



COMMISSION ON PLANT GENETIC RESOURCES

Fourth Session

Rome, 15-19 April 1991

REPORT BY THE CHAIRMAN OF THE WORKING GROUP ON ITS SIXTH SESSION

The Sixth Session of the Working Group was held under my Chairmanship on 11 and 12 April 1991. The following countries participated in the Session: 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 includes 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 biotechnology 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. Thee 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 provides 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 fulfill 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 Session, 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, have withdrawn their reservations. The Working Group urged other countries to follow these examples.

In line with discussions held during the Group's Fifth Session, 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 : 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.

* The words in brackets are those for which there was no consensus.

Endorses the following points:

1. that relative to plant breeders' rights, the breeders' lines should be available at the discretion of the breeders only;
2. 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;
3. 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;
4. 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.