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ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE
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REPORT OF THE 4th SESSION OF THE COMMISSION ON PLANT GENETIC RESOURCES

(Rome, 15 - 19 April 1991)

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INTRODUCTION

1. The Fourth Session of the Commission on Plant Genetic Resources was held in Rome between 15 and 19 April 1991. At the opening session of the Commission, 127 countries were part of the Global System on Plant Genetic Resources: 111 were members of the Commission and 101 had adhered to the International Undertaking. During the session, the USSR announced its decision to adhere to the International Undertaking. A list of members of the Commission and of countries that have adhered to the International Undertaking on Plant Genetic Resources as at 25 April 1991 is attached as Appendix B. The Session was attended by representatives of 66 Member Nations that are members of the Commission, by observers from five other Member Nations, by an observer from one United Nations Member State which is not a Member of FAO, by representatives of the United Nations Environment Programme and of the United Nations Industrial Development Organization, and by observers from ten international organizations. The list of delegates and observers is attached as Appendix C.

ELECTION OF CHAIRMAN AND VICE-CHAIRMEN

2. The Commission elected Mr. Melaku Worede (Ethiopia) as Chairman of the Commission, Mr. Andrew Cahn (U.K.) as first Vice-Chairman, and Mr. Parviz Karbasi (The Islamic Republic of Iran) as second Vice-Chairman.

3. Mr. H. de Haen, Assistant Director-General, Department of Agriculture, informed the Commission that, since the Third Session, 15 new members had joined the Commission: Belgium, Canada, Ghana, Grenada, Japan, Lebanon, Myanmar, Nicaragua, Samoa, Suriname, Tanzania, the USA, Vanuatu, Zaire and Zimbabwe. Eleven new countries had adhered to the International Undertaking and five countries that had adhered with reservations had dropped their reservations.

4. Mr. de Haen noted that the Third Session of the Commission had helped consolidate the Global System, by overcoming a number of difficulties, through the agreed interpretation of the International Undertaking which ensured full respect of national legislation and recognized the right of both donors of technology and donors of germplasm to be compensated for their contributions, through the parallel and simultaneous recognition of Plant Breeders' and Farmers' Rights. This interpretation had been endorsed by the 25th Session of the FAO Conference and was now part of the International Undertaking. Mr. de Haen also made a few preliminary remarks on some of the main issues presented in the various agenda items.

ADOPTION OF THE AGENDA AND TIMETABLE FOR THE SESSION

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

6. The Commission appointed the following as members of the Drafting Committee: Brazil, Canada, Ghana, Indonesia, Iran, Madagascar, Spain, Sweden, the United Kingdom and Venezuela. Mrs. Mercedes Fermín Gómez of Venezuela was elected to the Chair of the Drafting Committee.

REPORTS ON THE FOURTH, FIFTH AND SIXTH MEETINGS OF THE WORKING GROUP

7. The Chairman of the Working Group, Ambassador Carlos Di Mottola Balestra, reported on the three meetings of the Working Group, that had been held at FAO, Rome, since the last session of the Commission, in April 1989. The fourth meeting was held from 16 to 18 October 1989, the fifth meeting from 11 to 12 December 1990 and the Sixth Session on 11 April 1991.

8. The Working Group, at its fourth meeting (Appendix E):

(i) had discussed relations between FAO and IBPGR, and had made a number of recommendations that had served as a basis for the development of a Memorandum of Understanding between the two organizations;

(ii) had considered the possible expansion of the Commission, the International Undertaking, and the International Fund, to cover aspects related to animal genetic resources, as well as a paper regarding biodiversity; and

(iii) had expressed its interest in the project to conserve germplasm under permafrost conditions in Svalbard, following an offer by the Government of Norway, and recommended that FAO initiate contacts with Norway, within the context of Article 7.1(a) of the International Undertaking.

All three items were to be subjects of discussion by the Commission, under agenda item 5 (CPGR/91/11), item 7 (CPGR/91/9), and item 9 (CPGR/91/13), respectively.

9. The Working Group, at its fifth meeting (Appendix F) considered:

(i) first draft of the Code of Conduct for the Collecting and Transfer of Plant Genetic Resources, and made a series of comments that were taken into account in the preparation of the draft contained in CPGR/91/10;

(ii) a partial report on the implementation of the International Undertaking on Plant Genetic Resources, Farmers' Rights and Breeders' Rights and the negotiations regarding the implementation of Farmers' Rights and Breeders' Rights, in which context, it was felt that the recognition that breeders' lines should only be available at the discretion of breeders, and some consideration of concepts related to Farmers' Rights, might form the basis of a new resolution, which might then become Annex III to the International Undertaking;

(iii) the state of development of the Global System for Plant Genetic Resources, and made the proposals for the convening of an International Technical Conference on Plant Genetic Resources that were included in document CPGR/91/5;

(iv) relations between FAO and IBPGR: the Working Group congratulated both FAO and IBPGR on the Memorandum of Understanding on Programme Coooperation.

10. The sixth meeting of the Working Group (Appendix G) discussed a few of the agenda items of the Fourth Session of the Commission, in particular, item 4 (the Global System on Plant Genetic Resources: Implementation of the International Undertaking on Plant Genetic Resources), and item 10 (Biotechnology and Plant Genetic Resources).

11. It felt that the Code of Conduct for Biotechnology should be a non-binding instrument, and that it should be prepared in stages, beginning as soon as possible. An important objective would be to help countries regulate their policies and activities regarding biotechnology.

12. In considering the Global System for Plant Genetic Resources, the Working Group felt the moment had come for the Commission to exercise the coordination and supervision functions of its mandate. It reiterated the recommendation that Farmers' Rights might be implemented through the International Fund, on the basis of a scientifically sound Global Plan of Action. It therefore recommended that the Commission support the proposal that FAO convene the Fourth International Technical Conference on Plant Genetic Resources, with extra-budgetary resources, in the preparatory process for which the first "State of the World's Plant Genetic Resources", and the Global Plan of Action might be prepared.

13. The Working Group, noting that the Agreed Interpretation of the International Undertaking, and the Resolution on Farmers' Rights had resulted in eleven new countries adhering to the Undertaking, and five removing reservations, drafted, and proposed the adoption by the Commission, for forwarding to the FAO Conference, of a proposed third annex to the Undertaking.

GLOBAL SYSTEM FOR THE CONSERVATION AND UTILIZATION OF PLANT GENETIC RESOURCES

14. The Commission considered that the document, CPGR/91/5, gave an excellent overview of the evolution and development of the various components of the Global System for the Conservation and Utilization of Plant Genetic Resources. The Commission agreed that the various institutional elements of the Global System were in place, and that many of the legal and political difficulties had been overcome. Much progress had been made, but much remained to be done, and the Commission considered that its Secretariat needed to be strengthened, and it was suggested that this could be done possibly through internal reallocation of resources.

15. The Commission felt that the time was ripe for it to exercise the coordinating and monitoring role provided for in its mandate, in order to ensure the comprehensiveness and efficiency of the Global System, and allow the optimal use of the currently available resources, and those expected to become available in the near future.

16. In this context, the Commission concurred with the recommendations of its Working Group, that the best way to implement Farmers' Rights would be an International Fund, such as that currently existing at FAO, which supported programmes for the conservation and utilization of plant genetic resources, especially but not exclusively in the Third World. It should be supervised by the Commission, with the advice of the appropriate technical bodies. The Commission also agreed that the conservation and

sustainable utilization of plant genetic resources was a permanent need, and therefore considered that the International Fund should also be sustainable and transparent. There was some discussion as to whether the Fund should be mandatory or voluntary.

17. The Commission further agreed that the practical expression of Farmers' Rights, through the International Fund, and a scientifically well-founded Global Plan of Action, would make it possible to consolidate the Global System, and to achieve its objectives, such as the availability, conservation and utilization of plant germplasm in a sustainable and equitable manner. This might do much to reverse the trend towards the constraints in the exchange of plant genetic resources that had been growing in past years, and to foster a new spirit of cooperation.

18. The Commission considered that the "The State of the World's Plant Genetic Resources" would be an authoritative document that would help guide international discussions regarding plant genetic resources. It would be used by governments, national and international research and development institutions, as well as donors, whether multilateral, bilateral or non-governmental. It would be of great value in directing the available financial resources towards the priorities for action. The Commission felt that the "State of the World's Plant Genetic Resources" should be prepared as soon as possible, as it would be particularly important in defining the priorities that should guide the preparation of the proposed Plan of Action. The Commission also suggested that a small independent expert group be established to assist in the preparation of the "State of the World's Plant Genetic Resources".

19. The Commission discussed the need for a coordinated Action Plan, and agreed to the suggestion of the Working Group that it should be a Global Plan of Action that included a general budget, as well as priority programmes and projects, to be financed, on a step-by-step basis, through the International Fund for Plant Genetic Resources, and to be implemented by appropriate agencies and organizations, under the supervision of the Commission. The request of the Third Session of the Commission, that the Working Group develop a proposal to establish a committee to "foster dialogue between the organizations involved, to harmonize responsibilities and promote cooperation", was noted, and it was suggested that this would be of value within the context of the Global Plan of Action.

20. The Commission further considered that the Global Plan of Action would be a global framework for local, national and regional activities, to be implemented by national institutions, supported, when appropriate, by FAO and other intergovernmental, as well as non-governmental institutions. It might also include global coordination services, such as conservation networks and information services, to facilitate the work of national and regional programmes. Within the context of the Global Plan of Action, the International Fund might be given special responsibility for priority areas identified by the Commission, filling gaps in the international effort, and coping with emergency situations. The Commission suggested that the major parties involved in the implementation of the Plan should be involved in its preparation, so as to ensure effective coordination, and to avoid the danger of duplication of activities and waste of resources.

21. The Commission was of the opinion that, in the process of preparing the Global Plan of Action, the various agencies and institutions that would be involved in financing and implementing it, would be able to:

(i) promote the most adequate use of the available funds, whether provided bilaterally or multilaterally;

(ii) ensure coordination of the activities and programmes of the Global Plan of Action within a clear global framework, thereby avoiding duplication of effort;

(iii) discuss the division of responsibilities in the Plan of Action among prospective implementing institutions; and

(iv) identify priorities, emergency situations, and gaps in the work.

22. The Commission also felt that the effective implementation of the Global Plan of Action for Plant Genetic Resources, on a programme and project basis, would do much to enhance international cooperation among the donors of germplasm, funds and technology, and would offer a unique mechanism for spreading the benefits derived from the utilization of plant genetic resources, and for sharing the burden of their conservation.

23. The Commission fully endorsed the recommendations of its Working Group, that FAO convene a Fourth International Technical Conference on Plant Genetic Resources, to follow on the three previous conferences convened by FAO in 1967, 1973 and 1981; that the proposed Conference should be funded through extra-budgetary contributions by countries, preferably through the International Fund for Plant Genetic Resources; and that, the drafts of the first "State of the World's Plant Genetic Resources" and the Global Plan of Action for Plant Genetic Resources could be prepared within the framework of this Technical Conference, and through the preparatory technical meetings. The Commission also recommended that the Technical Conference be followed by a meeting to define the financial commitments needed for the implementation of the Global Plan of Action, and the terms and conditions of financing.

24. The Commission requested the Director-General of FAO to study the Commission's proposal and to make appropriate recommendations to the FAO Council and, if necessary, Conference for their consideration and approval. The Commission noted that the estimated cost of the Fourth International Technical Conference on Plant Genetic Resources would be of the order of US$ 3 million. The Commission requested the Director-General to initiate consultations with potential donor countries so as to secure the necessary extra-budgetary funds required for the convening of the Technical Conference.

25. The Commission encouraged potential donors to commit their contributions early, in order that the planning and organization of the Technical Conference may be timely and effective. Some countries had already expressed a willingness to support the costs of this. The possible convening of a meeting of potential donors interested in funding the Technical Conference might be considered. It suggested that such a Conference be scheduled for the end of 1993 or early 1994, in cooperation with other relevant organizations, in particular the CGIAR and IBPGR.

26. The Commission agreed to the Secretariat's proposal that, within the context of the preparation of the first "State of the World's Plant Genetic Resources" and of the first Global Plan of Action for Plant Genetic Resources, the International Technical Conference should:

(i) review the state of the art, or current knowledge and practice for the conservation and utilization of plant genetic resources, with particular attention to the new biotechnologies, and the use of information technology to manage relevant data;

(ii) assess, by region and by crop, the present state of genetic diversity and degree of genetic erosion, and the current coverage of collecting activities, in situ and ex situ conservation, germplasm characterization, evaluation and enhancement, and breeding and seed production programmes;

(iii) review national and regional technical capabilities for the conservation and utilization of plant genetic resources, in terms both of human resources and institutional structures;

(iv) consider the appropriateness of various technologies for the needs of developing countries, and the current patterns of technology transfer;

(v) identify major constraints to plant genetic resources conservation, utilization and exchange; and

(vi) propose measures which would further enhance the effectiveness of the Global System for Plant Genetic Resources.

27. The Commission also agreed that the International Conference honour a number of eminent scientists who had contributed to the science of plant genetic resources. A specialized selection committee could be established which might advise on criteria for the nomination of candidates.

28. The Commission took note of the collaborative efforts, at intergovernmental level, for regional cooperation on plant genetic resources in several regions, and encouraged similar cooperation in other parts of the world. The Commission suggested that FAO, through its regional conferences, should promote and strengthen intergovernmental and regional cooperation and structures in this field, and that the matter should be an agenda item at FAO Regional Conferences: the discussion would be of value in the preparation of "The State of the World's Plant Genetic Resources". This might bring about a regionalization of the work of the Commission, and facilitate global discussions.

29. The Commission recognized that the changes in Eastern Europe may be affecting the safety of the area's plant genetic resources, and that there was a need to support national programmes to overcome possible difficulties. Some countries expressed a willingness to make resources and assistance available for this study; the Commission welcomed these offers. The Commission recommended that an urgent study be undertaken by FAO to identify any possible danger to the stored germplasm, and propose solutions.

30. The Commission agreed that the principle of nations' sovereign rights over plant genetic resources in their territories was vital. This should be stated, in international agreements, when appropriate.

31. The Commission discussed the Draft Resolution submitted to it by the fifth meeting of its Working Group, which was proposed as a new Annex 3 to the International Undertaking on Plant Genetic Resources. Although the Commission agreed in principle to the need for such a resolution, several substantive modifications were proposed, and the time was not adequate for a full consensus to be achieved. It therefore agreed to submit, for the consideration of the Council, the Draft Resolution as forwarded to it by the Working Group, as well as a list of substantive modifications proposed during discussions. The text is attached as Appendix H.

MECHANISMS TO FACILITATE THE EXCHANGE OF GERMPLASM, INFORMATION AND TECHNOLOGY

Strategies for the Establishment of a Network of In Situ Conservation Areas

32. The Commission reviewed document CPGR/91/6, prepared in response to recommendations of its Third Session, which outlined the possibilities for the establishment of a network of in situ conservation areas for plants and animals, to complement existing ex situ base collections of priority genetic resources.

33. The Commission agreed that in situ conservation was a vital part of the conservation of living organisms and genetic variation. It noted that many countries had made good progress in establishing Protected Areas, especially for ecosystem conservation, and commended these achievements.

34. There was strong support for continued attention to in situ conservation within the context of the International Undertaking; the Commission, however, expressed its concern that an increased emphasis on in situ conservation might dilute the overall effort because of resource constraints and that there were inadequate resources to cover both in situ and ex situ conservation effectively.

35. The Commission noted that organizations involved in nature conservation, such as Unesco, IUCN, UNEP and national programmes are primarily directed at ecosystems and species diversity. The primary concern of the Commission is intraspecific diversity of species of actual or potential socio-economic value. Some of the diversity is conserved in nature reserves, but additional measures may be needed to cover the total range of within-species diversity.

36. The Commission noted that the conservation of nature and biodiversity were receiving increased attention, and that the number of organizations involved was steadily increasing. It stressed the need for careful coordination, especially at the international level, and recommended that the coordinating role of the Ecosystem Conservation Group, and its Working Group on Biodiversity, be strengthened in order to ensure complementarity amongst its member organizations (FAO, Unesco, UNEP, UNDP IUCN, WWF), particularly within the context of the preparatory work for the UN Conference on the Environment and Development, in 1992, and for the development of an international convention on the conservation and sustainable use of biodiversity.

37. The Commission recognized the technical, socio-economic and practical difficulties in the in situ conservation of intraspecific genetic variation. It is difficult to define the limits to the efficiency of methods of in-situ conservation, and the role of farming communities. At the same time, it noted that there were also problems connected with long-term ex situ conservation, but that it provided the primary strategy for many species with orthodox seeds. The Commission therefore stressed the need to consider in situ and ex situ conservation as complementary within conservation programmes, which should be aimed at specified priority species at local, national and international levels.

38. The Commission recognized its responsibility in promoting those conservation strategies which were optimal for the biological material involved, and the socio-economic context in which it was found. The balance between in situ and ex situ strategies should be determined on such grounds.

39. In discussing the role of the Commission in in situ conservation, it was noted that food security depended not only on domesticated crops, but also on a wide range of associated wild and weedy species, which were often a direct source of food, medicine, and other essential goods and services for rural communities. The Commission agreed that more attention should be paid to non-food crops in ex situ conservation; they also lent themselves to in situ conservation methods and provided an important opportunity for the development of management strategies for simultaneous conservation and use.

40. The Commission agreed that in situ conservation must be based on the efforts of local communities, non-governmental organizations and national institutions working within an international framework. Both the present and long-term utilization of these resources needed to be considered, in the framework of integrated farming systems, agrosilvopastoral systems, and strategies for the sustainable management and utilization of forests and woodlands. Particular recognition should be given to on-farm species diversity including that of minor, or underutilized crops, and their cropping systems, as a means of conservation through utilization.

41. The Commission recommended that clear, factual information on the needs for, and benefits of, in situ conservation be made available at policy-making, technical and grassroot levels. Particular emphasis should be put upon promoting economically and socially acceptable land use options, which included effective in situ conservation and use. It recommended that increased effort be made to help build up and strengthen the national and local institutes involved. The training of national expert personnel, in the countries in which the resources to be conserved occurred, was an absolute priority.

42. The Commission stressed the need to carry out systematic surveys and inventories of plants to help define priority species as a first step in rational in situ conservation programmes. Priority species should be chosen on well-defined, agreed criteria; not only rareness, but socio-economic value, and the risk of genetic impoverishment and depletion should be considered. Local and national priorities should be synthesized to define priorities at global level.

43. Successful in situ conservation would have to be based on sound, adequate knowledge of the biology and genetics of the target species concerned. Particular attention should be paid to the deliberate management of intraspecific variation.

44. The Commission agreed that management strategies should be flexible, and be able to incorporate new research and improved techniques, as they developed.

45. Indonesia and the Islamic Republic of Iran, offered their full collaboration in the establishment of well-focused pilot-scale activities on in situ conservation within the framework of the activities coordinated by the Commission. These pilot schemes might serve as focal points for the development of regional in situ networks for various categories of priority species. Israel already has six years experience with wild wheat in situ conservation and offered information about their work.

46. The Commission agreed that the Fourth International Technical Conference on Plant Genetic Resources would provide a valuable forum for the discussion of strategies and methodologies for the in situ conservation of genetic resources.

Second Progress Report on Legal Arrangements with a View to the Establishment of an International Network on Base Collections in Genebanks Under the Auspices or Jurisdiction of FAO

47. The Commission reviewed document CPGR/91/13, which dealt with progress since its Third Session in the establishment of a network of base collections in genebanks under the auspices or jurisdiction of FAO and, in particular, with the current legal position. The Commission also considered the related aspects of the establishment of techical standards for genebanks, and the merging of the FAO and IBPGR networks.

48. The Commission noted that since its Third Session, four more Member Countries or institutions had informed the Director-General that they were prepared to undertake negotiations with FAO with a view to placing their base collections under its auspices or jurisdiction.

49. In the course of discussions, three further countries notified of their intention to bring genebanks within the international network. The Netherlands stated that it would be prepared to do so, under a Type C Agreement, and Finland confirmed its earlier indication that it would be willing to take part, under a Type C Agreement. Japan stated that it could accept a Type D Agreement, subject to the inclusion of provisions reflecting certain special conditions. Indonesia confirmed its earlier acceptance,and stated that it could now accept a Type D Agreement, as prepared by the Secretariat, for an initial period of five years.

50. An updated analytical table of all replies received as at 17 April 1991, including intentions expressed at the current Session in respect of the offers to participate in the international network of base collections is attached to this report as Appendix I.

51. The Commission noted that the Secretariat had now prepared basic agreements covering Types B, C and D on the basis of the models it had earlier prepared, setting forth the basic principles to be included. These texts provided a detailed and precise basis for negotiations with

governments and international institutions for the inclusion of their base collections in the international network. It was confirmed that the intention was not to impose the Basic Agreement on Member Countries or institutions, but as far as possible to allow a degree of homogeneity in the legal formats used, while taking account of individual countrys' particular conditions or requirements. The Basic Agreements are set out in Appendix J hereto.

52. A number of further clarifications were given by the Secretariat in the course of discussions. First, with regard to the legal implications of offers made to place base collections in genebanks under the international network, it was confirmed that such offers were statements of intention to negotiate agreements in good faith, and were not legally binding in themselves. Only once the offer had been negotiated and embodied in a formal agreement between the competent authority and FAO, would the nation or institution be legally bound. The competent authority for concluding such agreements on behalf of a Member Nation or institution would be determined by each Member Nation, and might differ from one Member Nation to another, depending on its own internal procedures and requirements. For example, in some countries, agreements of this type could be concluded by a government institution, or the competent ministry, such as the Ministry of Agriculture, or Foreign Ministry; others might require that such an agreement be approved by higher political institutions, such as the Parliament. It was recalled that, when agreements included obligations in respect of questions of sovereignty, or privileges and immunities, the formal agreement of the government was required, which would also have to be a party thereto; such provisions had been indicated in the Basic Agreements by an asterisk.

53. Article 8 (b) (Finances) of Basic Agreement Type B, which provides that the national party to the agreement shall bring to the attention of FAO any difficulties regarding either the continued conservation of designated germplasm, or the implementation of measures recommended or determined by FAO to ensure the proper conservation of the germplasm, was intended, for example, to cover instances involving additional expense: if such additional expense was likely to create excessive hardship for the national contracting party, it would be necessary for consultations to take place with FAO in order to seek a satisfactory solution and, if necessary, to seek ways of obtaining funds.

54. Following queries and suggestions in respect of Article 9 of Basic Agreement Type C, and Article 8 of Basic Agreement Type D (Availability of designated germplasm), two possible solutions were envisaged: one was to add a phrase that the germplasm be made available "only when it is not available in an active collection"; the second was to refer to germplasm in active collections, and not that in base collections. The Commission agreed with the proposal that this Article be completed by an annex for each agreement, which decribed the technical aspects of making the designated germplasm available since there were a number of technical problems involved.

55. The United States of America informed the Commission that it was offering to place within the international network 30 cubic metres of storage space at the US long-term storage facility at Fort Collins in the State of Colorado, following the completion of the expansion to the facility in 1993. The Commission expressed its gratitude to the United States for this offer, and requested the Secretariat to follow up this offer.

56. The Commission recalled that spontaneous offers to provide space in genebanks for the establishment of international collections had already been made by Argentina, Ethiopia, Kenya, Spain, and recently Norway.

57. The Commission took special note of the fact that discussions between FAO and the Government of Norway had already begun, in respect of Norway's agreement to support the establishment of the Svalbard International Seedbank, in the permafrost conditions there, for the deposit of national collections that Member Nations may wish to deposit there, as well as the collections of International Agricultural Centres. The question of possibly making available a part of the facility for so-called "truly" international collections may be considered at a later stage. The Commission reviewed the progress report on negotiations, which was included as Annex 5 to document CPGR/91/13. Attention was drawn to the fact that this offer involved two different stages. The first stage, now under discussion, would involve the establishment of seed storage facilities able to store national collections that Member Nations wished to deposit there. A second stage which could subsequently be considered would be that of additional space for an international seed bank.

58. A number of problems still concerning the financial obligations involved still needed resolving. In essence, the investment costs would be borne by Norway, while FAO would ensure the operating costs. FAO would also ensure management, with the collaboration and technical support of IBPGR. However, other costs would be the responsibility of the Member Nations depositing its seeds in Svalbard. Air freight would be the major expense, and a mechanism was being sought to circumvent such costs in the case of developing countries that cannot afford it.

59. Finally, the Commission noted that the Norwegian Government would still have to settle a number of issues in concluding a formal and comprehensive agreement for the establishment of an international seed bank in Svalbard.

60. The Commission expressed its great gratitude to the Government of Norway and considered its offer to be very valuable, and an encouragement to the Commission.

61. The Commission recalled that it was essential that appropriate standards be developed for genebanks operating within the international network. It recalled that advances in seed storage technology - for example, the storage of seeds at ultra-low moisture content - may necessitate a redefinition of storage standards. In addition, there had recently been an emphasis on collecting the genetic resources of wild species. Some standards, such as sample size, viability testing, and seed moisture content, cannot easily be met for seed of wild species, and standards may have to be different for base collections holding wild materials. However, such modifications should only be made after adequate information on the regeneration of the wild species involved had been accumulated. The Commission endorsed the convening of a panel of technical experts, to work in collaboration with FAO and IBPGR to assess and, if necessary, redefine genebank standards. This should be a joint FAO/IBPGR exercise and lead to recommendations for seed storage and management standards that might be endorsed by the Commission.

62. The Commission recalled that at its Third Session it had agreed that "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". It welcomed the Memorandum of Understanding on Programme Cooperation concluded between FAO and IBPGR on 21 September 1990, which stated that, "both parties recognize the necessity of achieving maximum complementarity between the FAO network of base collections and the IBPGR register of base collections". The parties undertook "to cooperate with a view to merging these, to the extent possible, in accordance with the principle that IBPGR would provide scientific and technical advice on the establishment, maintenance and management of base collections and FAO, while keeping an overview of the scientific and technical aspects, would be mainly concerned with providing a policy and legal framework through which countries would make the necessary efforts for safe conservation and unrestricted exchange and monitoring the implementation the provisions of the International Undertaking".

63. The Commission concluded that progress has been made towards concrete action to establish an international network of base collections in genebanks. It agreed that the models presented in document CPGR/91/13 were a useful basis for negotiations and that, in such negotiations, the particular needs of each country should be taken into account. The Commission further agreed on the timeliness of initiating negotiations on the basis of models B, C, or D.

64. The Commission accordingly requested the Director-General:

- to initiate negotiations with governments and institutions which have stated that they are prepared to bring their collections within the network, on the basis of these drafts;

- 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; and

- to conclude the negotiations being carried out with the Government of Norway regarding the establishment of an international seed bank in Svalbard (Spitzbergen);

- to report back to the Commission on the outcome.

The State of the World's Plant Genetic Resources and the Global Information and Early Warning System on Plant Genetic Resources

65. The Commission examined the document, CPGR/91/7 Rev., and noted that work on the development of the Global Information System had been delayed because of the Organization's financial crisis. The Commission agreed to the Secretariat's proposal for the expansion of the Seed Information System (SIS), maintained by the FAO Seed Laboratory, as the basis on which to build the Global Information System. In this context, the Commission endorsed the proposed reorganization of the FAO Seed Laboratory as the Plant Information and Exchange Unit.

66. The Commission agreed that the Global Information System should be a dynamic, constantly updated database of databases, covering economically important species, and that the Early Warning System described in document CPGR/91/7/Rev. should form a part of the Global Information System. It noted that a number of specialized databases currently existed, or were expected to be established soon, by a variety of organizations, including FAO, the CGIAR, especially IBPGR as well as IUCN and others. A unique component of the Global Information System would be the information provided by periodic national reports pursuant to Article 11 of the International Undertaking, through a questionnaire being prepared. It would also make substantial use of databases maintained by FAO and IBPGR, many of which have been developed jointly.

67. The Commission noted that FAO would not undertake to maintain all databases included in the Global Information System but would establish cooperative agreements with organizations that maintained relevant information, so as to harmonize their systems and to ensure complementarity. In this connection the cooperative agreement between FAO and IBPGR was noted with satisfaction, and the Commission expressed its appreciation of IBPGR's inputs in this endeavour. The Commission suggested close cooperation with IBPGR in the development and the establishment of the Global Information System and the first "State of the World's Plant Genetic Resources". The Commission considered that FAO should establish cooperative agreements with other organizations, that maintained information relevant to the Global Information System, so as to harmonize their systems of data acquisition, maintenance and analysis with the requirements of the Global System, and obtain such data.

68. The Commission agreed that the prime purpose of the "State of the World's Plant Genetic Resources" should be to provide the Commission with the regular analysis of the current situation of the world's plant genetic resources, and such information will enable it to recommend priorities for areas of work, and to update and redirect, as necessary, the Global Plan of Action on Plant Genetic Resources.

69. The Commission agreed that the objectives of the "State of the World's Plant Genetic Resources should be:

(i) to describe, in detail, the current status of significant activities related to plant genetic resources;

(ii) to identify gaps in the current knowledge and understanding of the extent of diversity, availability and utilization of plant genetic resources;

(iii) to identify gaps in existing databases; and

(iv) to propose priorities for action on a global basis.

70. The Commission further agreed that the "State of the World's Plant Genetic Resources" should initially cover information on major crops and commodities and key forest species. In this connection, it discussed the possible elements for the "State of the World's Plant Genetic Resources" annexed to CPGR/91/7 Rev. and agreed that priority should be given to the elements most directly related to the conservation and utilization of plant genetic resources, especially world plant genetic resourse diversity

and genetic erosion (element 2); collection and ex situ conservation (element 3); germplasm characterization, evaluation and enhancement (element 5); germplasm utilization (element 6); and research (element 9).

71. The Commission recommended that preparation of the "State of the World's Plant Genetic Resources" should rely upon a group of experts proposed by the Commission, through its Working Group, and profit from the experience of FAO, the CGIAR, especially IBPGR and other specialized bodies, for their respective areas of competence (see para.18).

FAO ACTIVITIES, AND ITS FUTURE PROGRAMME ON PLANT GENETIC RESOURCES

72. The Commission, in line with its mandate, reviewed the policy, programmes and current and future activities of FAO in the field of plant genetic resources. It recognized the important role of FAO in providing services and mechanisms to coordinate activities at a global level, and its role in facilitating the exchange of information and technologies regarding plant genetic resources.

73. The Commission agreed that conservation will mainly benefit those countries that have the technical, economic and human capabilities to make use of plant genetic resources through plant breeding and seed production, including by the use of biotechnologies, and that conservation might eventually even become a burden, especially to developing countries. The Commission therefore recommended that FAO strengthen its programmes and its activities on the conservation and use of plant genetic resources in less-developed Member Nations, in cooperation, when appropriate, with other relevant organizations.

74. The Commission recognized that FAO's Regular Programme budget was limited, and that the financial constraints of the recent past had adversely affected some of FAO's programmes and activities. To meet the aspirations of member countries in regard to projects, the Commission suggested the use of extra-budgetary resources, especially the International Fund on Plant Genetic Resources.

75. The Commission noted with satisfaction the progress FAO had made in the implementation of the principles contained in the International Undertaking and the recommendations of its previous Session, and regretted that, due to resource constraints, further progress had not been achieved in the programme of work recommended by the Third Session of the Commission. It was recommended that, in order to obviate these deficiencies to the greatest extent possible, there should be rigorous planning and setting of priorities for the Secretariat's work in FAO's Medium-Term Plan, in order to obtain more means to be used in the conservation and utilization of plant genetic resources. The Commission commended the departments of Agriculture and Forestry, and the Legal Office, for the activities they had undertaken in the areas of conservation, sustainable utilization, information dissemination, facilitating the exchange of germplasm, and in supporting the improvement of national capabilities to use genetic diversity in the framework of their national development needs.

76. The Commission considered that the group of experts, which, it was proposed, would play a major role in the preparation of the "State of the World's Plant Genetic Resources" might be composed of between ten and fifteen eminent scientists. It should comprise a cross section of

interests in the fields of plant genetic resources conservation and use in both the developed and developing countries. It might also provide the Commission, on request, with the technical analysis of matters referred to it, guide the preparation of special studies relevant to the work of the Commission, and advise on the preparation and execution of the Global Plan of Action.

BIODIVERSITY AND PLANT GENETIC RESOURCES

77. The Commission examined document CPGR/91/9, on Biological Diversity and Plant Genetic Resources, which had been prepared in response to the requests of both the Third Session of the Commission and the Ninety-eighth Session of the FAO Council. The Commission recognized the importance of biological diversity, especially in the context of sustainable agriculture and forestry, and for food security. It also recognized the importance of FAO's role in relation to plant genetic resources and biological diversity, and of its cooperation with other international organizations, including UNEP, UNCED, UNESCO, UNIDO and WHO, and as well as non-governmental institutions, notably IUCN, WRI, WWF and IBPGR.

78. The Commission was in full agreement with the Council's recommendation that FAO should continue to play an active role in this field and, in accordance with its mandate, give due priority to the conservation and to sustainable use of biological and genetic diversity of interest to agriculture, forestry and fisheries. The Commission, in considering its role and that of FAO with regard to UNEP, and with UNCED, in the formulation and negotiation of a legal instrument on biological diversity, noted FAO's active participation in the discussions at UNEP on the draft convention, including the contribution of the FAO Working Group on Biological Diversity in drafting articles for inclusion in the legal instrument.

79. The Commission observed that FAO's experience and its own, in developing various elements of the Global System on Plant Genetic Resources, might be of great value in the formulation and negotiation of a global legal instrument on biological diversity.

80. The Commission felt that it would be useful if FAO developed a methodology to ensure that local communities were closely associated with field projects regarding the conservation and use of biodiversity, and reported to its next Session on the matter.

81. As requested by the Ninety-eighth Session of FAO Council, the Commission also discussed the possible transformation of the International Undertaking on Plant Genetic Resources, which is currently non-binding, into a binding legal agreement, either in the form of an Independent Convention, or as a protocol to the legal instrument on Biological Diversity, and, although there was some support for this, it was generally felt that it was premature to make such a change.

82. The Commission noted the discussions of the Ninety-eighth Session of the FAO Council on the question of widening the Commission's mandate so as to become a Commission on Biological Diversity for Food and Agriculture, to include plant and animal genetic resources in a single

conceptional approach. The Commission noted that there were technical differences between plant and animal genetic resources as well as a number of legal institutional, policy aspects common to the conservation and use of these resources.

83. The Commission examined the possible alternatives, and the advantages and disadvantages of widening its mandate. The Commission was of the opinion that it had achieved considerable successes in carrying out its mandate in relation to plant genetic resources alone, and felt that the introduction of new complex elements might make its task less manageable. In the light of the great amount that still needs to be done in the field of plant genetic resources, it considered that this widening of its mandate might dilute its effectiveness; it did not, therefore, support the widening of its mandate to cover further aspects of biodiversity, though the matter might be considered later, by a group of experts.

DRAFT INTERNATIONAL CODE OF CONDUCT FOR PLANT GERMPLASM COLLECTING AND TRANSFER

84. The Commission examined document CPGR/91/10, which had been prepared on the basis of replies to a questionnaire sent by the Secretariat to a wide range of experts throughout the world, and of national codes and regulations in force in several countries.

85. A first Draft Code of Conduct had been presented to the fifth meeting of the Working Group, which had expressed its satisfaction with the document and its contents, but had felt that the final version should be shorter with less technical detail. It suggested that such detail be incorporated in a field manual for collectors. The Commission noted, with satisfaction, that FAO, IBPGR and IUCN were currently preparing such a "Handbook for Plant Collecting".

86. The Commission expressed its general appreciation of the contents of the Draft Code of Conduct. It welcomed the Code, which was considered a valuable text, that would provide long-needed guidance. The Commission endorsed the provisions of the Draft Code, in principle, noted its voluntary nature, and that the practical, technical and administrative measures foreseen by the Code were already standard practice. It felt, however, that the Code would profit from some redrafting, to simplify the wording, and to take into account a number of minor proposals made during the debates.

87. Several delegations noted that they were unable to take official positions until after consideration by the competent national authorities, but supported the Code of Conduct in principle.

88. The Commission suggested that members of the Commission and observers send any comments they had to the Secretariat, at their earliest convenience, and no later than 1 July 1991, so as to facilitate redrafting the Code.

THE PROGRAMME OF IBPGR AND FAO/IBPGR COOPERATIVE AGREEMENTS

89. The Director, Plant Production and Protection Division, introduced the Acting Director, Mr. D.H. van Sloten, and congratulated Mr. G. Hawtin, the Director-designate. He also welcomed Mr. W. Tossell, the Chairman of the Board of Trustees. The Commission welcomed IBPGR's Director-designate, and expressed its appreciation for the work of the Acting Director, in steering the IBPGR programme during a difficult period.

90. The Commission was informed of the two Memoranda of Understanding signed by FAO and IBPGR, on Programme Cooperation, (CPGR/91/11), and on Interim Financial and Administrative Arrangement. The Commission congratulated FAO and IBPGR on the development of the Memorandum of Understanding on Programme Cooperation, which formalized existing and future working relations between the two organizations.

91. IBPGR outlined to the Commission its 1989/90 scientific programme, as well as its new long-term strategic plan, and the recently completed external programme and management review. Programme cooperation between FAO and IBPGR was also described.

92. The Commission thanked IBPGR for its presentation, which clarified developments since its last session. The Commission also noted with satisfaction IBPGR's proposal to recast itself as the IPGRI in Rome, Italy. The Commission also applauded the Government of Italy for agreeing in principle to provide IPGRI's Headquarters.

BIOTECHNOLOGY AND PLANT GENETIC RESOURCES

93. The Commission considered document CPGR/91/12 on biotechnology and plant genetic resources, which included elements for a Code of Conduct on Biotechnology "as it effects the conservation and use of plant genetic resources". This had been requested by the Third Session of the Commission, and note was taken with satisfaction of this by the Conference. The Commission recognized that the document provided useful background information regarding recent technical and legal developments in the field of plant biotechnology, and on the possible implications for developing countries. The Commission agreed that biotechnology was a tool that could be used for various purposes, and emphasized the importance of using it to increase food production, and to promote sustainable agricultural development. The Commission recognized the great potential of biotechnology for the conservation and use of plant genetic resources. It also recognized that there were still a number of risks and uncertainties linked to the development and application of these techniques.

94. In view of the current discussion on this subject in various fora, the Commission felt that it was premature to consider legal regulatory instruments. Whilst the development of a Code of Conduct, in the form of a non-binding instrument, as requested by its Third Session, was largely endorsed, there was some discussion as to whether a set of guidelines might be more appropriate. The question was also raised to whether it might be better to restrict the scope of the Code to focus more specifically on plant genetic resources.

95. The view was expressed that certain elements of the Code, particularly regulatory aspects, might better be dealt with in other fora, but it was also observed that there was no other forum that dealt with these issues from a perspective of agricultural development, and of the conservation, utilization and availability of plant genetic resources. It was agreed that the focus of the Code should be matters related to the conservation and use of plant genetic resources, but that the limits were of necessity imprecise, which meant that there would inevitably be some overlap with the mandates and work of other organizations. Cooperation with these organizations on the development of the Code was considered essential. Elements of the Code, if appropriate, could be incorporated in some wider process or code developed in other fora: it was, however, felt that the matter was too pressing to be put aside until ideal conditions occurred.

96. It was generally agreed that the objectives of the Code might include the promotion of the sustainable use of biotechnology in the conservation and utilization of plant genetic resources; guaranteed unrestricted access to plant genetic resources; the promotion of biosafety so as to minimize environmental risks throughout the world; and the equitable sharing of the benefits of biotechnology between the developers of that technology and the donors of the germplasm it used.

97. The Commission recognized that the safe use of modern biotechnology called for the establishment of adequate regulations, and was of the opinion that, in the absence of universally accepted regulations and enforcement agencies, the international community would benefit from a Code that included and promoted basic biosafety standards, especially for the contained use and deliberate release of genetically modified organisms, and for their importation and exportation.

98. With respect to biosafety, it was felt that the objectives of the Code could include ensuring the responsible use of the new biotechnologies; the setting of basic standards for the testing, importation and exportation, and commercial use of genetically modified organisms; and ensuring that the release of genetically modified organisms is based on a sound and comprehensive scientific assessment, which includes an analysis of ecological and other risks.

99. Many countries, however, had insuffient scientific expertise, in quality and quantity, and resources to adequately evaluate the ecological risk of proposed releases; the Code could provide for an international mechanism to develop national capabilities, and offer technical and financial assistance, both to establish regulatory programmes, and to evaluate specific proposals for the introduction of genetically modified organisms.

100. The Commission recognized that intellectual property rights should not become an obstacle to the free exchange of germplasm, information and technology for scientific purposes. It also recognized that any system of intellectual property rights pertaining to plant genetic resources should be equitable, and take into consideration the rights of innovators, including farmers who had domesticated crops, and developed land races.

101. The Commission suggested that the status of plant genetic resources, and the conditions of access to these needed clarification. It was suggested that the Secretariat prepare a report to be presented to the next Session, defining the legal significance of the terms "national sovereignty", "free access does not mean free of charge", and "exchange of mutually agreed terms", as they apply to germplasm exchange, and itentifying any difficulties these may present in relatin to unrestricted access to plant genetic resources. It might build upon the current discussions regarding the International Fund for Plant Genetic Resources, and Farmers' Rights; elaborate practical and workable mechanisms to institutionalize Farmers' Rights, and generate income for the Fund; and indicate how to use the Fund in support of the principles of the International Undertaking.

102. The Commission recognized that, while the new biotechnologies may have considerable potential to improve sustainable agricultural production, especially in developing countries, most research currently takes place in the industrialized world. This led to a focus on crops and cropping systems that are widely used in the developed countries. The Commission felt that ways should be sought to ensure that major local crops of great social and economic importance, but of little international market importance, also benefit fully from the new technologies. Similarly, attention should be given to the needs of local farming systems which, in many cases, were based on low-input systems of agriculture and needed crops adapted to such conditions. The Commission also recognized the need to make full use of the new biotechnologies for the improved conservation of plant genetic resources.

103. The Commission agreed that particular emphasis should be put on training scientists and technicians of the developing countries in the use of appropriate technologies, especially biotechnologies, so as to ensure the effective transfer and utilization of such knowledge.

104. It was pointed out that modern biotechnology is likely to first become available in developed countries, then in the most advanced developing countries, before reaching other countries. This might reduce the competitiveness of agriculture in the poorer countries, at least in the short run. Since considerable time may elapse before developing countries can assimilate the new developments, biotechnological advances in developed countries might have a negative impact on developing countries. However, because of the early stage of development of such biotechnologies, and the length of time it might take to see their impact, it was generally agreed that no definite conclusions could yet be drawn.

105. The Commission suggested that an objective of the Code should be to help minimize the economic distortions produced in various countries and regions as a result of the application of the new biotechnologies, particularly changes in patterns of international trade.

106. The idea was expressed that in order to obtain a clear understanding of the possible social and economic implications of the new biotechnologies, especially for the developing countries, the Code might make provision for mechanisms to assess such questions, and for an early warning system to alert those countries likely to be affected, and advise on possible adjustment policies and alternative crops, with the aim of minimizing possible economic distress.

107. While recognizing that a number of elements suggested for the proposed Code of Conduct may be difficult to contain within its framework, the Commission agreed that they should serve the basis for the development of the Code, which should be elaborated in a step-by-step manner. The need for expert consultations to further discuss and elaborate the various aspects of the Code of Conduct was generally agreed, as was the need for close collaboration with other relevant organizations in this endeavour.

108. On the basis of these discussions, there was general agreement that a draft Code should be considered at the next Session.

AGENDA, TIME AND PLACE OF THE NEXT SESSION

109. The Secretary of the Commission presented the draft Agenda of the Fifth Session of the Commission. This was accepted, and attached in Appendix K. It was agreed that a final decision on the Agenda, date and place of the Fifth Session of the Commission would be determined by the Director-General, in consultation with the Chairman.

OTHER BUSINESS

110. The Commission congratulated the Secretariat, and its collaborators, on the excellent documentation that had been presented to its Fourth Session.

111. The Commission requested the Secretariat to invite other relevant organizations, in particular, the International Agricultural Research Institutes of the CGIAR, IUCN and WWF, to report on their programmes and activities on the conservation and use of plant genetic resources. It was felt it would be of value both to the Commission, and to those organizations which would thereby be able to better acquaint countries that are donors of germplasm and funds with their objectives and programmes, and benefit from their comments.

112. The procedures for selecting members of the Working Group, and its Chairman were discussed, and the view was expressed that this should be done on the basis of a system of rotation.

ADOPTION OF THE REPORT

113. The report of the Session was adopted by the Commission on 19 April 1991.

Appendix A

AGENDA

1. Election of Chairman and Vice-Chairmen

2. Adoption of the agenda and timetable for the Session

3. Reports on the last Session of the FAO Council and on the meetings of the Working Group

4. The Global System on Plant Genetic Resources: Implementation of the International Undertaking on Plant Genetic Resources

5. Mechanisms to facilitate the exchange of germplasm, information and technology

   Facilitating exchange of germplasm: the network of ex situ base collections and the network of in situ conservation areas

   Facilitating the exchange of information and technology: The State of the World's Plant Genetic Resources (SW/PGR) and Global Information and Early Warning System on Plant Genetic Resources (GIEWS/PGR)

6. FAO activities and future programmes on plant genetic resources

8. International Code of Conduct for Plant Germplasm Collecting and Transfer

9. Overall work programme of IBPGR and joint FAO/IBPGR activities

10. Biotechnology and plant genetic resources

11. Agenda, time and place of the next Session. Future of the Commission

12. Other business

13. Adoption of the report

Appendix B

COUNTRIES WHICH ARE MEMBERS OF THE COMMISSION ON PLANT GENETIC RESOURCES (CPGR) AND/OR HAVE ADHERED TO THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

(as at 25 April 1991)

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

The above totals 128 countries which have become members of the Commission (111), and/or which have adhered to the International Undertaking (102).

المرفق جيم
附件C
Appendix C
Appendice C
Apéndice 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 : Melaku WOREDE (Ethiopia)
Presidente :

النائب الاول للرئيس
第一副主席
First Vice-Chairman :
Premier Vice-Président : Andrew CAHN (United Kingdom)
Primer Vicepresidente :

النائب الثانى للرئيس
第二副主席
Second Vice-Chairman :
Deuxième Vice-Président : Parviz KARBASI (The Islamic Republic of Iran)
Segundo Vicepresidente :

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

AFGHANISTAN

ANTIGUA AND BARBUDA/ANTIGUA-ET-BARBUDA/ANTIGUA Y BARBUDA

ARGENTINA/ARGENTINE

Representante
M.E. DEREGIBUS (Sra.) Roma
Representante Permanente Alterno ante la FAO
Suplente
Alberto DI LISCIA Roma
Asesor
Ministerio de Relaciones Exteriores y Culto

AUSTRALIA/AUSTRALIE

Representante
Peter G. FRANKLIN Rome
Alternate Permanent Representative to FAO

AUSTRIA/AUTRICHE

Representative
Ernst ZIMMERL Rome
Permanent Representative to FAO

BANGLADESH

Representative
Waliur RAHMAN — Rome
Ambassador, Permanent Representative to FAO
Alternate
A.K.M.Fazley RABBI — Rome
Economic Counsellor and Alternate Permanent Representative to FAO

BARBADOS/BARBADE

BELGIUM/BELGIQUE/BELGICA

Représentant
Antoine SAINTRAINT — Rome
Ambassadeur, Représentant permanent auprès de la FAO

BELIZE/BELICE

BENIN

BOLIVIA/BOLIVIE

Representante
Mireya DURAN R (Sra.) — Roma
Representante Permanente Alterno ante la FAO

BOTSWANA

BRAZIL/BRESIL/BRASIL

Representative
Marcelo L. DA S. VASCONCELOS — Roma
Alternate Permanent Representative to FAO

BULGARIA/BULGARIE

BURKINA FASO

CAMEROON/CAMEROUN/CAMERUN

Représentant
Thomas YANGA — Rome
Représentant permanent adjoint auprès de la FAO

CANADA

Representative
Brad FRALEIGH — Ottawa
National Programme Leader Plant Genetic Resources, Ministry of Agriculture
Alternates
Jeoff HAWTIN — Ottawa
Director, Agriculture, Food and Nutritional Sciences Division
Earl WEYBRECHT — Rome
Permanent Representative to FAO

CAPE VERDE/CAP-VERT/CABO VERDE

Représentant
María de Lourdes M. DUARTE (Mme) — Rome
Représentant permanent adjoint auprès de la FAO

CENTRAL AFRICAN REPUBLIC/REPUBLIQUE CENTRAFRICAINE/REPUBLICA CENTROAFRICANA

CHAD/TCHAD

CHILE/CHILI

Representante
Hugo TRIVELLI — Roma
Embajador ante la FAO
Ministerio R.R.E.E.
Suplente
Samuel FERNANDEZ-ILLANES — Roma
Ministro Consejero, Representante Permanente Alterno ante la FAO

COLOMBIA/COLOMBIE

Representante
Gonzalo BULA HOYOS — Roma
Embajador ante la FAO
Suplentes
Olga Clemencia FERNANDEZ (Sra.) — Roma
Primer Segretario, Representación Permanente ante la FAO
Mery HURTADO (Sra.) — Roma
Tercer Secretario, Representación Permanente ante la FAO

CONGO

Représentant
Michel MOMBOULI — Rome
Conseiller, Représentant permanent adjoint auprès de la FAO
Suppléant
Alice NIOMBELLA I — Rome
Premier Secrétaire, Représentation permanente auprès de la FAO

COSTA RICA

Representante
Oscar MAS-HERRERA — Roma
Embajador ante la FAO
Suplentes
Yolanda GAGO (Sra.) — Roma
Representante Permanente Alterno ante la FAO
Yasmin HAG (Srta.) — Roma
Primer Segretario, Representación Permanente ante la FAO
Hilda María SANTIESTEBAN MONTERO — Roma
Ministro Consejero, Representación Permanente ante la FAO

CUBA

Representante
Juan NUIRY SANCHEZ — Roma
Embajador, Representante Permanente ante la FAO

CYPRUS/CHYPRE/CHIPRE

Representative
Chrysanthos LOIZIDES — Rome
Agricultural Attaché
Permanent Representative to FAO

CZECHOSLOVAKIA/TCHECOSLOVAQUIE/CHECOSLOVAQUIA

Representative
Arpád SZABÓ — Rome
Ambassador Extraordinary and Plenipotentiary to FAO

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

DENMARK/DANEMARK/DINAMARCA

Representative
Mr John GLISTRUP — Rome
Permanent Representative to FAO
Alternate
Jorgen L. CHRISTIANSEN — Copenhagen
Assistant Professor,
The Royal Veterinary and Agricultural High School of Denmark

DOMINICA/DOMINIQUE

Representative
Hannelore Angela BENJAMIN — Rome
Permanent Representative to FAO

DOMINICAN REPUBLIC/REPUBLIQUE DOMINICAINE/REPUBLICA DOMINICANA

ECUADOR/EQUATEUR

Representante
Darwin JIJON — Roma
Representante Permanente Alterno ante la FAO

EGYPT/EGYPTE/EGIPTO مصر

Representative
Yousef Ali HAMDI — Rome
Alternate Permanent Representative to FAO

مندوب
يوسف على حمدى — روما
الممثل الدائم المناوب
لدى المنظمة

EL SALVADOR

Representante
María Eulalia JIMENEZ ZEPEDA — Roma
Consejero, Representante Adjunto ante la FAO
Suplente
Eduardo VIDES — Roma
Representante Permanente Alterno ante la FAO

EQUATORIAL GUINEA/GUINEE EQUATORIALE/GUINEA ECUATORIAL

ETHIOPIA/ETHIOPIE/ETIOPIA

Representative
Melaku WOREDE — Addis Ababa
Director, PGRC/E
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 du Ministère de la recherche et de la technologie
Suppléants
Jean-François PREVEL — Paris
Chef du Bureau de la sélection végétale et des semences, Ministère de l'agriculture et de la forêt
Jean-Pierre POLY — Rome
Conseiller scientifique à la Représentation permanente auprès de la FAO

GAMBIA/GAMBIE

GERMANY/ALLEMAGNE/ALEMANIA

Representative
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Alternates
Frieder SCHMIDT — Bonn
Zentralstelle fuer Agrardokumentation und -information
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Liaison Officer for International Agricultural Research
Federal Ministry for Economic Cooperation
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GHANA

Representative
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GRENADA/GRENADE

GUATEMALA

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Representante Permanente ante la FAO

GUINEA/GUINEE

Représentant
Ibrahima KABA — Rome
Conseiller, Représentant permanent adjoint auprès de la FAO

GUINEA-BISSAU/GUINEE-BISSAU

GUYANA

HAITI

HONDURAS

Representante
Mayra REINA (Sra.) — Roma
Adjunta, Embajada de Honduras

HUNGARY/HONGRIE/HUNGRIA

ICELAND/ISLANDE/ISLANDIA

INDIA/INDE

Representative
Vishnu BHAGWAN — Rome
Minister (Agriculture)
Deputy Permanent Representative to FAO

INDONESIA/INDONESIE

Representative
Achmad SOEDARSAN — Jakarta
National Committee of Genetic Resources
Department of Agriculture

IRAN (ISLAMIC REP.)/IRAN (REP. ISLAMIQUE)/IRAN (REP. ISLAMICA)

Representative
Parviz KARBSI — Rome
Permanent Representative to FAO
Alternate
Houshang FARZIN — Tehran
Expert, Ministry of Agriculture

IRAQ العراق

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SAINT-VINCENT-ET-GRENADINES/
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非本委员会成员的成员国观察员
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OBSERVATEURS D'ETATS MEMBRES NE SIEGEANT PAS A LA COMMISSION/
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OBSERVATEURS DE PAYS N'ETANT PAS MEMBRES DE LA FAO/
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Appendix D

LIST OF DOCUMENTS FOR THE FOURTH SESSION OF THE COMMISSION ON PLANT GENETIC RESOURCES

CPGR/91/1	Provisional annotated agenda
CPGR/91/2	Proposed timetable
CPGR/91/3	Report by the Chairman of the Working Group on its fourth meeting
CPGR/91/4	Report by the Chairman of the Working Group on its fifth meeting
CPGR/91/5	The Global System for the conservation and utilization of plant genetic resources
CPGR/91/6	Strategies for the establishment of a network of *in situ* conservation areas
CPGR/91/7	The State of the World's Plant Genetic Resources and the Global Information and Early Warning System on Plant Genetic Resources
CPGR/91/8	FAO activities and future programme on plant genetic resources
CPGR/91/9	Biological Diversity and plant genetic resources
CPGR/91/10	Draft International Code of Conduct for Plant Germplasm Collecting and Transfer
CPGR/91/11	The programme of IBPGR and FAO/IBPGR Cooperative Agreements
CPGR/91/12	Biotechnology and plant genetic resources and elements of a code of conduct for biotechnology
CPGR/91/13	Second progress report on legal arrangements with a view to the establishment of an international network of base collections in gene banks under the auspices or jurisdiction of FAO
CPGR/91/Inf.1	List of delegates and observers
CPGR/91/Inf.2	International Undertaking on Plant Genetic Resources
CPGR/91/Inf.3	Progress report on the International Undertaking on Plant Genetic Resources (paper discussed by the fifth meeting of the Working Group of the Commission)
CPGR/91/Inf.4	Memorandum of Understanding on Programme Cooperation between the Food and Agriculture Organization (FAO) and the International Board for Plant Genetic Resources (IBPGR)
CPGR/91/Inf.5	List of countries which are members of the FAO Commission on Plant Genetic Resources and Countries which have adhered to the International Undertaking on Plant Genetic Resources, or taken both steps
CPGR/91/Inf.6	Report by the Chairman of the Working Group on its sixth meeting

Appendix E

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON ITS FOURTH MEETING (Rome, 16 - 18 October 1989)

The fourth meeting of the Working Group was held under my chairmanship on 16 (p.m.), 17 and 18 October 1989. It was attended by representatives from the following countries: Australia, Cape Verde, the Congo, El Salvador, Kenya, Indonesia, Madagascar, Mexico, the Netherlands, Peru, Spain, Sweden, Thailand, Tunisia, Venezuela and Yugoslavia.

The following items of interest were discussed:

1. Relations between FAO and IBPGR

On this item, the Working Group approved the document presented by the Secretariat, which was to serve as a basis for the preparation of a Memorandum of Understanding between the two organizations. The Working Group also stressed the following points:

i) In the Memorandum of Understanding IBPGR shall explicitly adhere to the principles of the International Undertaking and accept the intergovernmental authority of the Commission. IBPGR shall also pledge itself to promote actively the adherence of countries to the Undertaking and their participation in the Commission.

ii) IBPGR shall also recognize explicitly in the Memorandum of Understanding the status of donors, whether of funds, germplasm, or both, of all countries in the world and especially that of germplasm donors of developing countries.

iii) IBPGR shall keep the Commission regularly informed of its activities and programmes.

iv) Both FAO and the Commission shall be appropriately represented on IBPGR.

v) It is necessary to define FAO's role in the appointment of IBPGR members.

vi) FAO shall have permanent access, if possible through direct computer line, to IBPGR data banks and data bases. It shall also receive information directly on all IBPGR activities. This will ensure complementarity and avoid duplication.

vii) The methodologies and technical standards developed by IBPGR shall be ratified by FAO in order to acquire universal value and be more easily adopted by countries.

viii) Although the function of IBPGR shall be essentially technical and scientific, and that of the Commission essentially institutional, political and legal, FAO shall maintain the technical and scientific activities needed to carry out its mandate and the responsibilities assigned to it by its Governing Bodies.

3. The Working Group also expressed the opinion that, if cooperation between FAO and IBPGR were to be possible, the latter should remain physically near FAO Headquarters in Rome.

Lastly, the Working Group expressed its wish to ratify, before it came into force, the Memorandum of Understanding to be prepared by both organizations.

2. Animal genetic resources and biodiversity

The Working Group studied the recommendations of the Expert Consultation on FAO Programmes for the Preservation of Animal Genetic Resources and agreed that:

i) there were technical differences between the conservation of plant and animal genetic resources;

ii) there were, however, legal, institutional and financial problems common to the conservation of plant and animal genetic resources;

iii) FAO needed to strengthen its technical capacity and have a legal, institutional and financial structure to conserve animal genetic resources;

iv) any structure for animal genetic resources should be established on the same principles and in the same spirit as those for plant genetic resources.

The Working Group recognized that consideration could be given to the options mentioned below, among others, without there being any priority in the order in which they are listed:

1. The establishment for animal genetic resources of legal, institutional and financial mechanisms similar to those already existing for plant genetic resources.

2. The expansion of the existing legal, institutional and financial mechanisms for plant genetic resources (Undertaking, Commission, and Fund) to cover animal genetic resources as well.

3. Possible combinations between the above two options (1. and 2.) (for example, different Undertakings and Joint Commission and Fund).

4. The use of other FAO bodies and/or structures (for example, COAG) to fill the existing gaps in the area of animal genetic resources.

It was emphasized that, despite the need to have different programmes for plant and animal genetic resources, the FAO administrative structure concerned should be a single one, or else provide joint coverage, so that FAO would deal with problems related to biological diversity and its conservation with a single conceptual approach.

The Working Group recommended that the Director-General's decision take into account: i) the need to keep costs down; ii) the desirability of covering both use and conservation ex situ and in situ (in the latter case plants and animals cannot be separated), and linking the concepts of conservation and use/development; iii) initiatives taken in this field by other organizations inside and outside the United Nations system; and iv) advances in biotechnology permitting the transfer of germplasm between different species.

The Working Group supported the Director-General's request to the Council to examine the many technical, institutional and policy aspects of the function and future programmes of FAO in the important sector of animal genetic resources, including a study of the possibilities of incorporating in one system the institutional infrastructure for both animal and plant genetic resources, while bearing in mind the relations with and needs of fisheries, fauna and flora. The Working Group also supported the request by the Director-General for extra-budgetary resources to start the many urgent activities needed in the field of animal genetic resources.

The Working Group considered that the subject of animal and plant genetic resources should be looked at within the general context of genetic and biological diversity. The Working Group also considered that FAO should, in accordance with its mandate, continue to play a leading role in the conservation of natural resources, especially genetic and biological diversity of real and/or potential economic or social interest for agriculture, animal husbandry, wildlife, forestry or fisheries. This task should be performed in full cooperation with other United Nations agencies.

In this connection, the Working Group considered that FAO should ensure:

i) that full recognition is accorded to the links between conservation and development (in agriculture, animal husbandry, forestry and fisheries) and also the role of developing countries as donors of genetic resources;

ii) that full recognition is accorded to the rights of developing countries to benefit and receive compensation for their contribution and commitment to the conservation of genetic diversity;

iii) that any new development undertaken to provide a global approach to problems related to genetic resources and biological diversity in general is able to take maximum advantage of existing experience and structures;

iv) that any development undertaken to provide a global approach to problems related to genetic resources and biological diversity in general is based on the same spirit and the same principles of free exchange as those constituting the foundations of the International Undertaking on Plant Genetic Resources, respecting the legitimate rights of donors of genes and/or technology to be compensated for their contribution (this is the case of breeders' rights and farmers' rights as defined by FAO).

The Working Group recognized FAO's pioneering work in the fields of conservation and use of biological diversity, whether intra-specific or at the level of the ecosystem, in the fields of agriculture, animal husbandry or fisheries.

3. Conservation of germplasm in permafrost

The Acting Director of IBPGR informed the Working Group of the discussions that this Organization is holding with the Government of Norway with regard to a mine in Spitsbergen, a Norwegian zone of permanent cold where germplasm could be stored at a constant temperature of -3.7°C. It is the intention of the Government of Norway to offer this facility to any country or institution that so wishes to deposit plant germplasm samples or duplicates of their base collections of plant germplasm for long-term storage. The FAO Legal Counsel and the Acting Director of IBPGR pointed out that one of the problems to be solved was the legal coverage of this project, and this could be facilitated by the signing of a Memorandum of Understanding between an international organization with legal status and the Government of Norway. The Legal Counsel considered it possible that FAO might provide this cover (IBPGR does not give legal status).

The Working Group expressed its interest in the project and recommended that FAO, within the legal framework of the International Undertaking, particularly Article 7.1.a. on the establishment of a network of base collections in germplasm banks under the auspices of FAO, initiate contacts with the Government of Norway to study the possibility of reaching an agreement to provide legal cover for this project. The Working Group considered that this cover should not involve any economic burden for FAO and should be established in line with the four models proposed by FAO and discussed and approved by the Second and Third Sessions of the Commission on Plant Genetic Resources. The Working Group also expressed the hope that it would be possible to store in the Spitsbergen germplasm bank, and under conditions laid down in the Memorandum of Understanding, both national and truly international collections, without discrimination. Lastly, the Working Group agreed that IBPGR could provide technical and scientific advice and assist the contracting parties in establishing minimum standards and requirements to be met not only by the collections to be deposited there, but also by the germplasm bank itself.

The Working Group was also informed by the Secretariat of the Commission of similar initiatives being studied by developing countries to use natural conditions or unconventional sources of

energy for the long-term conservation of germplasm, such as: (i) night cold temperatures and solar energy in highlands (3 000 to 4 000 m) in Abrapampa, Argentina; and (ii) natural or artificial caves under mountain glaciers in Ancash, Peru. The Working Group considered these initiatives highly interesting and worthy of support because they were: (i) economical; (ii) independent of electricity cuts, which often affect traditional germplasm banks; (iii) easy to use in both developed and developing countries; and (iv) places far away from urban centres and therefore safe in the event of war.

4. Other matters

The Representative of Venezuela informed the Working Group of the adhesion of his country to the International Undertaking. The Working Group noted that, with this adhesion, there was now a total of 121 countries that were members of the Commission (101) or adhering to the International Undertaking (90) or both.

The Working Group also expressed its satisfaction at the award of the Right Livelihood Prize (Alternative Nobel Prize) to the Second Vice-Chairman of the Commission, Mr. Melaku Worede (Ethiopia), for his work in the field of plant genetic resources.

Appendix F

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON ITS FIFTH MEETING
(Rome, 11 and 12 December 1990)

The following countries took part in this Meeting of the Working Group: Cape Verde, Congo, Egypt, El Salvador, Ethiopia, Indonesia, Italy, Kenya, Mexico, the Netherlands, Peru, Spain, Sweden, Thailand, the United States of America, Venezuela and Yugoslavia.

The following items of interest were discussed.

1. Draft Code of Conduct for the Collecting and Transfer of Plant Germplasm

The Working Group considered the draft International Code of Conduct for the Collecting and Transfer of Plant Germplasm that had been prepared by the Secretariat, and noted that it was based on the opinions and ideas of a large number of experts from all over the world. The Working Group expressed its satisfaction, and agreed with the main thrust of the document. The Working Group felt that the final document should be much shorter, and that a number of details, particularly those of a technical nature, should not be part of the Code of Conduct, but perhaps of a separate, complementary manual for collectors. Some countries felt that details of financial mechanisms should not feature in the Code either. The Working Group agreed that states had sovereignty over their plant genetic resources. The Working Group asked the Secretariat to submit a new version of the Code, following the criteria set out above, to the Sixth Session of the Working Group, and then to the Commission.

2. Partial report on the International Undertaking on Plant Genetic Resources: Farmers' Rights and Breeders' Rights.

The Group discussed the document submitted by the Secretariat and agreed that there were certain essential points on which a consensus needed to be achieved, before implementing Breeders' Rights and Farmers' Rights. With regard to Breeders' Rights, it was necessary to recognize that breeders' lines should only be available at the discretion of the breeders. As for Farmers' Rights, financial mechanisms still needed to be developed.

The Working Group recognized that all countries were donors of plant genetic resources, as well as of funds and technology to preserve these resources. A nation's proportionate contribution to these three categories depended on its ecogeographical situation and degree of development. These three elements were complementary and equally essential for the world's agricultural development, and therefore cooperation between the nations was essential.

The Working Group agreed that the Commission, being an inter-governmental forum where the donors of genetic resources, funds and technology were represented, provided a unique opportunity for this cooperation. It helped facilitate the search for an equitable distribution of responsibilities derived from the contribution of all donors. The Commission, in interpreting the International Undertaking,

had recognized the important role of both Farmers' Rights and Plant Breeders' Rights as mechanisms to compensate donors for their contributions of genetic resources and technology. Furthermore, this compensation encouraged the continuation of these efforts to ensure the conservation, and promote the utilization of germplasm, in line with the objectives on the International Undertaking.

The Working Group reiterated the need, expressed in Articles 1 and 5 of the International Undertaking, to make plant germplasm available for plant breeding and scientific purposes, for the benefit of humankind. However, it should be further recognized that there were certain understandable situations in which germplasm with unique promise could not be immediately commercialized. The Working Group recommended that the Commission recognize that breeders' lines should be available at the discretion of the breeder only. It was suggested that this be reflected in a footnote to Resolution 4/89 on the Agreed Interpretation of the International Undertaking. It was also suggested that the same procedure be followed to clarify and develop certain concepts related to resolution 5/89 on Farmers' Rights, or, alternatively, that this be done in the context of a new resolution on the International Fund for Plant Genetic Resources, which would then become Annex 3 to the International Undertaking.

The Working Group noted that, while some countries had established legal mechanisms for the implementation of Breeders' Rights, no mechanism existed for the implementation of Farmers' Rights. The Working Group agreed, and recommended that the Commission recognize that the best way to implement Farmers' Rights would be an International Fund, such as the Fund currently existing at FAO, which supports genetic conservation and utilization programmes, particularly, but not exclusively, in the Third World. It also agreed that, through the FAO Commission on Plant Genetic Resources, the donors of genetic resources, funds and tehnology have the responsibility to determine and oversee the policies, programmes and priorities of the Fund, with the advice of the appropriate technical bodies. The Working Group recognized that the conservation and sustainable utilization of plant genetic resources is a permanent need and therefore considered that the International Fund should also be sustainable. The Working Group was informed of the agreement reached during the Second Session of the Keystone International Dialogue on Plant Genetic Resources, a widely respected and influential forum representing a broad spectrum of interests, and noted that the experts participating in this forum felt that the best way of implementing Farmers' Rights would be an international fund with mandatory contributions, and estimated that at least $US 500 000 per annum should be a target figure.

While recognizing that a fund with legally obligatory contributions would be a desirable objective, the Group felt that contributions should, for the time being, be voluntary, and that the fund's financial needs, priorities and costs, as well as the terms and levels of contribution, should be determined on a step-by-step basis. For this reason, the Working Group recognized the need to have the document, the "State of the World's Plant Genetic Resources", as soon as possible, and a Global Plan

of Action on Plant Genetic Resources, both of which had been requested by the Commission. The Plan of Action should include a general budget, as well as the priority programmes and projects, to be progressively financed through the International Fund for Plant Genetic Resources, and to be implemented by the appropriate agencies and organizations under the supervision of the Commission.

In this context, and in line with the three previous Conferences convened by FAO in 1967, 1973 and 1981, the Working Group felt it was desirable that FAO should convene a new International Technical Conference on Plant Genetic Resources at the earliest possible opportunity. Within the framework of this Technical Conference, and through the preparatory technical meetings, the draft of the first State of the World's Plant Genetic Resources, and the draft Plan of Action for Plant Genetic Resources would be prepared. Both documents would be submitted to this Conference for discussion and technical approval. The Working Group recommended that a wide range of interests be represented at the Conference, including the major potential donors to, and users of the International Fund, such as international, regional and national governmental and non-governmental organizations. It was suggested that the Technical Conference be followed by a meeting to determine the terms and conditions of financing, and the financial commitments needed for the implementation of the Plan of Action.

The proposed Conference should be funded by extra-budgetary contributions, preferably through the International Fund for Plant Genetic Resources. The Working Group recommended that the Secretariat draft a paper on this Conference for the next Session of the Commission, specifying the objectives, and giving a provisional budget and tentative date for the Conference. Potential donors should undertake to finance (i) the preparation and organization of the Conference, (ii) the participation of technicians from developing countries with no other access to funding, and (iii) the publication of Conference documents and proceedings.

3. Relations between FAO and IBPGR

The Working Group noted that the Memorandum of Understanding that had been signed by FAO and IBPGR had been prepared in line within the recommendations of the Commission and the Fourth Session of the Working Group. The Working Group congratulated FAO and IBPGR on the agreement reached, and expressed satisfaction with the climate of cooperation and harmony between the two organizations. The Working Group stressed the importance that should be given to FAO and IBPGR cooperation with regard to local, under-utilized crops not covered by the International Agricultural Research Centres (IARCs).

4. Other Matters

Some countries requested information on the discussions of the latest FAO Council regarding biodiversity, and cooperation between FAO, UNEP and UNCED in this field, and expressed the hope that such cooperation would expand and become systematic.

Appendix G

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON ITS SIXTH MEETING (Rome, 11 and 12 April 1991)

The sixth meeting of the Working Group was held under my chairmanship on 11 and 12 April 1991. The following countries participated in the meeting: Australia, Congo, Egypt, El Salvador, Indonesia, Italy, Kenya, Madagascar, Mexico, Netherlands, Spain, Sweden, Thailand, Tunisia, United States of America, Venezuela and Yugoslavia. Cape Verde, Ethiopia, India, Libya, Peru and the Philippines were unable to attend despite being members of the Group. The Secretary of the Commission, Dr. Esquinas-Alcázar, welcomed the participants and indicated the items of interest on the Commission's Agenda. The Group decided to focus its attention on items 10 and 4 of the Agenda, in that order. The Working Group's discussions took place in a very constructive and harmonious atmosphere, with compromise and consensus being sought at all times. I shall go on to summarize the Group's discussions and conclusions in the knowledge that these will facilitate the work of the Commission.

1. Biotechnology and Plant Genetic Resources. Code of Conduct for Biotechnology

The Working Group had a first exchange of opinion, without going into too much detail, on document CPGR/91/12 on Biotechnology and Plant Genetic Resources, which also included elements for a Code of Conduct for Biotechnology "as it affects the conservation and use of plant genetic resources", requested by the Third Session of the Commission. In view of the discussions on this matter in other fora, it was considered premature to discuss a legal instrument. The concept of a Code of Conduct for Biotechnology as a non-binding instrument, requested by the Third Session of the Commission, was generally considered appropriate. However, one Member Nation expressed its preference for a body of directives.

The Group generally agreed that the Code should cover the different aspects of biotechnology related to the conservation, use and exchange of plant genetic resources. Some delegates considered that the Code should place special emphasis on conservation aspects. The Working Group agreed that the Code should ensure that the benefits of biotechnogy should extend equally to the donors of technology, germplasm and funds, and to humanity in general. It was suggested that the preparation of the Code take place in stages and that this process should be initiated as soon as possible. The Group agreed on the importance of expert consultations to discuss the development of the various technical and legal aspects of the Code of Conduct. Members of the Working Group underlined the need for the Code to cover aspects related to environmental biosafety, intellectual property rights and farmers' rights, the promotion of biotechnologies adapted to developing countries, and particularly to species of local interest and endangered species, and the problems deriving from crop substitution. It was pointed out that an important objective of the Code should be to help countries to regulate their biotechnology policies and activities.

2. The Global System on Plant Genetic Resources: Implementation of the International Undertaking on Plant Genetic Resources

The Working Group considered document CPGR/91/5 "The Global System for the Conservation and Utilization of Plant Genetic Resources" and agreed that it provided clear information on the state of development of the Global System. The Working Group analysed the basic concepts of the System as well as its structure and components. The Group agreed that the most important institutional elements of the Global System are now available and that most of the legal and political difficulties that existed in its regard have now been overcome due to the efforts of the Commission. The Working Group considered that the moment had come for the Commission to fully exercise the coordination and supervision functions that it was assigned at the time of its creation by the FAO Council to ensure that the Global System is complete and that its operations are effective and that the benefits extend to all countries. In this context, the Group reiterated its recommendation that the farmers' rights be implemented through the International Fund for Plant Genetic Resources and a scientifically sound Plan of Action to help to consolidate the Global System and fully achieve its objectives: the sustainable and equitable availability, conservation and use of plant germplasm.

The Working Group generally supported all the proposals made by the Secretariat in this document and strongly recommended that the Commission support the proposal that FAO convene the Fourth International Technical Conference on Plant Genetic Resources, with extra-budgetary funds. The Group considered it essential that the preparatory process for this Conference included the preparation of the first "State of the World's Plant Genetic Resources" and "Global Plan of Action". These would be the two basic documents through which the Conference would fulfil the objectives assigned to it in paragraph 46 of document CPGR/91/5. The Group recommended that nations undertake as soon as possible to contribute to the funding of the Conference and, as far as possible, express their intentions in this regard during the Fourth Session of the Commission, so as to initiate the preparatory work as soon as possible.

3. International Undertaking

With regard to Item 4 and following discussions held during its fifth meeting, the Working Group expressed its satisfaction with the fact that as a result of the adoption by the last FAO Conference of the Agreed Interpretation of the International Undertaking and of the Resolution on Farmers' Rights, eleven new countries had adhered to the International Undertaking and five others which had previously adhered with reservations, had withdrawn their reservations. The Working Group urged other countries to follow these examples.

In line with discussions held during the Group's fifth meeting, its members acknowledged that outstanding matters still existed with regard to the implementation of the breeders' rights, the farmers' rights and the International Fund, for which there was a need to reach a consensus, possibly through a third annex to the International Undertaking. Within this framework, the Group discussed and generally agreed to the text of this possible annex in the form of a draft resolution which is now presented to the Commission for deliberation and possible approval.

Draft Resolution[1] : Annex 3 to the International Undertaking

The Conference,

Recognizing that:

- plant genetic resources should be available (without restriction), on agreed terms, for plant breeding and other scientific purposes;

- plant genetic resources and the information, technologies and funds necessary to conserve and utilize them, are complementary and of equal importance;

- all nations can be donors and users of plant genetic resources, information, technologies and funds.

Considering that:

- the best way to guarantee the maintenance of plant genetic resources is to ensure their effective and beneficial utilization in all countries;

- the farmers of the world have, over the millennia, domesticated, conserved, nurtured, improved and made available, plant genetic resources, and continue to do so today;

- advanced technologies and local rural technologies are both important and complementary in the conservation and utilization of plant genetic resources;

- in situ and ex situ conservation are important and complementary strategies for maintaining genetic diversity.

Endorses the following points:

i) that relative to plant breeders' rights, the breeders' lines should be available at the discretion of the breeders only;

ii) that farmers' rights will be implemented through an international fund on plant genetic resources which will support plant genetic conservation and utilization programmes, particularly, but not exclusively, in the Third World;

iii) that through the Commission on Plant Genetic Resources, the donors of genetic resources, funds and technology will determine and oversee the policies, programmes and priorities of the fund, with the advice of the appropriate technical bodies;

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[1] The words in brackets are those for which there was no consensus.

iv) that the conservation and sustainable utilization of plant genetic resources is a permanent need, and therefore the international fund should also be sustainable, (ideally mandatory) (based on equitable assessments).

4. Other business

During the discussions on the Global System, numerous countries discussed the possibility of broadening the Commission's mandate to cover other aspects of biodiversity. The Working Group considered that it is premature to broaden the mandate at the moment, and felt that the matter should be left open for the time being.

A. DRAFT RESOLUTION[1]: ANNEX 3 TO THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

The Conference,

Recognizing that:

- plant genetic resources should be available (without restriction), on agreed terms, for plant breeding and other scientific purposes;
- plant genetic resources and the information, technologies and funds necessary to conserve and utilize them, are complementary and of equal importance;
- all nations can be donors and users of plant genetic resources, information, technologies and funds.

Considering that:

- the best way to guarantee the maintenance of plant genetic resources is to ensure their effective and beneficial utilization in all countries;
- the farmers of the world have, over the millennia, domesticated, conserved, nurtured, improved and made available plant genetic resources, and continue to do so today;
- advanced technologies and local rural technologies are both important and complementary in the conservation and utilization of plant genetic resources;
- in situ and ex situ conservation are important and complementary strategies for maintaining genetic diversity.

Endorses the following points:

i) that relative to plant breeders' rights, the breeders' lines should be available at the discretion of the breeders only;

ii) that farmers' rights will be implemented through an international fund on plant genetic resources which will support plant genetic conservation and utilization programmes, particularly, but not exclusively, in the Third World;

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[1] The words in brackets are those for which there was no consensus.

iii) that through the Commission on Plant Genetic Resources, the donors of genetic resources, funds and technology will determine and oversee the policies, programmes and priorities of the fund, with the advice of the appropriate technical bodies;

iv) that the conservation and sustainable utilization of plant genetic resources is a permanent need and therefore the international fund should also be sustainable, (ideally mandatory) (based on equitable assessments).

B. SUBSTANTIVE MODIFICATIONS PROPOSED DURING DISCUSSIONS AT THE FOURTH SESSION OF THE COMMISSION

1. - Under "Recognizing that:", to add a new first clause: "nations have sovereign rights over the plant genetic resources in their territories".

2. - That the second clause, under "Recognizing that:", include the following underlined words: "plant genetic resources should, in principle, be available..."

3. - Under "Endorses the following points:", to add a new first clause: "that the concept of mankind's heritage, as applied in the International Undertaking on Plant Genetic Resources, is subject to the over-riding sovereignty of states over the plant germplasm located in their territories;"

4. - That, under "Endorses the following points": the old first clause read as follows: "that breeders' lines, and farmers' material, should only be available at the discretion of their developers";

5. - That, under "Endorses the following points": the old second clause begin as follows: "that one way in which farmers' rights may be implemented is through..."

6. - That, under "Endorses the following points":, the text of the old fourth clause, be revised to read as follows: "that the effective conservation and sustainable utilization of plant genetic resources is a pressing and permanent need and therefore the international fund should be substantial, sustainable, and based upon transparent funding mechanism(s).

Appendix I

ANALYTICAL TABLE OF OFFERS TO PARTICIPATE IN INTERNATIONAL NETWORK OF BASE COLLECTIONS (AS AT 17 APRIL 1991)

Member Nation or Institution	Model A	Model B	Model C	Model D	Participation	Comments
1. Argentina					Yes	Offer to provide space in a national base collection
2. Bangladesh			X		Yes	
3. Bostwana					No	
4. Canada					No	
5. Chile			X		--	Participation not specified
6. International Centre for Tropical Agriculture (Colombia)				X	Yes	Duplicate collection
7. Costa Rica			X		Yes	Under auspices of FAO, with some amendments
8. Czechoslovakia			X		Yes	
9. Yemen P.D.R.			X		Yes	
10. Denmark			[X]	[X]	Possible	Subject to consultation and modification
11. Ethiopia			X	X	Yes	Offer of 20 m^3 space to be administered by FAO under Model A or B
12. Finland			X		Yes	Modified after consultations
13. France				X	Yes	For base collections held by public institutions
14. Germany				X	Yes	For base collections held by Federal institutions and subject to restrictions
15. Indonesia				X	Yes	As in Basic Agreement Type D

Member Nation or Institution	Model A	B	C	D	Participation	Comments
16. India				X	Yes	Subject to specified modifications
17. Istituto di Miglioramento Genetico e Produzione delle Sementi (Italy)			X		Yes	
18. Japan				X	Yes	Subject to some special conditions
19. Iraq	X				Yes	
20. Madagascar			X		--	Participation not specified
21. Morocco					Yes	Model preference not stated
22. Netherlands			X			Intention to accept Basic Agreement Type C
23. Norway			X		Yes	Modified after consultations
24. Philippines			X		Yes	Also offer of space in permafrost conditions
25. Senegal			[X]	[X]	--	Models C and D under study; participation not specified
26. Spain			X		Yes	Offer of 30 m^3 space under jurisdiction of FAO under Model B
27. Sweden			X		Yes	Modified after consultations
28. Switzerland				X	Yes	
29. Syria					Yes	Model preference not stated
30. Togo			X		Yes	
31. Tunisia				X	Yes	

Member Nation or Institution	Model A	B	C	D	Participation	Comments
32. United Kingdom				X	Yes	In principle, with reservations and subject to availability
33. Uruguay			X		Yes	
34. Zimbabwe					No	

Appendix J

BASIC AGREEMENT

TYPE B [1]

AGREEMENT PLACING A BASE COLLECTION UNDER THE JURISDICTION OF FAO

PREAMBLE

The [Government of ...../title of Government Institution] (hereinafter referred to as "X") and the Food and Agriculture Organization of the United Nations (hereinafter referred to as FAO);

Considering the importance to humanity of protecting and conserving germplasm for future generations;

Considering the International Undertaking on Plant Genetic Resources adopted by the FAO Conference at its Twenty-second Session in 1983 (Resolution 8/83) and n particular Article 7 thereof;

Considering that "X" has expressed the wish that [part of] the base collection[s] of plant germplasm for which it is responsible should be recognized as part of the international network of base collections in gene banks and should be placed under the jurisdiction of FAO;

Have agreed as follows:

Article 1

BASIC UNDERTAKING

"X" undertakes to place under the jurisdiction of FAO within the international network of base collections in gene banks [part of] the base collection[s] of plant genetic resources as described in the Appendix hereto (hereinafter referred to as "designated germplasm"), under the terms and conditions set forth in this Agreement.

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[1] As this Agreement includes provisions which require undertaking on the part of the Government itself, if the other party to the Agreement is a Government Institution, the Government will also have to be party to the Agreement. These provisions are marked with an asterisk (*).

Article 2

CUSTODY

"X" shall act as custodian of the designated germplasm on behalf of FAO and on behalf of the international community.

Article 3

OWNERSHIP

(a) "X" hereby transfers unconditionally to FAO the designated germplasm.

(b)* "X" hereby renounces the right to subject the designated germplasm to national legislation.

Article 3

PREMISES

(a)* The premises in which the designated germplasm is conserved shall remain under the sovereignty of "X" and in its charge.

(b) "X" agrees, however, that FAO shall have a right of access to the premises and the right to inspect all activities performed therein directly related to the conservation and exchange of the designated germplasm.

Article 5

MANAGEMENT AND ADMINISTRATION

(a) "X" shall continue to manage and administer the designated germplasm but agrees that this shall be done in agreement with FAO.

(b) FAO may recommend action and, when required, determine such action as it considers necessary in order to ensure the proper conservation of the designated germplasm.

Article 6

POLICIES

FAO shall, in consultation with "X", determine all policies in respect of activities related to the designated germplasm.

Article 7

STAFF

(a) Staff assigned to manage and administer the designated germplasm shall be employed and remunerated by "X".

(b) FAO shall furnish all necessary technical backstopping to the staff.

(c) The work of the staff shall be subject to inspection by FAO in accordance with the provisions of Article 4(b) above.

Article 8

FINANCES

(a) "X" shall remain entirely responsible for financing the maintenance of the designated germplasm.

(b) "X" shall bring to the attention of FAO any difficulties regarding either the continued conservation of the designated germplasm or the implementation of measures recommended or determined by FAO pursuant to Article 5(b) above.

Article 9

REALLOCATION OR TRANSFER OF DESIGNATED GERMPLASM

Should "X" decide to withdraw the designated germplasm from the FAO international network or to terminate in any other way its commitments under this Agreement, FAO, may, after consultation with "X" reallocate or transfer the designated germplasm to other gene banks.

Article 10

PRIVILEGES AND IMMUNITIES *

"X" shall grant to FAO, FAO staff and experts designated by FAO to take part in activities related to the designated germplasm, the privileges and immunities provided for under the Convention on the Privileges and Immunities of the Specialized Agencies (CPISA).

Article 11

DURATION

This Agreement is concluded for a period of..... years and may be extended by mutual agreement.

Article 12

SETTLEMENT OF DISPUTES

(a) Any dispute concerning the implementation of this Agreement shall be settled by mutual consent.

(b) Failing mutual consent, such dispute may be submitted, at the request of either "X" or FAO to an arbitral tribunal composed of three members. Each party shall appoint one arbitrator. The two arbitrators thus appointed shall designate by mutual consent the third arbitrator, who will act as the presiding arbitrator of the tribunal.

(c) If within two months after the receipt of a party's notification of the appointment of an arbitrator the other party has not notified the first party of the arbitrator he has appointed, the first party may request the President of the International Court of Justice to appoint the second arbitrator.

(d) If within two months after the appointment of the second arbitrator the two arbitrators have not agreed on the choice of the presiding arbitrator, such presiding arbitrator shall be designated by the President of the International Court of Justice at the request of either party.

(e) Unless the parties to the dispute decide otherwise, the tribunal shall determine its own procedure.

(f) A majority vote of the arbitrators shall be sufficient to reach a decision which shall be final and binding for the parties to the dispute.

Article 13

TERMINATION

(a) Either "X" or FAO may terminate this Agreement at any time by giving notice to the other, one year in advance of the termination date.

(b) "X" and FAO shall, in such case, take all necessary measures to wind-up joint activities in an appropriate manner, subject to the provisions of Article 9 above.

Article 14

AMENDMENT

(a) Either "X" or FAO may propose that the Agreement be amended by giving notice thereof.

(b) If there is mutual agreement in respect of the amendment, the amendment shall enter into force on whatever date is set.

Article 15

DEPOSITARY

The Director-General of FAO shall be the Depositary of this Agreement. The Depositary shall:

(a) send certified copies of this Agreement to the Member Nations of FAO and to any other Government which so requests;

(b) arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;

(c) inform FAO Member Nations of:

(i) the signature of this Agreement in accordance with Article 16;

(ii) the termination of this Agreement in accordance with Article 13; and

(iii) the adoption of amendments to this Agreement in accordance with Article 14.

Article 16

COMING INTO FORCE

This Agreement shall come into force upon signature by the authorized representatives of "X" and FAO.

BASIC AGREEMENT

TYPE C

AGREEMENT PLACING A BASE COLLECTION UNDER THE AUSPICES OF FAO

PREAMBLE

The [Government of ...../title of Government Institution] (hereinafter referred to as "X") and the Food and Agriculture Organization of the United Nations (hereinafter referred to as FAO);

Considering the importance to humanity of protecting and conserving germplasm for future generations;

Considering the International Undertaking on Plant Genetic Resources adopted by the FAO Conference at its Twenty-second Session in 1983 (Resolution 8/83) and in particular Article 7 thereof;

Considering that "X" has expressed the wish that [part of] the base collection[s] of plant germplasm for which it is reponsible should be recognized as part of the international network of base collections in gene banks and should be placed under the auspices of FAO;

Have agreed as follows:

Article 1

BASIC UNDERTAKING

"X" undertakes to place under the auspices of FAO within the international network of base collections in gene banks [part of] the base collection[s] of plant genetic resources as described in the Appendix hereto (hereinafter referred to as the "designated germplasm"), under the terms and conditions set forth in this Agreement.

Article 2

OWNERSHIP

"X" shall retain ownership of the resources of the designated germplasm.

Article 3

PREMISES

(a) The premises in which the designated germplasm is conserved shall remain in the charge of "X".

(b) "X" agrees, however, that FAO shall have a right of access to the premises at any time and the right to inspect all activities performed therein directly related to the conservation and exchange of the designated germplasm.

Article 4

MANAGEMENT AND ADMINISTRATION

(a) "X" shall continue to manage and administer the designated germplasm in conformity with national legislation but agrees that this shall be done in agreement with FAO.

(b) FAO may recommend action, if it considers such action to be desirable in order to ensure the proper conservation of the designated germplasm.

Article 5

POLICIES

"X" shall continue to determine all policies in respect of activities related to the designated germplasm, subject to the provisions of Article 8 hereinafter, but undetakes to associate FAO with the policy-making process.

Article 6

STAFF

(a) Staff assigned to manage and administer the designated germplasm shall be employed and remunerated by "X".

(b) FAO shall furnish technical backstopping to the staff on request.

Article 7

FINANCES

(a) "X" shall remain entirely responsible for financing the maintenance of the designated germplasm.

(b) "X" shall bring to the attention of FAO any difficulties regarding either the continued conservation of the designated germplasm or the implementation of measures recommended by FAO pursuant to Article 4(b) above.

Article 8

PRIVILEGES AND IMMUNITIES [2]

"X" shall grant to FAO, FAO staff and experts designated by FAO take part in activities related to the designated germplasm, the privileges and immunities provided for under the Convention on the Privileges and Immunities of the Specialized Agencies (CPISA).

Article 9

AVAILABILITY OF DESIGNATED GERMPLASM

"X" undertakes to make designated germplasm available when necessary for the purpose of scientific research, plant breeding or genetic resource conservation, without rectriction, either directly to users or through FAO, either on mutually agreed terms or free of cost.

Article 10

DURATION

This Agreement is concluded for a period of.....years and may be extended by mutual agreement.

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[2] As this provision requires an undertaking by the Government itself, if the other party to the Agreement is a Government Institution, the Government will also have to be a party to the Agreement or provide a formal instrument accepting this provision.

Article 11

SETTLEMENT OF DISPUTES

(a) Any dispute concerning the implementation of this Agreement shall be settled by mutual consent.

(b) Failing mutual consent, such dispute may be submitted, at the request of either "X" or FAO to an arbitral tribunal composed of three members. Each party shall appoint one arbitrator. The two arbitrators thus appointed shall designate by mutual consent the third arbitrator, who will act as the presiding arbitrator of the tribunal.

(c) If within two months after the receipt of a party's notification of the appointment of an arbitrator the other party has not notified the first party of the arbitrator he has appointed, the first party may request the President of the International Court of Justice to appoint the second arbitrator.

(d) If within two months after the appointment of the second arbitrator the two arbitrators have not agreed on the choice of the presiding arbitrator, such presiding arbitrator shall be designated by the President of the International Court of Justice at the request of either party.

(e) Unless the parties to the dispute decide otherwise, the tribunal shall determine its own procedure.

(f) A majority vote of the arbitrators shall be sufficient to reach a decision which shall be final and binding for the parties to the dispute.

Article 12

TERMINATOR

(a) Either "X" or FAO may terminate this Agreement at any time by giving notice to the other, one year in advance of the termination date.

(b) "X" and FAO shall, in such case, take all necessary measures to wind-up joint activities in an appropriate manner.

Article 13

AMENDMENT

(a) Either "X" or FAO may propose that the Agreement be amended by giving notice thereof.

(b) If there is mutual agreement in respect of the amendment, the amendment shall enter into force on whatever date is set.

Article 14

DEPOSITARY

The Director-General of FAO shall be the Depositary of this Agreement. The Depositary shall:

(a) send certified copies of this Agreement to the Member Nations of FAO and to any other Government which so requests;

(b) arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;

(c) inform FAO Member Nations of:

(i) the signature of this Agreement in accordance with Article 15;

(ii) the termination of this Agreement in accordance with Article 12; and

(iii) the adoption of amendments to this Agreement in accordance with Article 13.

Article 15

COMING INTO FORCE

This Agreement shall come into force upon signature by the authorized representative of "X" and FAO.

BASIC AGREEMENT

TYPE D

AGREEMENT PLACING A BASE COLLECTION UNDER THE AUSPICES OF FAO

PREAMBLE

The [Government of ...../title of Government Institution] (thereinafter referred to as "X") and the Food and Agriculture Organization of the United Nations (hereinafter referred to as FAO);

Considering the importance to humanity of protecting and conserving germplasm for future generations;

Considering the International Undertaking on Plant Genetic Resources adopted by the FAO Conference at its Twenty-second Session in 1983 (Resolution 8/83) and in particular Article 7 thereof;

Considering that "X" has expressed the wish that [part of] the base collection[s] of plant germplasm for which it is responsible should be recognized as part of the international network of base collections in gene banks and should be placed under the auspices of FAO;

Have agreed as follows:

Article 1

BASIC UNDERTAKING

"X" undertakes to place under the auspices of FAO within the international network of base collections in gene banks [part of] the base collection[s] of plant genetic resources as described in the Appendix hereto (hereinafter referred to as the "designated germplasm"), under the terms and conditions set forth in this Agreement.

Article 2

OWNERSHIP

"X" shall retain ownership of the resources of the designated germplasm.

Article 3

PREMISES

The premises in which the designated germplasm is conserved shall remain in the charge of "X".

Article 4

MANAGEMENT AND ADMINISTRATION

"X" shall continue to be responsible exclusively for the management and administration of the designated germplasm.

Article 5

POLICIES

"X" shall continue to be responsible exclusively for determining policies related to the designated germplasm, subject, however, to the provisions of Article 8 hereinafter.

Article 6

STAFF

(a) Staff assigned to manage and administer the designated germplasm shall be employed and remunerated by "X".

(b) FAO shall furnish technical backstopping to the staff on request.

Article 7

FINANCES

"X" shall remain entirely responsible for financing the maintenance of the designated germplasm.

Article 8

AVAILABILITY OF DESIGNATED GERMPLASM

"X" undertakes to make the designated germplasm available when necessary for the purpose of scientific research, plant breeding or genetic resource conservation, without restriction, either directly to users or through FAO, either on mutually agreed terms or free of cost.

Article 9

DURATION

This Agreement is concluded for a period of..... years and may be extended by mutual agreement.

Article 10

SETTLEMENT OF DISPUTES

(a) Any dispute concerning the implementation of this Agreement shall be settled by mutual consent.

(b) Failing mutual consent, such dispute may be submitted, at the request of either "X" or FAO to an arbitral tribunal composed of three members. Each party shall appoint one arbitrator. The two arbitrators thus appointed shall designate by mutual consent the third arbitrator, who will act as the presiding arbitrator of the tribunal.

(c) If within two months after the receipt of a party's notification of the appointment of an arbitrator the other party has not notified the first party of the arbitrator he has appointed, the first party may request the President of the International Court of Justice to appoint the second arbitrator.

(d) If within two months after appointment of the second arbitrator the two arbitrators have not agreed on the choice of the presiding arbitrator, such presiding arbitrator shall be designated by the President of the International Court of Justice at the request of either party.

(e) Unless the parties to the dispute decide otherwise, the tribunal shall determine its own procedure.

(f) A majority vote of the arbitrators shall be sufficient to reach a decision which shall be final and binding for the parties to the dispute.

Article 11

TERMINATION

(a) Either "X" or FAO may terminate this Agreement at any time by giving notice to the other, one year in advance of the termination date.

(b) "X" and FAO shall, in such case, take all necessary measures to wind-up joint activities in an appropriate manner.

Article 12

AMENDMENT

(a) Either "X" or FAO may propose that the Agreement be amended by giving notice thereof.

(b) If there is mutual agreement in respect of the amendment, the amendment shall enter into force on whatever date is set.

Article 13

DEPOSITARY

The Director-General of FAO shall be the Depositary of this Agreement. The Depositary shall:

(a) send certified copies of this Agreement to the Member Nations of FAO and to any other Government which so requests;

(b) arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;

(c) info
rm FAO Member Nations of:

(i) the signature of this Agreement in accordance with Article 14; and

(ii) the adoption of amendments to this Agreement in accordance with Article 12.

Article 14

COMING INTO FORCE

This Agreement shall come into force upon signature by the authorized representative of "X" and FAO.

Appendix K

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

1. Election of the Chairman and Vice-Chairmen

2. Adoption of the agenda and timetable for the Session

3. Reports of the Working Group

4. The Global System for the Conservation and Utilization of Plant Genetic Resources and the state of implementation of the International Undertaking on Plant Genetic Resources

5. Progress reports on mechanisms to facilitate the exchange of germplasm, information and technology

   i) The Global Information and Early Warning System on Plant Genetic Resources

   ii) The International Network of ex situ Base Collections

   iii) The International Network of in situ Conservation Areas

6. Progress report on the development of international agreements and codes of conduct

   i) International Code of Conduct for Plant Germplasm Collecting and Transfer

   ii) International Code of Conduct on Biotechnology

7. Preparatory process for the Fourth International Technical Conference of Plant Genetic Resources

   i) Progress report on the first "State of the World's Plant Genetic Resources"

   ii) Progress report on the Global Plan of Action for Plant Genetic Resources

8. Reports, programmes and activities on plant genetic resources

   i) FAO activities and future programmes on plant genetic resources

   ii) Overall work programme of IBPGR and joint FAO/IBPGR activities

   iii) Reports by other organizations (as appropriate)

9. Selected policy issues

   i) Biotechnology and plant genetic resources

   ii) Biodiversity and plant genetic resources, and follow-up to the UNCED

10. The future work programme of the Commission

11. Other business

12. Date and place of the next session

13. Adoption of the report