world.

25. The Commission agreed that the Fund could become a novel mechanism, administered under the supervision of an intergovernmental body, to channel funds to activities designed to fulfil the global responsibility to safeguard the world's heritage of plant genetic resources to the benefit of present and future generations. However, some members also pointed out that a variety of mechanisms already existed to provide assistance to plant genetic resources activities.

26. The Commission agreed that the priorities of the Fund should be those of the International Undertaking, and that it should concentrate mainly on fields and activities not well covered by other national, regional or international organizations. The Commission agreed that the Fund should initially concentrate on the development of human resources and on institution building, through the strengthening and development of infrastructures and national capacities in developing countries, for the better conservation and sustainable use of plant genetic resources. The Fund should also be able to respond to emergency situations. It was considered important to more precisely define the role, scope and operating procedures of the Fund.

ASSESSMENT OF CURRENT COVERAGE OF BASE COLLECTIONS IN THE WORLD WITH REGARD TO CROPS OF INTEREST TO DEVELOPING COUNTRIES

27. The Commission examined document CPGR/89/7, which gave details of the current coverage of base collections in the world, by geographical origin and species. It noted that the major staple crops of commercial importance were backed by strong research programmes, and were the most frequently represented in the existing base collections. However, crops or species of regional interest to developing countries were rather poorly represented, and the Commission agreed that much remained to be done for such crops, such as the collection, conservation, and use of this germplasm.

28. The Commission noted that the present network of base collections designated by IBPGR relied only on bona fide agreements, and therefore lacked legal force. Hence, the Commission reconfirmed the need to formalize legal arrangements with the governments concerned through adherence to the International Undertaking. These arrangements should not be mutually exclusive, and nothing prevented governments holding base collections designated by non-governmental organizations from formalizing their commitment through FAO.

29. The Commission noted that some genebanks which had accepted the responsibility for the long-term conservation of germplasm were poorly managed, and had unreliable and ineffective equipment, with the result that there was a great risk of the loss of germplasm contained in such genebanks. The major constraints were the lack of secure operating funds, and manpower inadequately trained for the maintainance of the collections according to appropriate technical standards and management procedures. The Commission emphasized that there was an urgent need for greater financial assistance to some base collections.

30. The Commission noted that information on the kind and amount of material stored in base collections, especially for local crops of importance to the developing countries, was often inadequate or missing, and that little of the germplasm so far collected had yet been characterized and evaluated. The Commission recommended that greater assistance be given to such centres, to accelerate germplasm documentation, characterization and evaluation, and to train further manpower for genetic resources work.

31. The Commission also noted the other constraints and limitations, mentioned in paragraph 35 of document CPGR/89/7, which restricted the security and the availability of germplasm samples: these included legal, political, commercial, economic, technical and quarantine restrictions. The Commission agreed that, in order to overcome some of these limitations, and as provided for in the International Undertaking, priority should be given to strengthening the existing base collections, and bringing such collections under the auspices or jurisdiction of FAO within the FAO Global Network of Base Collections.

ASSESSMENT OF PROGRESS IN IN SITU CONSERVATION

32. The Commission examined the progress that had occurred in the field of the in situ conservation of plant genetic resources since its Second Session, and endorsed the actions proposed in paragraphs 5 to 10 of document CPGR/89/8. While expressing its satisfaction with the work achieved, it urged FAO to intensify its efforts, in particular with regard to the in situ conservation of the wild relatives of annual crops, and to pay special attention to the species occurring in marginal and fragile ecosystems. In this context, it stressed the importance of developing and supporting participatory schemes for on-farm testing and the conservation and enhancement of the local landraces of crop species.

33. The Commission noted with appreciation the work a number of countries had carried out in relation to ecosystems and the in situ conservation of plant and animal genetic resources, and acknowledged the valuable contribution non-governmental organizations had made in raising public awareness, and by direct action in this field. In reviewing these activities, it stressed the common responsibility of all countries in the pursuance of conservation activities.

34. The Commission noted with concern the high rate of deforestation in the tropics, which adversely affected the survival of wild plant and animal species. It recognized that the continued existence and successful management of conservation areas could only be ensured if they contributed to improving the day-to-day well-being of the local populations, and therefore stressed the need to consider in situ conservation activities within the framework of overall landuse and development plans.

35. The Commission highlighted the need to actively support research, plant exploration, and the establishment of pilot in situ conservation areas with the aim of increasing knowledge of the distribution, variation, biological characteristics and genetic resources of the target species and ecosystems, so as to improve their management. However, in view of the urgency, concrete full-scale conservation activities should also be launched immediately.

36. The Commission requested FAO to conduct a study for the establishment of a network of in situ conservation areas, covering both plant and animal genetic resources. This network should aim at complementing the international network of ex situ base collections in genebanks. It also stressed the need for continued support to existing networks of protected areas.

37. The Commission noted with satisfaction the growing number of technical and training documents on in situ conservation that had been recently prepared by FAO and other international organizations, and stressed the need to further develop national skills. It underlined the continued need to strengthen training efforts and the dissemination of information at all levels, and stressed the importance of preparing information materials in a wide range of languages, according to local needs.

PROGRESS REPORT ON LEGAL ARRANGEMENTS WITH A VIEW TO THE ESTABLISHMENT OF AN INTERNATIONAL NETWORK OF BASE COLLECTIONS IN GENEBANKS UNDER THE AUSPICES OR JURISDICTION OF FAO

38. At its Second Session, the Commission had discussed Document CPGR/87/6 relating to the Study on Legal Arrangements with a View to the Establishment of an International Network of Base Collections in Genebanks under the Auspices or Jurisdiction of FAO, which outlined four possible arrangements (Models A to D). It had been agreed that the governments and institutions concerned might choose which model, or variant thereof, to follow. The Commission had invited the Director-General to approach governments, the International Agricultural Research Centres, and other bodies, with a view to ascertaining their readiness to bring their base collections under the auspices or jurisdiction of FAO, and, if they were prepared to do so, to indicate the arrangements they favoured. The Director-General had done so by Circular State Letter G/LE-48 of 23 October 1987.

39. The Commission noted that, at the time Document CPGR/89/4 was prepared, the Secretariat had received 27 replies; 21 governments and institutions had stated their willingness to bring their collections within the network. These replies were analyzed in Document CPGR/89/4. In the course of the discussions, several Member Nations indicated that they were also prepared to place their base collections under the auspices of FAO, under certain conditions, and others indicated that they were actively studying the possibility of participation. The Commission expressed its deep satisfaction at this extremely positive response.

40. The Commission also noted that four Member Nations had spontaneously offered FAO space in their genebanks for the establishment of collections (Argentina, Ethiopia, Kenya and Spain). In the discussions, other countries announced possible additional offers of space. These offers were warmly welcomed by the Commission. The Commission felt that such offers constituted a very promising variant of the placing of a pre-existing collection under the auspices or jurisdiction of FAO, and might lead to offers by yet more governments and institutions to make available, or create space, to be put at the disposal of FAO, or to donate duplicates of their germplasm. The collections FAO then established could take into account a variety of specific requirements, such as the needs of the prospective users of a given collection, regional preferences, or special exigencies.

41. In the context of the possible agreed interpretation of the Undertaking, the question was raised of what was meant by "without restriction" in the provisions of Models C, para (g) and D, para (e), whereby "the Government would bind itself in the agreement concluded with FAO, to make the resources

in the base collection available for the purpose of scientific research, plant breeding or genetic resource conservation, without restriction, either directly to users or through FAO, and either free of charge or on mutually agreed terms". The Commission noted that the principle of "unrestricted exchange" stemmed from Article 7.1 (a) of the International Undertaking on Plant Genetic Resources. The Commission noted further that this was the ultimate aim of the Undertaking, and that, whilst any restrictions imposed by national legislation would have to be taken into account, every effort should be made to eliminate such restrictions, or keep them to a minimum; however, the term did not imply that such exchange need be free of charge.

42. The Commission noted that Models C and D provided for the placing of base collections under the auspices, rather than the jurisdiction of FAO, which was envisaged in Models A and B. It was noted that Model D did not provide for any form of verification by FAO.

43. The Commission noted that FAO's and IBPGR's networks would be complementary, and did not give rise to additional expense or overlapping. Because of the non-governmental nature and lack of legal status of IBPGR, it had to rely on informal arrangements, whereas FAO was an inter-governmental body able to receive legal commitments from national governments. There would, however, be no obstacle to bringing IBPGR-designated genebanks within the FAO network. They might continue to benefit from the technical and managerial expertise of IBPGR and other technical bodies, such as the International Agricultural Research Centres (IARCs) and the International Union for the Conservation of Nature and Natural Resources (IUCN), whilst enjoying the legal and political cover of the FAO international network. In developing technical standards for genebanks, FAO could draw extensively on the standards already developed by IBPGR and others.

44. The Commission underlined the necessity of defining precisely the kind of material to be included in the FAO network, and, in particular, the distinction between base and active collections. The Commission felt that further work would be required to clarify the distinction. The Commission noted, however, that considerable progress had already been made in this direction and that the definitions proposed in paragraphs 6 and 7 of Document CPGR/89/7 were a significant contribution to reaching agreement on this distinction.

45. The Commission recognized that FAO would do its utmost to assist genebanks brought into the network in ensuring that the technical and managerial standards were adequate to enable them to fulfill the tasks entrusted to them under the International Undertaking. It also recognized that the extent to which FAO might eventually be able to provide financial support to assist such genebanks in ensuring adequate technical and managerial standards would depend on the resources available. The matter needed further consideration.

46. The Commission expressed its satisfaction with the considerable progress which was being made in establishing the FAO international network, and requested the Secretariat to continue to make every effort in this direction. It strongly supported the Secretariat's proposals for further action and, consequently, requested the Director-General:

(i) to continue to seek the views of governments and institutions which had not yet replied to Circular State Letter G/LE-48 of 23 October 1987;

(ii) to initiate negotiations with governments and institutions which were considering or had already stated their willingness to bring their collections within the network;

(iii) to examine with the Member Nations concerned the feasibility, and the means of accepting their offers to make space available to FAO in their genebanks;

(iv) to examine the respective roles of base collections, and working or active collections; and

(v) to keep under review, and report on the financial implications for FAO of the arrangements being concluded.

IMPLICATIONS OF NEW BIOTECHNOLOGIES FOR THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

47. The Commission congratulated the Secretariat on the balanced and clear analysis of the implications of the new biotechnologies contained in document CPGR/89/9.

48. The Commission agreed that these biotechnologies were tools with great potential for improving the conservation of plant genetic resources, and for speeding up breeding programmes. For example, although not without problems, in vitro techniques offered new possibilities for the storage and safe exchange of germplasm. Attention was also drawn to the value of such techniques in collecting germplasm. It was emphasized that genetic engineering techniques offered enormous opportunities to increase the knowledge, value and use of the world germplasm, and to speed up breeding processes. The new biotechnologies promised increased production, and it was important that, when appropriate to the needs of developing countries, they should also be used to advance sustainable agriculture in the often marginal ecosystems of the developing world. There was, however, a need to avoid over-optimism, as much work would be required before these techniques yielded their full potential.

49. The Commission noted with concern the possibility of certain important tropical products - such as vanilla, sugar and pyrethrum - being substituted by genetically engineered products, to the detriment of countries currently producing these commodities. A further possibility was overproduction in the case of a number of commodities, such as vegetable oils, palm oil and coconuts. In such cases, the importance of finding ways to enable the countries affected to develop alternatives was recognized, and the Commission stressed the need to safeguard important genetic material which might otherwise be lost.

50. The Commission noted the large number of legal, ethical and political implications of the new biotechnologies, and expressed concern about possible negative consequences. The Commission expressed particular concern that the new biotechnologies, or their products, might become subject to intellectual property protection such as the patenting of genes and living organisms, which may have serious implications for the provisions of the International Undertaking. The need was stressed to represent Third World interests, in this respect, in discussions with the World Intellectual Property Organization (WIPO) and the Union for the Protection of New Varieties of Plants (UPOV).

51. The Commission also noted with concern that there were, as yet, no internationally agreed standards for the field-testing of genetically engineered organisms and plants, and that there was a risk that, in particular, developing countries with insufficient legislation might be used to test genetically modified organisms and plants in ways that were forbidden or unacceptable elsewhere. The need to develop agreed standards for such testing was stressed.

52. Taking all these concerns into account, the Commission requested FAO, in cooperation with other relevant organizations, to continue to monitor actively the evolving new biotechnologies, in line with the principles of the International Undertaking. For that purpose, it was felt that the FAO Global Information System on Plant Genetic Resources, provided for in Article 7 of the Undertaking, including the Early Warning System on Plant Genetic Resources, would be of particular value. It would also be important for FAO to keep developing countries informed of progress in this field, and the opportunities thereby opened for them.

53. The Commission felt strongly that the developing countries should be able to draw the full benefits from the new biotechnologies, and recommended that FAO make every effort to provide them with effective assistance, especially by means of the transfer of adequate technologies, and the training of personnel. It noted that this would require assistance to strengthen the capability of developing countries to undertake research and development work in these fields.

54. The Commission requested FAO, in cooperation with other relevant international organizations, to draft a Code of Conduct for Biotechnology, as it affects conservation and use of plant genetic resources, for the consideration of the Working Group, and submission to the next session of the Commission.

PROGRESS REPORT ON THE INTERNATIONAL UNDERTAKING

55. The Working Group's deliberations on the negotiations for an agreed interpretation of the International Undertaking on Plant Genetic Resources, were introduced by its Chairman, Ambassador di Mottola, who recalled that the Commission on Plant Genetic Resources, at its Second Session in 1987, had requested the Working Group to proceed with negotiations, with a view to reaching an agreed interpretation of the International Undertaking. This was intended to allay the doubts that had been expressed by several countries with respect to some articles of the International Undertaking, and which had led some countries to refrain from adhering to the Undertaking, or to adhere to it only with reservations. The report by the Chairman of the Working Group on the

Negotiations for an Agreed Interpretation of the International Undertaking on Plant Genetic Resources, which appears as Appendix F, proposed a basis for an agreed interpretation that would link the recognition of plant breeders' rights with the recognition of farmers' rights; a mechanism for the implementation of farmers' rights; and a draft resolution defining and endorsing the concept of farmers' rights.

56. The Commission expressed its appreciation of the work carried out by the Working Group, which constituted a significant step forward, and a sound basis for the negotiation of an agreed interpretation. While there was no general consensus at this stage, it became apparent, during the course of the discussions, that consensus on the text of an agreed interpretation might be within reach. The Commission accordingly referred the matter back to the Working Group for further consideration, with a view, if possible, to now achieving consensus on an agreed interpretation.

57. The Working Group considered the matter and addressed a supplementary report to the Commission on the renewed negotiations. The Commission, having noted that the Working Group had achieved consensus on a new set of proposals, approved the following agreed interpretation of the International Undertaking, and draft resolution endorsing the concept of farmers' rights, and requested the Director-General to submit the agreed interpretation and draft resolution, through the Council, to the next Session of the FAO Conference.

"Agreed Interpretation of the International Undertaking

"The objective of the agreed interpretation is to achieve greater acceptance of the International Undertaking, and to strengthen the conservation, use and availability of germplasm, through mechanisms recognizing and legitimizing the rights to be compensated of both germplasm donors and donors of funds and technology. This has been accomplished through the simultaneous and parallel recognition of plant breeders' rights and farmers' rights. The agreed interpretation set forth hereinafter is intended to lay the bases for an equitable, and therefore solid and lasting, global system, and thereby to facilitate the withdrawal of reservations which countries may have made with regard to the International Undertaking, and to secure the adherence of others.

"(a) Plant breeders' rights as provided for under UPOV are not incompatible with the International Undertaking;

"(b) a state may impose only such minimum restrictions on the free exchange of materials covered by Article 2.1(a) of the International Undertaking as are necessary for it to conform to its national and international obligations;

"(c) states adhering to the Undertaking recognize the enormous contribution that farmers of all regions have made to the conservation and development of plant genetic resources, which constitute the basis of plant production throughout the world, and which form the basis for the concept of farmers' rights;

"(d) the adhering states consider that the best way to implement the concept of farmers' rights is to ensure the conservation, management and use of plant genetic resources, for the benefit of

present and future generations of farmers. This could be achieved through appropriate means, monitored by the Commission on Plant Genetic Resources, including in particular the International Fund for Plant Genetic Resources, already established by FAO. To reflect the responsibility of those countries which have benefitted most from the use of germplasm, the Fund would benefit from being supplemented by further contributions from adhering governments, on a basis to be agreed upon, in order to ensure for the Fund a sound and recurring basis. The International Fund should be used to support plant genetic conservation, management and utilization programmes, particularly within developing countries, and those which are important sources of plant genetic material. Special priority should be placed on intensified educational programmes for biotechnology specialists, and strengthening the capabilities of developing countries in genetic resource conservation and management, as well as the improvement of plant breeding and seed production.

"It is understood that:

(i) the term "free access" does not mean free of charge, and

(ii) the benefits to be derived under the International Undertaking are part of a reciprocal system, and should be limited to countries adhering to the International Undertaking."

58. The Commission recorded its concern over the escalation of laws restricting the free exchange of germplasm which, particularly in recent years, had become increasingly widespread, and expressed the wish that the present system of competitivity in this matter should be replaced or complemented by a system of cooperation moving toward standardized, rational and objective international legislation that would ensure the preservation, use and free exchange of germplasm in the short, medium and long term for the benefit of society as a whole. To this end, the negotiations under way should continue.

Draft resolution on farmers' rights

59. The Commission recognized the need to define the concept of farmers' rights, in order to avoid divergent and erroneous interpretations, and to ensure that this concept benefits society in general. To this end the Commission requested the Director-General to submit, through the Council, to the Conference the following draft resolution:

"The Conference

"Recognizing that:

"(a) plant genetic resources are a common 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 landraces, 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) in the history of mankind, unnumbered generations of farmers have conserved, improved and made available plant genetic resources;

"(b) the majority of these plant genetic resources come from developing countries, the contribution of whose farmers has not been sufficiently recognized or rewarded;

"(c) the farmers, especially those in developing countries, should benefit fully from the improved and increased use of the natural resources they have preserved;

"(d) there is a need to continue the conservation (in situ and ex situ), development and use of the plant genetic resources in all countries, and to strengthen the capabilities of developing countries in these areas;

"Endorses:

"The concept of farmers' rights 1/ in order

- to ensure that the need for conservation is globally recognized and that sufficient funds for these purposes will be available;
- to assist farmers and farming communities, in all regions of the world, but especially in the areas of origin/diversity of plant genetic resources, in the protection and conservation of their plant genetic resources, and of the natural biosphere;
- to allow farmers, their communities, and countries in all regions, to participate fully in the benefits derived, at present and in the future, from the improved use of plant genetic resources, through plant breeding and other scientific methods."

1/ "Farmers' rights mean rights arising from the past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the centres of origin/diversity. These rights are vested in the International Community, as trustee for present and future generations of farmers, for the purpose of ensuring full benefits to farmers, and supporting the continuation of their contributions, as well as the attainment of the overall purposes of the International Undertaking."

60. The Commission requested the Secretariat to prepare a study on the concept of "informal innovative systems", and the possibility of developing a set of guidelines on the legal aspects, to be introduced into all the relevant fora, for submission to the Working Group.

61. The Commission, with a few members indicating the need to consult their governments, noted that this agreement on the interpretation of the International Undertaking was an important first step in the process of ensuring wider participation in the International Undertaking. While consensus had been achieved on the above interpretation, to be submitted through the Council to the Conference, many issues remained to be negotiated regarding the implementation of the system. One particular issue that remained to be dealt with was the nature of further contributions to the International Fund, and the issue of whether or not such contributions should be mandatory.

IBPGR ACTIVITIES AND FAO RELATIONSHIP WITH IBPGR

62. The Commission decided to discuss items 7 (IBPGR Activities) and 13 (FAO Relationship with the IBPGR) jointly.

63. IBPGR's activities were introduced by the Chairman of its Board, and the Acting Director and Head of its field programme. The item on FAO Relationship with IBPGR was introduced by the Assistant Director-General, Agriculture Department, (ADG/AG), and the Chairman of the Board of IBPGR.

64. The Chairman of the Board of IBPGR emphasized that, since the external review five years earlier, it had developed a new organizational structure which now contained four elements: administration, communications, the research programme, and the field programme.

65. A number of areas of cooperation between FAO, IBPGR and the IARCs were presented, and the representative of IBPGR stated that there would be no duplication between IBPGR's and FAO's networks of base collections, and stressed that the arrangements proposed under the International Undertaking on Plant Genetic Resources would place the networks on a more solid basis.

66. In introducing agenda item 13, FAO Relationship with IBPGR, the Assistant Director-General, Agriculture Department referred to document CPGR/89/11, which spelt out the history of IBPGR and the recommendations by the Board of Trustees of IBPGR to separate from FAO, and to accept the offer from Denmark to move the IBPGR to Copenhagen. Attention was drawn to the letters of the Chairman of the Consultative Group on International Agricultural Research (CGIAR), and of the Director-General of FAO, that were attached to the document. They had four things in common: surprise at the decision to separate IBPGR from FAO or, more precisely, at the haste with which such a far-reaching decision had been taken; acceptance of the decision; the desire to minimize any possible negative effects; and an expression of the need for close cooperation in future.

67. The ADG/AG noted the recent expansion of IBPGR's programme, and the gradual development of its desire to obtain the same status as the other 12 institutes supported by the CGIAR, along with independence from FAO's rules, regulations and administrative procedures. He noted that FAO had often felt uncomfortable about granting special status and rights to IBPGR. The ADG/AG noted that the decision to separate from FAO had been foreseen, but felt that

more time should have been taken to analyze all its consequences, and properly prepare all the necessary steps. FAO had not yet been able to completely review all the implications for its own programme, but this would probably now need expanding, if it were to cover all the necessary activities falling under its mandate.

68. The ADG/AG concluded by informing the Commission that the CGIAR would meet in Canberra, in May 1989, and that the report which had been made available to the Commission would also be presented to the CGIAR. The CGIAR would also be informed of the Commission's discussions on the matter.

69. The Chairman of the Board of IBPGR reported that the Board had reached the conclusion that it would be best to establish the IBPGR's headquarters fully independently of FAO. The main reasons for this decision were:

(i) the need to enhance its scientific capacity to carry out its mandate; and

(ii) the need to improve IBPGR's ability to attract strong and continuing financial support.

The Chairman of the Board also referred to:

(i) the need to ensure continued and even closer interaction with FAO; and

(ii) the need to find a stable location for its headquarters.

He stated that the Board fully appreciated FAO's concern that relations between FAO and IBPGR remain close.

70. The Chairman of the Board of IBPGR indicated that the Board would place the matter before the Consultative Group on International Agricultural Research. It would also consider a framework for assuring a continued close working relationship with FAO.

71. The Chairman of the Board of IBPGR assured FAO and the Commission that the concerns raised by paragraphs 16 to 20 of document CPGR/89/11 would be carefully considered as the Board continued its studies. He emphasized that any costs involved in the separation and redeployment of staff would be covered by IBPGR, through funds available from the CGIAR. He concluded by emphasizing that the move would be carefully prepared, not take place for at least two-and-a-half or three years, and allow the time needed to make proper arrangements to assure continued close collaboration between FAO and IBPGR. The Commission noted with satisfaction that the Director-General of FAO had established an internal working group to deal with these matters.

72. The Commission expressed its thanks for IBPGR's presentation, clarifying the new developments that had taken place in IBPGR since the last external review, and which included matters of importance to the Commission.

73. The Commission, however, noted its concern with respect to the representativeness of the samples in the IBPGR network of base collections. Suggestions were made for the more rational planning of IBPGR's activities. Systematic surveys of natural variation should be the starting point, and more crops should be covered, with greater attention paid to the needs of developing countries. The lack of work on in situ conservation was noted, as this could be of importance in the development of base collections.

74. The Commission expressed concern with the Board's decision to separate from FAO, particularly as a very large number of related matters appeared to have been inadequately studied. It considered that there had not been proper consultation with FAO; some members, however, noted that the proposal was not completely unexpected, but hasty. Many donors of funds, as well as donors of germplasm, expressed surprise and disappointment at not having been consulted with respect to the decision of the Board.

75. Some members indicated that the Board's proposal needed study and confirmation by the CGIAR, and would therefore be carefully re-examined by the various donors. In that respect, the question was raised as to whether the Board's members, who served in their personal capacity, might change cooperative arrangements that had been established by Governments in a matter that concerned the common heritage of mankind. The questions therefore arose of what the exact status of IBPGR would now be, and of how the duplication of effort might be avoided. The Commission stressed that the cooperative arrangements with FAO had so far assured the multilateral character of IBPGR.

76. Most of the members emphasized the synergistic character of past cooperation between FAO and IBPGR, and noted with concern that separation would create a completely new situation. The Commission stressed that much of IBPGR's success depended on its relationship with FAO, and therefore encouraged IBPGR to remain either within FAO headquarters, or in Rome, which would also favour continued links between developed and developing countries in this work. Concern was expressed that separation might have negative implications, in particular for developing countries, and affect the free exchange and security of germplasm. A few countries, however, felt that IBPGR would be able to function administratively separate from FAO, and outside FAO's premises.

77. The Commission emphasized that the change in IBPGR's status should be based on a clear definition of the respective roles of FAO - both its Secretariat, and the Commission - and IBPGR in assuring effective complementarity regarding the conservation and use of plant genetic resources.

78. Various members expressed concern about the financial implications of the move and indicated that the possible increased costs resulting from an independent IBPGR should not be to the detriment of the resources made available for plant genetic resource work in developing countries. It was also felt that other possible locations should have been considered, including, in particular, the developing countries. Italy indicated that it would have hosted IBPGR, upon request, on condition that the proposed separation from FAO was considered positive by all concerned.

79. In case IBPGR separates from FAO, the Commission urged that proper arrangements, inter alia, be made to ensure that the databases and documentation developed by IBPGR also remain within FAO, in view of the importance of their linkage with the Global Information System on Plant Genetic Resources of FAO, taking into account the legal situation, once this had been clarified. All this within the context of the FAO's Global Information System on Plant Genetic Resources.

80. Many members doubted that IBPGR could continue to assist FAO in its field work after separation, as a substantial part of the professional staff involved in this work would leave FAO headquarters. The suggestion was made to study the possibility of delegating IBPGR's research activities to the IARCs, within their mandates, leaving its field programme within FAO. Many members noted that the move would affect FAO's operational capacity, and felt that the FAO's programme of work would have to be strengthened accordingly, in particular, the Commission Secretariat and the Seed Laboratory.

81. The Commission recommended that every effort be made to carefully develop proper arrangements for continued effective cooperation between IBPGR and FAO, and for ensuring effective complementarity between the two organizations, and that a Memorandum of Understanding be prepared to that effect, taking into account the objectives of the International Undertaking on Plant Genetic Resources. The Commission also proposed that its Working Group assist FAO in these matters, and monitor progress. The arrangements to be established should cover both the relationship between FAO and IBPGR, and the relationship between the Commission on Plant Genetic Resources and IBPGR.

DATE, PLACE AND PROGRAMME OF THE NEXT SESSION

82. The Secretary of the Commission presented the draft Agenda for the Fourth Session of the Commission, taking into consideration the need to conduct its tasks in a systematic manner, as agreed by the Third Session. The draft Agenda as attached in Appendix G, was accepted by the Commission. However, it was agreed that a final decision on the Agenda, date and place of the Fourth Session of the Commission would be determined by the Director-General in consultation with the Chairman.

ADOPTION OF THE REPORT

83. The report of the Session was adopted by the Commission on 21 April 1989.

Appendix A

AGENDA

1. Election of Chairman and Vice-Chairmen

2. Adoption of agenda and timetable for the Session

3. Report of the third meeting of the Working Group (oral presentation by Chairman of Working Group)

4. Overall review of FAO's activities in plant genetic resources and progress report on the establishment of the International Fund for Plant Genetic Resources

5. Assessment of current coverage of base collections in the world, with regard to crops of interest to developing countries

6. Assessment of progress in "in situ" conservation

7. Progress report on legal arrangements with a view to the possible establishment of an International Network of Base Collections in Genebanks, under the auspices or jurisdiction of FAO

8. Implications of new biotechnologies for the International Undertaking on Plant Genetic Resources

9. Progress report on the International Undertaking

10. IBPGR activities and FAO relationship with IBPGR

11. Date, place and programme of next Session

12. Adoption of the Report

Appendix B

MEMBERS OF THE COMMISSION ON PLANT GENETIC RESOURCES AND COUNTRIES WHICH HAVE ADHERED TO THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

Country	CPGR	Under-taking	Country	CPGR	Under-taking	Country	CPGR	Under-taking
Afghanistan	X		France	X	XX	New Zealand		XX
Antigua & Barbuda		X	Gabon		X	Nicaragua		X
Argentina	X	XX	Gambia	X		Niger	X	
Australia	X		Germany, F.R.	X	XX	Norway	X	XX
Austria	X	X	Greece	X	X	Oman		XX
Bahrain		X	Grenada		X	Pakistan	X	
Bangladesh	X	X	Guatemala	X		Panama	X	X
Barbados	X	X	Guinea	X	X	Paraguay		X
Belgium		XX	Guinea-Bissau	X		Peru	X	X
Belize	X		Guyana	X		Philippines	X	X
Benin	X		Haiti	X	X	Poland	X	XX
Bolivia	X	X	Honduras	X	X	Portugal	X	
Botswana	X		Hungary	X	XX	Rwanda	X	X
Brazil	X		Iceland	X	XX	St.Christ.& Nevis	X	
Bulgaria	X	XX	India	X	X	St.Lucia	X	
Burkina Faso	X	X	Indonesia	X		St.Vincent & the Grenadines	X	
Cameroon	X	X	Iran Islamic Rep.	X	X			
Cape Verde	X	X	Iraq	X	X	Senegal	X	X
Centr.Afr.Rep.	X	X	Ireland	X	XX	Sierra Leone	X	X
Chad	X	X	Israel	X	XX	Solomon Islands		X
Chile	X	X	Italy	X		Spain	X	X
Colombia	X	XX	Jamaica		XX	Sri Lanka	X	X
Congo	X	X	Jordan	X		Sudan	X	
Costa Rica	X	X	Kenya	X	X	Sweden	X	XX
Côte d'Ivoire		X	Korea, Rep. of	X	X	Switzerland	X	X
Cuba	X	XX	Kuwait		X	Syria	X	X
Cyprus	X	X	Lebanon		X	Thailand	X	
Czechoslovakia	X		Liberia	X	X	Togo	X	
Dem.P.R. of Korea	X	X	Libya	X	X	Tonga		X
Denmark	X	XX	Liechtenstein		XX	Tunisia	X	X
Dominica	X	X	Madagascar	X	X	Turkey	X	XX
Dominican Republic	X	X	Malawi		X	Uganda	X	
Ecuador	X	X	Mali	X	X	United Kingdom	X	XX
Egypt	X	XX	Mauritania	X	X	Uruguay	X	
El Salvador	X	X	Mauritius	X	X	Venezuela	X	
Equatorial Guinea	X		Mexico	X	XX	Yemen A.R.	X	
Ethiopia	X	XX	Morocco	X		Yemen P.D.R.		X
Fiji		X	Mozambique		X	Yugoslavia	X	XX
Finland	X	XX	Nepal		X	Zambia	X	X
			Netherlands	X	XX	Zimbabwe		XX

The above totals 119 countries which have become members of the Commission (96) or which have adhered to the International Undertaking (89) or both (67).

(XX is used for countries which have adhered to the International Undertaking with restrictions)

Appendix C

قائمة المندوبين والمراقبين
代表和观察员名单
LIST OF DELEGATES AND OBSERVERS
LISTE DES DELEGUES ET OBSERVATEURS
LISTA DE DELEGADOS Y OBSERVADORES

الرئيس
主 席
Chairman :
Président :
Presidente :

Horacio M. CARANDANG (PHILIPPINES)

النائب الأول للرئيس
第一副主席
First Vice-Chairman :
Premier Vice Président :
Primero Vicepresidente :

José Miguel BOLIVAR (Spain)

النائب الثاني للرئيس
第二副主席
Second Vice-Chairman :
Deuxième Vice Président :
Segundo Vicepresidente :

Melaku WOREDE (Ethiopia)

أعضاء الهيئة
委员会的成员
MEMBERS OF THE COMMISSION
MEMBRES DE LA COMMISSION
MIEMBROS DE LA COMISION

AFGHANISTAN/AFGANISTAN

ARGENTINA/ARGENTINE

Representante
Monica DEREGIBUS (Sra.) ROMA
Representante Alterno ante la FAO

AUSTRALIA/AUSTRALIE

Representative
Kathryn ADAMS (Mrs.) CANBERRA
Registrar, Plant Variety Rights,
Bureau of Rural Resources
Ministry of Primary Industries
and Energy
Alternate
Peter FRANKLIN ROME
Counsellor (Agriculture and Minerals)
Permanent Representation of
Australia to FAO

AUSTRIA/AUTRICHE

BANGLADESH

BARBADOS/BARBADE

BELIZE/BELICE

BENIN

BOLIVIA/BOLIVIE

BOTSWANA

Representative
G.L. MOTSEMME GABORONE
Chief Agricultural Economist
Ministry of Agriculture
Alternate
Dennis M. WANCHINGA GABORONE
Manpower and Training Officer
Southern African Centre for
Cooperation in Agricultural
Research

BRAZIL/BRESIL/BRASIL

Representative
Marcelo L. DA SILVA VASCONCELOS — ROME
Alternate Permanent Representative to FAO

Alternate
Igor KIPMAN — ROME
Alternate Permanent Representative to FAO

BULGARIA/BULGARIE

Representative
Dimitr STOJANOV — SADOVO
Director of Institute
Ministry of Agriculture

Alternate
Svetoslav JIVKOV — ROME
Deputy Permanent Representative to FAO

BURKINA FASO

CAMEROON/CAMEROUN/CAMERUN

Représentant
Thomas YANGA — ROME
Représentant permanent suppléant auprès de la FAO

CAPE VERDE/CAP-VERT/CABO VERDE

Représentant
María de Lourdes DUARTE (Mme.) — ROME
Attaché agricole, Représentant permanent adjoint auprès de la FAO

CENTRAL AFRICAN REPUBLIC/REPUBLIQUE CENTRAFRICAINE/REPUBLICA CENTROAFRICANA

CHAD/TCHAD

CHILE/CHILI

Antonio GARRIDO ACUÑA — ROME
Representante Alterno ante la FAO
Primer Secretario
Embajada de Chile

COLOMBIA/COLOMBIE

Representante
Gonzalo BULA HOYOS — ROMA
Embajador de Colombia ante la FAO

Suplentes
Olga Clemencia FERNÁNDEZ (Sra.) — ROMA
Primer Secretario
Representación Permanente de Colombia ante la FAO

Mery HURTADO (Sta.) — ROMA
Tercer Secretario
Representación Permanente de Colombia ante la FAO

CONGO

Représentant
Michel MOMBOULI — ROME
Conseiller, Représentant permanent adjoint auprès de la FAO

COSTA RICA

Representante
Carlos DI MOTTOLA BALESTRA — ROMA
Embajador ante la FAO

Suplente
Yolanda GAGO DE SINIGAGLIA (Sra.) — ROMA
Representante Permanente Alterno ante la FAO

CUBA

Representante
Juan NUIRY SÁNCHEZ — ROMA
Embajador ante la FAO

Suplente
Ana Maria NAVARRO (Sra.) — ROMA
Representante Permanente Adjunto ante la FAO

CYPRUS/CHYPRE/CHIPRE

Representative
Chrysanthos LOIZIDES — ROME
Agricultural Attaché
Permanent Representation of Cyprus to FAO

CZECHOSLOVAKIA/TCHECOSLOVAQUIE/CHECOSLOVAQUIA

Representative
Ladislav DOTLACIL — PRAGUE
Head of Czechoslovak Gene Bank
Federal Ministry of Food and Agriculture

DEMOCRATIC PEOPLES'S REPUBLIC OF KOREA/REPUBLIQUE POPULAIRE DEMOCRATIQUE DE COREE/REPUBLICA POPULAR DEMOCRATICA DE COREA

DENMARK/DANEMARK/DINAMARCA

Representative
John GLISTRUP — ROME
Permanent Representative to FAO

Alternate
Steen SOENDERGAARD — ROME
Alternate Permanent Representative to FAO

DOMINICA/DOMINIQUE

DOMINICAN REPUBLIC/REPUBLIQUE DOMINICAINE/REPUBLICA DOMINICANA

Representante — ROMA
Guido D'ALESSANDRO
Embajador ante la FAO
Alternate
Jeannette A. GUZMAN LULO (Sra.) — ROMA
Primer Secretario
Representante Alterno ante la FAO

ECUADOR/EQUATEUR

Representative
Roberto PONCE — ROMA
Representante Permanente Adjunto ante la FAO
Suplente
Darwin JIJON — ROMA
Segundo Secretario
Representación Permanente del Ecuador ante la FAO

EGYPT/EGYPTE/EGIPTO

Representative
Yousef A. HAMDI — ROME
Alternate Permanent Representative to FAO

مصر
ممثل
يوسف أحمد حمدى
الممثل الدائم المناوب — روما
لدى المنظمة

EL SALVADOR

EQUATORIAL GUINEA/GUINEE EQUATORIALE/GUINEA ECUATORIAL

ETHIOPIA/ETHIOPIE/ETIOPIA

Representative
Melaku WOREDE — ADDIS ABABA
Director, Plant Genetic Resources Centre/Ethiopia
Ministry of Agriculture

FINLAND/FINLANDE/FINLANDIA

Representative
Olli REKOLA — HELSINKI
Assistant Director, Ministry of Agriculture and Forestry

FRANCE/FRANCIA

Représentant
André CHARRIER — PARIS
Directeur du Bureau des Ressources Génétiques
Ministère de la Recherche et de la technologie

GAMBIA/GAMBIE

GERMANY, FEDERAL REPUBLIC OF/ALLEMAGNE, REPUBLIQUE FEDERALE D'/ALEMANIA, REPUBLICA FEDERAL DE

Representative
Kay BEESE — BONN
Assistant Head of Division
Federal Ministry of Food, Agriculture and Forestry

GREECE/GRECE/GRECIA

Representative
Christos IACOVOU — ROME
Deputy Permanent Representative to FAO
Alternate
Penelope BATZIA-MANOLITSAKIS (Mrs.) — ROME
Agronomist
Permanent Representation of Greece to FAO

GUATEMALA

GUINEA/GUINEE
Représentant
Oumar SANO — ROME
Deuxième Secrétaire
Ambassade de la République de Guinée

GUINEA-BISSAU/GUINEE-BISSAU

GUYANA

HAITI

HONDURAS

Representante
Concha M. RAMIREZ DE LOPEZ (Sra.) — ROMA
Representante Permanente Alterno ante la FAO

HUNGARY/HONGRIE/HUNGRIA

Representative
Istvan DOBOCZKY — ROME
Permanent Representative to FAO
Alternate
Zoltan KALMAN — ROME
Assistant to the Permanent
Representative to FAO

ICELAND/ISLANDE/ISLANDIA

INDIA/INDE

Representative
Rajendra Singh PARODA — NEW DELHI
Deputy Director General (Crop Sciences)
Indian Council of Agricultural Research, Department of Agricultural Research and Education
Alternate
V.K. SIBAL — ROME
Deputy Permanent Representative to FAO

INDONESIA/INDONESIE

Representative
Achmad SOEDARSAN — DJAKARTA
Chairman
National Commission for Germplasm
Department of Agriculture
Alternate
Jafri JAMALUDDIN — ROME
Agriculture Attaché, Alternate
Permanent Representative to FAO

IRAN, ISLAMIC REP./IRAN, REP.ISLAMIQUE/IRAN, REP.ISLAMICA

IRAQ

Representative
Tawfik Ahmed Hassan AL MESHHEDANI — ROME
Alternate Permanent Representative to FAO

العراق
ممثل
توفيق أحمد حسن المشهداني — روما
الممثل الدائم
المناوب لدى المنظمة

IRELAND/IRLANDE/IRLANDA

Representative — ROME
Patrick Oliver RYAN
Alternate Permanent Representative to FAO

ISRAEL

Representative
Ilan HARTUV — ROME
Permanent Representative to FAO Alternate

Miriam WALDMAN (Mrs.) — JERUSALEM
Director of Ecological and Biological Research
National Council for Research and Development
Ministry of Science and Development

ITALY/ITALIE/ITALIA

Représentant
Gian Luigi VALENZA — ROME
Ambassadeur auprès de la FAO
Suppléants
A. Teresa FENTELLI ANNIBALDI — ROME
Représentant permanent adjoint auprès de la FAO
Bernardo PALESTINI — ROME
Premier Dirigeant
Ministère de l'Agriculture et des Fôrets
Mme. Rosina SALERNO — ROME
Assistant du Directeur Général
Ministère des Affaires Etrangères
Domenico STRAZZULLO — ROME
Inspecteur
Ministère de l'Agriculture et des Fôrets

JORDAN

Representative
Majid FANDI AL-ZOUBI — AMMAN
Dryland Farming Specialist
Ministry of Agriculture

الأردن
ممثل
مجيد فندى الزوبى — عمان
اخصائى زراعة الأراضى الجافة
وزارة الزراعة

KENYA

Representative
Albert E.O. CHABEDA — NAIROBI
Assistant Director
Ministry of Livestock Development
Alternate
S.M. GUANTAI — ROME
Alternate Permanent Representative to FAO

KOREA, REP. OF/COREE, REP. DE/
COREA, REP. DE

Representative
Kwang-Shik WON — ROME
Permanent Representative to FAO

LIBERIA

LIBYA/LIBYE/LIBIA

Representative
Bashir SAID — ROME
Minister Plenipotentiary to FAO

ليبيا

ممثل

بشير المبروك سعيد

وزير مفوض لدى المنظمة

Alternates
Taher AZZABI — TRIPOLI
Director Department of Technical Cooperation
Agricultural Research Center

المناوبان

طاهر العزابي

مدير مصلحة التعاون التقني

معهد البحوث الزراعية طرابلس

Sulaiman SEBAI — TRIPOLI
Plant Breeder
Agricultural Research Center

سليمان السباعي

مسؤول تربية النباتات

معهد البحوث الزراعية طرابلس

MADAGASCAR

Représentant
Raphaël RABE — ROME
Représentant permanent adjoint
auprès de la FAO

MALI

MAURITANIA/MAURITANIE

MAURITIUS/MAURICE/MAURICIO

MEXICO/MEXIQUE

Representante
Miguel Angel CUADRA PALAFOX — MEXICO
Director General de Investigación, Extensión y Educación Superior, Servicio de Agricultura y Recursos Hidráulicos
Suplentes
Francisco Javier ENCISO DURAN — MEXICO
Secretario Esecutivo CARFIT
Ministerio de Agricultura y Recursos Hidráulicos
José Ramón LÓPEZ PORTILLO — ROMA

MOROCCO/MAROC/MARRUECOS

NETHERLANDS/PAYS-BAS/PAISES BAJOS

Representative
Frits C. PRILLEVITZ — ROME
Permanent Representative to FAO

NIGER

Représentant
Abdoulaye BONKOULA — NIAMEY
Directeur des recherches agricoles de l'INRAN
Ministère de l'Agriculture et de l'environnement

NORWAY/NORVEGE/NORUEGA

Representative
Jostein LEIRO — OSLO
Deputy Head of Division
Ministry of Development Cooperation
Alternates
Arne WOLD — AS-NLH
Director, State Seed Testing Station
Ministry of Agriculture
Heidi Bente DRAGET(Ms) — TRONDHEIM
Senior Executive Officer
Directorate for Nature Management

PAKISTAN

Representative
M.S. KHAN — ROME
Agricultural Counsellor, Alternate
Permanent Representative to FAO

PANAMA

Representante
Horacio MALTEZ — ROMA
Encargado de Negocios a.i.
Representación Permanente de Panamá ante la FAO
Suplente
Mitzila BOUTET (Sra.) — ROMA
Representante Permanente Alterno ante la FAO

PERU/PEROU

Representante
Amador VELÁSQUEZ — ROMA
Encargado de Negocios a.i.
Representación Permanente ante la FAO

PHILIPPINES/FILIPINAS

Representative
Horacio M. CARANDANG — ROME
Agricultural Attaché, Deputy Permanent Representative to FAO

POLAND/POLOGNE/POLONIA

Representative
Henryk CZEMBOR — WARSAW
Director, Plant Breeding and Acclimatization Institute
Ministry of Agriculture

PORTUGAL

RWANDA

SAINT CHRISTOPHER AND NEVIS/SAINT-CHRISTOPHE-ET-NEVIS/SAN CRISTOBAL Y NIEVES

SAINT LUCIA/SAINTE-LUCIE/SANTA LUCIA

SAINT VINCENT AND THE GRENADINES/SAINT-VINCENT-ET-GRENADINES/SAN VICENTE Y LAS GRANADINAS

SENEGAL

Représentant
Louis GOMIS — ROME
Représentant permanent adjoint auprès de la FAO

SIERRA LEONE/SIERRA LEONA

SPAIN/ESPAGNE/ESPAÑA

Representante
Angel BARBERO MARTIN — ROMA
Representante Permanente ante la FAO
Suplente
José M. BOLIVAR — MADRID
Jefe del Servicio de Cooperación Agraria Internacional
Ministerio de Agricultura, Pesca y Alimentación
Garcia BADIAS — ROMA
Representante Permanente Adjunto ante la FAO

SRI LANKA

SUDAN/SOUDAN

Representative
Isam Eldin Mohamed EL SAYED — ROME
Alternate Permanent Representative to FAO

المغرب
ممثل
مساوب
عصام الدين محمد السيد — روما
الممثل الدائم المساوب لدى المنظمة

SWEDEN/SUEDE/SUECIA

Representative
Tommie SJOBERG — STOCKHOLM
Head of Section, Ministry of Agriculture
Alternate
Astrid BERGQUIST (Mrs.) — ROME
Permanent Representative to FAO

SWITZERLAND/SUISSE/SUIZA

Représentant
Marcel INGOLD — NYON
Adjoint de direction
Station de recherches agronomiques de Changins
Ministère de l'agriculture
Suppléant
Rudolf DE POURTALES — ROME
Ministre, Représentant permanent adjoint auprès de la FAO

SYRIAN ARAB REPUBLIC/REPUBLIQUE ARABE SYRIENNE/REPUBLICA ARABE SIRIA

THAILAND/THAILANDE/TAILANDIA

Representative
Praphas WEERAPAT — BANGKOK
Rice Specialist, Department of Agriculture
Ministry of Agriculture and Cooperatives
Alternate
Pisan LUETONGCHARG — ROME
First Secretary
Office of the Agricultural Counsellor
Royal Thai Embassy

TOGO

TUNISIA/TUNISIE/TUNEZ

Représentant
Amor Ben ROMDHANE — ROME
Représentant permanent
auprès de la FAO

تونس
ممثل
عمر بن رمضان — روما
الممثل الدائم لتونس لدى المنظمة

TURKEY/TURQUIE/TURQUIA

Representative
Omer ZEYTINOGLU — ROME
Minister Plenipotentiary
Permanent Representative to FAO
Alternates
Ayfer TAN — IZMIR
Deputy Director
Plant Genetic Resources Research Institute-Izmir
Ministry of Agriculture, Forestry and Rural Affairs
Muzaffer SUREK — ANKARA
Agricultural Engineer
Ministry of Agriculture, Forestry and Rural Affairs

UGANDA/OUGANDA

Representative
Mansoor SIMBWA-BUNNYA — ROME
Counsellor, Alternate Permanent Representative to FAO

UNITED KINGDOM/ROYAUME-UNI/REINO UNIDO

Representative
John ARDLEY — CAMBRIDGE
Deputy Controller, Plant Variety Rights Office, Ministry of Agriculture, Fisheries and Food
Alternates
Ian HAINES — LONDON
Senior Natural Resources Adviser
Overseas Development Administration
John GOLDSACK — ROME
Permanent Representative to FAO

URUGUAY

VENEZUELA

Representante
Alberto MURILLO MORANTES — ROMA
Representante Permanente Alterno ante la FAO

YEMEN ARAB REPUBLIC/REPUBLIQUE ARABE DU YEMEN/REPUBLICA ARABE DEL YEMEN

YUGOSLAVIA/YOUGOSLAVIE

Representative
Milutin PENCIC — BELGRADE
Deputy President of the Federal Committee for Science, Technology and Information
Federal Secretariat for Development

ZAMBIA/ZAMBIE

OBSERVERS FROM MEMBER NATIONS NOT MEMBERS OF THE COMMISSION/ OBSERVATEURS D'ETATS MEMBRES NE SIEGEANT PAS A LA COMMISSION/ OBSERVADORES DE LOS ESTADOS MIEMBROS QUE NO SON MIEMBROS DE LA COMISION

CANADA

José TUBINO — OTTAWA
Senior Officer
Multilateral Affairs
Directorate of Agriculture

J. Trevor SYKES — QUEBEC
Agricultural Specialist (Africa)
Natural Resources Division
Canadian International Development Agency (CIDA)

CHINA/CHINE 中 国

Jianchun GONG — ROME
Alternate Permanent Representative to FAO

宫建春 驻粮农组织副代表

Qijianly ZHOU — ROME
Alternate Permanent Representative to FAO
周启疆
驻粮农组织副代表

GABON

Ivone DIAS DA GRACA — ROME
Représentant permanent adjoint auprès de la FAO

GHANA

Joseph TURKSON — ROME
Alternate Permanent Representative to FAO

JAPAN/JAPON

Makoto KAMEWAKA — TOKYO
Director, Coordination Division
Agriculture, Forestry and Fisheries Research Council
Ministry of Agriculture, Forestry and Fisheries

Sumiji NAKAZAWA — ROME
Permanent Representative to FAO

LESOTHO

Humphrey M. LETEKA — ROME
Counsellor
Embassy of the Kingdom of Lesotho

MALAYSIA/MALAISIE/MALASIA

Bahar MUNIP — ROME
Alternate Permanent Representative to FAO

Mohd. ZULKIFLI BIN MOHAMMED — ROME
Alternate Permanent Representative to FAO

NICARAGUA

Laurie CORDUA (Sra.) — ROMA
Embajador ante la FAO

PARAGUAY

Aníbal FERNÁNDEZ — ROMA
Embajador, Representante Permanente ante la FAO

Diego DISTEFANO MONACO — ROME
Segundo Secretario
Embajada del Paraguay

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE/ESTADOS UNIDOS DE AMERICA

E. Wayne DENNEY — WASHINGTON
International Relations Adviser
Office of International Cooperation and Development
Department of Agriculture

Henry L. SHANDS — WASHINGTON
National Program Leader for Plant Germplasm
Agricultural Research Service
Department of Agriculture

William SCHAPAUGH — WASHINGTON
Executive Vice President
American Seed Trade Association

Roberta VAN HAEFTEN (Mrs.) — ROME
Agricultural Attaché, Alternate Permanent Representative to FAO

YEMEN,PEOPLE'S DEM.REPUBLIC OF/ YEMEN, REPUBLIQUEDEM POPULAIRE DU/ YEMEN, REP.DEMOCRATICAPOPULAR DEL

Anwar KHALED — ROME
Ambassador to FAO

جمهورية اليمن الديمقراطية الشعبية
أنور خالد
سفير اليمن لدى المنظمة — روما

ZAIRE

Sango YA TAMBWE (Mme.) — ROME
Représentant adjoint auprès de la FAO

OBSERVERS FROM UNITED NATIONS MEMBER STATES/ OBSERVATEURS D'ETATS MEMBRES DES NATIONS UNIES/ OBSERVADORES DE LOS ESTADOS MIEMBROS DE LAS NACIONES UNIDAS

U.S.S.R./U.R.S.S.

Andrei E. ROUKLIADA — ROME
Counsellor
Permanent Observer of the U.S.S.R. to FAO

Alexander I. NIKIFOROV — ROME
First Secretary, Observer of the U.S.S.R. to FAO

REPRESENTATIVES OF UNITED NATIONS AND SPECIALIZED AGENCIES/ REPRESENTANTS DES NATIONS UNIES ET INSTITUTIONS SPECIALISEES/ REPRESENTANTES DE LAS NACIONES UNIDAS Y ORGANISMOS ESPECIALIZADOS

UNITED NATIONS ENVIRONMENT PROGRAMME/ PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT/PROGRAMA DE LAS NACIONES UNIDAS PARA EL MEDIO AMBIENTE

Hamdallah ZEDAN — NAIROBI
Senior Programme Officer
Terrestrial Ecosystems Branch
Environmental Management

UNITED NATIONS INDUSTRIAL AND DEVELOPMENT ORGANIZATION/ORGANISATION DES NATIONS UNIES POUR LE DEVELOPPEMENT INDUSTRIEL/ORGANIZACION DE LAS NACIONES UNIDAS PARA EL DESARROLLO INDUSTRIAL

George TZORTZOS — VIENNA
Project Expert, Biotechnology and Genetic Engineering Unit
Industrial Technology Development Division
Department for Industrial Promotion, Consultations and Technology

EUROPEAN ECONOMIC COMMUNITY COMMUNAUTE ECONOMIQUE EUROPEENNE COMUNIDAD ECONOMICA EUROPEA

D. OBST — BRUXELLES
Administrateur principal à la Direction générale de l'agriculture

Gian Paolo PAPA — ROME
Permanent Representative to FAO

OBSERVERS FROM INTERGOVERNMENTAL ORGANIZATIONS/ OBSERVATEURS DES ORGANISATIONS INTERGOUVERNEMENTALES/ OBSERVADORES DE LAS ORGANIZACIONES INTERGUBERNAMENTALES

COMITE DE ACCION PARA LA COOPERACION Y CONCERTACION LATINOAMERICANA EN MATERIA DE GERMOPLASMA VEGETAL (RECURSOS FITOGENETICOS) (CARFIT)

Francisco ENCISO DURAN — MEXICO
Secretario Ejecutivo
Sistema Economico Latinoamericano

UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS/UNION POUR LA PROTECTION DES OBTENTIONS VEGETALES/UNION PARA LA PROTECCION DE LAS OBTENTIONES VEGETALES (UPOV)

Barry GREENGRASS — GENEVA
Secrétaire général adjoint

OBSERVERS FROM NON-GOVERNMENTAL ORGANIZATIONS/ OBSERVATEURS DES ORGANISATIONS NON GOUVERNEMENTALES/ OBSERVADORES DE LAS ORGANIZACIONES NO GUBERNAMENTALES

INTERNATIONAL ASSOCIATION OF PLANT BREEDERS FOR THE PROTECTION OF PLANT VARIETIES/ASSOCIATION INTERNATIONALE DES SELECTIONNEURS POUR LA PROTECTION DES OBTENTIONS VEGETALES/ASOCIACION INTERNACIONAL FITOGENETISTA PARA LA PROTECCION DE VARIEDADES DE PLANTAS (ASSINSEL)

Alexander MENAMKAT — NYON
Assistant Secretary General

INTERNATIONAL BOARD FOR PLANT GENETIC RESOURCES/CONSEIL INTERNATIONAL DES RESSOURCES PHYTOGENETIQUES/CONSEJO INTERNACIONAL DE RECURSOS FITOGENETICOS (IBPGR)

W.E. TOSSELL
Chairman of the Board of Trustees
D.H. VAN SLOTEN — ROME
Acting Director
Alison McCUSKER (Ms.)
Head of Research Programme
Kar-Ling TAO — ROME
Seed Conservation Research Officer
Lyndsey WITHERS (Mrs.) — ROME
In vitro Conservation Research Officer
Jane TOLL (Ms.) — NIAMEY
Coordinator for West Africa
Jan KONOPKA — ROME
Documentation Officer
W.G. AYAD — ROME
Training Officer
Paul STAPLETON
Publications Officer — Rome

INTERNATIONAL CENTRE FOR AGRICULTURAL RESEARCH IN THE DRY AREAS/CENTRE INTERNATIONAL DE RECHERCHE AGRICOLE DANS LES ZONES ARIDES/CENTRO INTERNACIONAL DE INVESTIGACION AGRICOLA EN LAS ZONAS SECAS (ICARDA)

Laszlo Holly — ALEPPO
Genetic Resources Scientist

INTERNATIONAL COALITION FOR DEVELOPMENT ACTION/COALITION INTERNATIONALE D'ACTION AU DEVELOPPEMENT/COALICION INTERNACIONAL DE ACCION PARA EL DESARROLLO (ICDA)

Henk HOBBELINK — BARCELONA
Coordinator ICDA Seeds Campaign
ICDA Observer
Renée VELLVÉ (Ms) — BARCELONA
Programme Assistant
ICDA Seeds Campaign
Renato SALAZAR — BARCELONA
Associate
ICDA Seeds Campaign

PAN AFRICAN FEDERATION OF AGRICULTRUAL TRADE UNIONS/FEDERATION PANAFRICAINE DES SYNDICATS DE L'AGRICULTURE (PAFATU)

Moukhtar MOHAMED ABDEL HAMID — CAIRO
President
Mourad EL SAYED ABDEL LATIF — CAIRO
Consultant

RURAL ADVANCEMENT FUND INTERNATIONAL (RAFI)

Pat Roy MOONEY — CANADA
Genetic Resources Researcher
Cary FOWLER — PITTSBORO
Program Director
Harald WOSIHNOJ — VIENNA
Plant Genetics Researcher

WORLD WIDE FUND FOR NATURE (WWF)

Paolo LOMBARDI — ROME
Head of WWF-Italy
Conservation Department

Appendix D

LIST OF DOCUMENTS

CPGR/89/1	Provisional annotated agenda
CPGR/89/2 Rev. 1	Proposed timetable
CPGR/89/3	Report by the Chairman of the Working Group on its third meeting
CPGR/89/4	Progress report on legal arrangements with a view to the establishment of an international network of base collections in genebanks under the auspices or jurisdiction of FAO
CPGR/89/5	Overall review of FAO's activities in plant genetic resources and progress report on the establishment of the International Fund for Plant Genetic Resources
CPGR/89/6	IBPGR activities
CPGR/89/7	Assessment of the current coverage of base collections in the world, with regard to crops of interest to developing countries
CPGR/89/8	Assessment of progress in in situ conservation of plant genetic resources
CPGR/89/9	Implications of new biotechnologies for the International Undertaking on Plant Genetic Resources
CPGR/89/10	Proposed draft agenda for the Fourth Session of the Commission on Plant Genetic Resources
CPGR/89/11	FAO relationship with IBPGR
CPGR/89/12	Progress report on the International Undertaking on Plant Genetic Resources - Report by the Chairman of the Working Group on the negotiations for an agreed interpretation of the International Undertaking on Plant Genetic Resources
CPGR/89/Inf.1	List of Delegates and Observers
CPGR/89/Inf.2	International Undertaking on Plant Genetic Resources
CPGR/89/Inf.3	Establishment of a Commission on Plant Genetic Resources
CPGR/89/Inf.4	Members of the Commission and/or countries which have adhered to the International Undertaking on Plant Genetic Resources.

Appendix E

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON ITS THIRD MEETING

The Third Session of the Working Group was held under my chairmanship on 13 and 14 April 1989. This Third Session of the Working Group was attended by representatives of the following countries: Cape Verde, the Congo, Egypt, El Salvador, Ethiopia, India, Italy, Kenya, Madagascar, Mexico, the Netherlands, the Philippines, Spain, Thailand, Tunisia and Venezuela. Australia, Indonesia, Libya, Peru, Sweden and Yugoslavia were unable to attend despite the fact that they are member countries of this Working Group. The Assistant Director-General, Agriculture Department, Dr. Bonte-Friedheim, welcomed participants and highlighted the items of interest on the Agenda of the Commission, also reporting the decision of the International Board for Plant Genetic Resources (IBPGR) to change its headquarters from FAO in Rome to Copenhagen, Denmark. The Working Group decided to concentrate its discussions on Agenda Itmes 6 and 4, in that order, and also to study the situation arising out of the decision by IBPGR to leave FAO Headquarters. The Working Group's debates took place in a very positive and particularly cordial atmosphere of harmony and cooperation, concerned above all with constructiveness and compromise. I give below a summary of the Working Group's discussions and conclusions, confident that these will facilitate the work of the Commission.

The Working Group considered that the document CPGR/89/5, "Overall Review of FAO's Activities in Plant Genetic Resources and Progress Report on the Establishment of the International Fund for Plant Genetic Resources", was of fundamental importance, since it provided extremely valuable information on the historical and legal background to FAO activities and the functions of the Commission on Plant Genetic Resources and identified the elements needed to streamline the future work of this Commission. The Working Group appreciated FAO's pioneering work since 1947 and considered that the Organization had in recent years developed a unique and irreplaceable global system for plant genetic resources, which included: i) a legal framework, International Undertaking, intended to ensure the preservation, use and availability of these resources; ii) a genuine intergovernmental forum, the Commission, which included representatives of countries donating germplasm and also those donating funds and technology, and where discussions could be held and a consensus reached on subjects of global interest. The main function of the Commission was to keep under constant review the general situation of world plant genetic resources and to supervise progress in attaining the objectives of the Undertaking; iii) a financial mechanism, the International Fund, to apply the principles of the Undertaking within a system of mutual and equitable benefits, to which some countries contributed with germplasm and others with funds and technology.

The Working Group recommends that the Commission adopt the report CPGR/89/5 and support the streamlining proposed in the work of this Commission, as reflected in paragraphs 22 to 44 of this document. To this end, it consideres necessary: i) the presentation to the Commissin of periodical reports on the activities, programmes and policies of FAO as regards plant genetic resources; ii) the periodical preparation for presentation to the Commission of a report on the state of the World's Plant Genetic Resources;

iii) development of a global system of information and early warning as foreseen in Article 7 of the International Undertaking. The information system will provide the basis for the preparation of the report on the state of the World's Plant Genetic Resources; iv) development of an International Network of Plant Genetic Resources Centres, and in particular a network of base collections under the auspices and/or jurisdiction of FAO, already envisaged in Article 7 of the Undertaking. This subject will be discussed by the Commission under Agenda Items 5 and 8; v) the preparation of a Plan of Action that will, on the basis of the information provided in the report on the state of the World's Plant Genetic Resources, identify periodically existing lacunae and facilitate coordination and the according of priority to the necessary activities. This Plan of Action could have characteristics and organization similar to the Tropical Forestry Action Plan.

The Working Group is fully aware that the activities set out in points ii) to v) above have to be conducted in close collaboration with other regional, international and non-governmental organizations involved in this subject: UNEP, CGIAR, CARFIT, IBPGR, IUCN, WWF, etc., and therefore recommends setting up a mechanism for dialogue to establish this cooperation in a systematic way, possibly through an Advisory Committee, provided this is not a financial burden on FAO's Regular Programme.

The Working Group also viewed with concern the proliferation of initiatives referred to in paragraphs 26 and 27 of the document, which could lead to unnecessary duplication and therefore less efficiency. It considered that the Commission had a fundamental role to play here, harmonizing these initiatives and proposing systematic cooperation between the groups involved. The dialogue mechnism (Advisory Committee) referred to above could contribute decisively to achieving this objective.

The Group considered that one important function to be performed by the Commission was the preparation of international agreements on the preservation and use of plant genetic resources, such as: a code of conduct for international germplasm collectors, setting out uniform minimum standards for the storage of germplasm in base collections, a code of conduct on the application of biotechnology to plant genetic resources, regulation of trials with modified organisms through genetic engineering and their releasing into the environment, and also agreements on systematic financing of the preservation of plant genetic resources.

The last point made by the Working Group on this item was that it considered as an essential function of the Commission the promotion of national and regional cooperation structures and of cooperation with non-governmental organizations.

The Group then started to debate Item 4, "Progress Report on the International Undertaking on Plant Genetic Resources". This item follows a mandate from the Second Session of the Commission to this Working Group to negotiate "an agreed interpretation of the International Undertaking". The main recommendation of the Working Group to the Commission on this item is the simultaneous and parallel recognition of the rights of the breeder and the farmer and the use of the FAO International Fund for Plant Genetic Resources as a channel through which these rights may benefit the farmer, supporting preservation activities and the use of plant genetic resources in developing

countries. I shall provide further details on the Working Group's discussions and conclusions on this item, which is of cardinal importance, under the relevant point in the agenda, which I shall have the honour to introduce.

The last item analysed by the Working Group was the information provided by Dr. Bonte-Friedheim with regard to the decision of the International Board for Plant Genetic Resources to leave FAO Headquarters. The Working Group decided not to study this item in depth, since it considered that the many questions and concerns aroused should be discussed in the presence of the IBPGR and during the debates of the Commission, allowing an opportunity to IBPGR representatives to reply to them. The Working Group nevertheless expressed its surprise and concern that a decision of this nature should have been taken without previous consultation and discussion with FAO and despite the fact that this Organization has hosted IBPGR and provided it with technical, economic, operational and administrative facilities and above all political and legal cover since its creation 15 years ago. The surprise of the Working Group increased when they heard from countries financing IBPGR and present at the meeting that they had not been previously consulted either, or even officially informed of such an important decision. Some delegates questioned the value of a decision taken by members of IBPGR who were there in their personal capacity and did not represent any country. The Working Group considered that the IBPGR decision concerned both countries donating funds and those donating germplasm and that the implications of this decision should be discussed in the Commission.

The Group expressed its concern over the possible negative effects that the IBPGR decision could have on the climate of growing harmony and cooperation so necessary to ensure security and free access to germplasm. Many members of the Working Group also asked questions about the financial, administrative and legal consequences that the decision could have for FAO and for staff with FAO contracts at present working in IBPGR, and expressed its concern as to the fate of the files, data banks, documents and publications that were the fruit of so many years of cooperation between FAO and IBPGR. In this connection they stressed the additional complication because of the lack of legal staff on IBPGR.

As Chairman of the Working Group, I consider that we should avoid any unilateral decision by IBPGR that might disturb the good relations between FAO and the Consultative Group on International Agricultural Research, and I should like to make the point that this decision has not yet been endorsed by the Consultative Group.

Lastly, the Working Group discussed whether Agenda Item 7, which is a technical item on IBPGR, should be presented to the Commission before or after it had studied the item of the physical separation of IBPGR. Although not all members were in agreement, it appeared desirable to advise the Commission that IBPGR activities should be discussed first so that the type and extension of these activities could be objectively evaluated, thus obtaining the necessary elements to analyse the importance of relations with FAO to those activities and the implications that a separation could have, before making appropriate recommendations. Although some of you may justifiably feel tempted to request an inversion in the order of discussion. I should like to make an appeal that

it be maintained in accordance with the recommendation of the Working Group so that, on an item as important as the one which now concerns us, rationality and objectivity may predominate over emotional positions which, however, justified they may, will not help us in our discussions.

Appendix F

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON THE NEGOTIATIONS FOR AN AGREED INTERPRETATION OF THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

At its Second Session in 1987, the Commission on Plant Genetic Resources requested the Working Group to proceed with negotiations to reach an agreed intrpretation of the Undertaking that would include simultaneous and parallel recognition of breeder rights and farmer rights. The objective of this agreed interpretation of the Undertaking is to achieve greater acceptacnce of the latter and to strengthen the preservation, use and availability of germplasm through mechanisms recognizing and legitimizing the rights of both germplasm donors and funds and technology donors to be compensated. This would facilitate the withdrawal of reserves any countries may have with regard to the Undertaking, and would secure the adherence of others and lay the bases for an equitable, and therefore solid and lasting, global system. To establish this system, and without prejudice to the continuation of negotiations under way, the Working Group proposes that the Commission make:

(a) A statement recognizing that plant breeders' rights as provided for under UPOV are not incompatible with the International Undertaking;

(b) A statement to the effect that a state may impose only such minimum restrictions on the free exchange of materials covered by Article 2.1(a) of the International Undertaking as are necessary for it to conform to its national and international obligations;

(c) A statement to the effect that states adhering to the Undertaking recognize the enormous contribution that farmers of all regions have made to the conservation and development of plant genetic resources, which constitute the basis of plant production throughout the world;

(d) A statement to the effect that the adhering states consider that the best way to compensate farmers for their work in the past, present and future is to ensure the conservation, management and use of their plant genetic resources. This could be achieved through the medium of the International Fund for Plant Genetic Resources already established by FAO. To ensure a sound financial basis and to reflect the responsibility of those countries that have benefitted most from the use of the germplasm, the Fund could be supplemented by mandatory contributions from adhering governments; for example taking into account such factors and the the volume of sales of seeds from national and multinational companies in those countries. The International Fund should be used to support plant genetic conservation, management and utilization programmes within developing countries, and particularly in those which are important sources of plant genetic material. Special priority should be placed on intensified educational programmes for biotechnology specialists and strengthening the capabilities of developing countries in genetic resource conservation and management, as well as the improvement of plant breeding and seed production.

It is understood that:

(i) the term free access does not mean free of charge, and

(ii) the benefits to be derived under the International Undertaking are part of a reciprocal system and should be limited to countries adhering to the International Undertaking.

The Working Group agreed in recognizing the need to define and direct the concept of farmer rights in order to avoid divergent and erroneous interpretations and to ensure that this concept benefitted society in general. It therefore proposed that the Commission adopt the attached te..t, which is the fruit of discussion and consensus by the Working Group.

The Working Group recorded its concern over the escalation of laws restricting the free exchange of germplasm (which, particularly in recent years, has become increasingly widespread) on the grounds of providing greater incentives for researchers in various countries, and expressed the wish that the present system of competitivity in this matter should be replaced or complemented by a system of cooperation moving toward standardized, rational and objective international legislation that would ensure the preservation, use and free exchange of germplasm in the short, medium and long-term for the benefit of society as a whole. To this end, the negotiations under way should continue.

The Working Group of the Commission on Plant Genetic Resources

Recognizing that:

(a) plant genetic resources are a common 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) in the history of mankind unnumbered generations of farmers have conserved, improved and made available plant genetic resources;

(b) the majority of these plant genetic resources come from developing countries, where the farmers have not sufficiently been compensated or rewarded for their efforts;

(c) the farmers in developing countries must benefit fully and not only partially from the improved and increased use of the natural resources they have preserved;

(d) there is a need to continue the conservation (in situ and ex situ), development and use of the plant genetic resources in developing countries.

Endorses:

The concept of farmers' rights 1/

- to ensure that the need for conservation is globally recognized and that sufficient funds for these purposes will be available;

- to assist farmers and farming communities in all regions of the world, but especially in the areas of origin/diversity of plant genetic resources, in the protection and conservation of their plant genetic resources and of the natural biosphere;

- to allow farmers, their communities and countries in all regions to participate fully in the benefits derived at present and in the future from the improved use of plant genetic resources through plant breeding and other scientific methods.

1/ Farmers' rights mean rights to compensation arising from the past, present and future contributions of farmers, particularly those in the centres of origin/diversity of plant genetic resources, in conserving, improving and making available those resources. These rights are vested in the International Community as trustee for present and future generations of farmers, for the purpose of ensuring full benefits to farmers and supporting the continuation of their contributions as well as the attainment of the overall purposes of the International Undertaking.

Appendix G

DRAFT AGENDA FOR THE FOURTH SESSION
OF THE COMMISSION ON PLANT GENETIC RESOURCES

1. Election of Chairman and Vice-Chairmen

2. Adoption of Agenda and Timetable for the Session

3. Report of Working Group

4. The State of the World on Plant Genetic Resources

5. Review of FAO policy, programmes and activities on Plant Genetic Resources

6. Progress reports

   i) International Undertaking
   ii) International Fund on Plant Genetic Resources
   iii) Global information system and early warning system on plant genetic resources
   iv) Internationally coordinated network of centres including the FAO network of base collections
   v) In situ conservation

7. Selected policy issues

   i) Biotechnology and Plant Genetic Resources
   ii) Biodiversity and Plant Genetic Resources

8. Future work programme of the Commission

9. Other business

10. Date and place of next session

11. Adoption of the report