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l'agriculture

Organización
de las
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Agricultura
y la
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Item 5 of the Provisional Agenda

COMMISSION ON PLANT GENETIC RESOURCES

Sixth Session

Rome, 19 - 30 June 1995

COOPERATION IN THE IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY ON MATTERS OF INTEREST TO THE COMMISSION ON PLANT GENETIC RESOURCES

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COOPERATION IN THE IMPLEMENTATION
OF THE CONVENTION ON BIOLOGICAL DIVERSITY ON MATTERS OF
INTEREST TO THE COMMISSION ON PLANT GENETIC RESOURCES

I. INTRODUCTION

1. FAO's activities in support of the negotiations for the Convention on Biological Diversity have been reported to the Commission at its earlier sessions. Further cooperation from FAO was specifically requested in Resolution 2 annexed to the Nairobi Final Act (Nairobi, June 1992), especially in connection with the establishment and operation of the Interim Secretariat of the Convention, as well as in Resolution 3 in connection with the inter-relationship between the Convention on Biological Diversity and the promotion of sustainable agriculture. The present document describes the cooperation that FAO has extended to the Convention on Biological Diversity, its Secretariat and Governing Bodies in response to these resolutions, from the last regular session of the Commission in April 1993 up to March 1995.

II. MAIN AREAS OF COOPERATION

1. Cooperation with the Interim Secretariat

2. FAO provided the services of an FAO legal officer, as part of the Interim Secretariat, during the two sessions of the Intergovernmental Committee on the Convention on Biological Diversity (Geneva, 11-15 October 1993, and Nairobi, 20 June-1 July 1994). FAO also liaised closely with the Interim Secretariat in the preparation of documents.

**2. Reporting to the Inter-governmental Committee of the Convention
on Biological Diversity¹ and the Conference of the Parties**

3. At its Fifth Session, the Commission on Plant Genetic Resources recognized the importance of close cooperation with the governing body of the Convention and "*recommended* that this cooperation should include mutual reporting under specific agenda items in their respective Regular Sessions" (Report, para. 34).

4. FAO submitted progress reports on the follow-up to Resolution 3 of the Nairobi Final Act to both sessions of the Intergovernmental Committee of the Convention on Biological Diversity. In expressing appreciation for FAO's report, the second session invited FAO to submit a similar progress report to the first Conference of the Parties.

5. The report to the first Conference of the Parties was made available to the First Extraordinary Session of the Commission, 7-11 November 1994, as information document CPGR-Ex1/94/Inf. 4, *Progress made on Resolution 3 of the Nairobi Final Act: Ex Situ Collections and Farmers' Rights*. The Commission noted that FAO had already transmitted the report to the Parties to the Convention through its Interim Secretariat, since the First Session of the Conference of the Parties was taking place in early December. It agreed that the report of its First Extraordinary Session, and document CPGR-Ex1/94/5 Supp., *Revision of the International Undertaking: Analysis of Some Technical, Economic and Legal Aspects for Consideration in Stage II*, should also be transmitted as information documents.

6. The First Extraordinary Session of the Commission agreed that in the future documents submitted to the Conference of the Parties should be reviewed and discussed first by the Commission. The next

¹ As of 5 April 1995 117 countries have ratified the Convention. See Appendix 1.

session of the Conference of the Parties will meet in Indonesia, 6-17 November 1995; the Session is expected to discuss the medium-term programme of work adopted by the First Session which includes a number of items relevant to the Commission on Plant Genetic Resources, including one on the relationship with the FAO Global System on Plant Genetic Resources for food and agriculture (see para. 13 below). No indication has yet been received from the Secretariat as to the type of contribution or report expected from FAO and its Commission on Plant Genetic Resources. The Commission may wish to guide the Secretariat on how to proceed, as no further session of the Commission is scheduled before the Second Conference of the Parties meets.

3. Participation in the Secretariat of the Convention on Biological Diversity

7. In August 1994, FAO officially informed the Interim Secretariat of the Convention on Biological Diversity of its interest in participating, together with other international organizations, in a joint permanent secretariat. FAO made the following offers²:

- . to second one or two professionals to the Permanent Secretariat;
- . to maintain permanent liaison with it, through appropriate internal mechanisms; and
- . to carry out specific tasks, at the request of the Conference of the Parties, on mutually agreed terms.

The text of the FAO proposal was submitted to the First Extraordinary Session of the Commission on Plant Genetic Resources (7-11 November 1994), which expressed its firm support.

8. The first Conference of the Parties designated UNEP to carry out the functions of the Secretariat of the Convention. During the Conference, FAO offered to second to the Secretariat of the Convention, at FAO's expense, the staff member who would be responsible for agricultural matters. A similar offer was made by UNESCO. The Conference of the Parties welcomed the concrete offers made by FAO and UNESCO to support and cooperate with the Secretariat, including the secondment of staff, and requested the Executive Secretary to coordinate with those organizations, with a view to entering into such administrative and contractual arrangements as might be required to make these offers effective, as provided for under Article 24.1(d) of the Convention (see Appendix 2). Negotiations on the implementation of these offers are under way.

4. Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA)

9. The first meeting of the Subsidiary Body will be held at UNESCO, Paris, from 4 to 8 September 1995. It will consider its *modus operandi* and the need to draw on relevant existing institutional structures and will prepare a proposal for a medium-term programme of work, for the consideration of the second Conference of the Parties. Point 5.5.2 of the provisional agenda for the First Meeting of the SBSTTA reads as follows: "How can the Convention on Biological Diversity contribute to the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in 1996?"³. The Commission may wish to identify areas where such contribution may be needed.

5. Clearing House Mechanism

10. Article 18, para. 3 of the Convention provides that the clearing house mechanism will promote and facilitate technical and scientific cooperation, including through the provision of information. The Secretariat was asked to prepare concrete and costed recommendations for the establishment of the

² A more detailed description of FAO's offer is contained in document CPGR-Ex1/94/Inf.8, *Participation of FAO in the Secretariat of the Convention on Biological Diversity*.

³ UNEP/CBD/COP/1/17

mechanism, drawing on all relevant existing institutional structures (including, for example, databanks such as FAO's, on plant, animal, forestry and fishery genetic resources). Following an invitation from the Convention Secretariat, FAO participated at a Secretariat meeting on the subject on 30 and 31 March 1995. The item will be on the Agenda of the second Conference of the Parties.

11. Within the context of the FAO Global System on Plant Genetic Resources, the World Information and Early Warning System on Plant Genetic Resources (WIEWS) could provide a useful contribution by complementing the Convention's clearing house mechanism on matters related to plant genetic resources for food and agriculture. The relationship between the clearing house mechanism and the WIEWS may need to be further developed.

6. Medium-Term Programme of Work of the Conference of the Parties, 1995-1997

12. During the debate on this item at the first session of the Conference of the Parties, FAO reported on progress made in the implementation of Resolution 3 of the Nairobi Final Act, covering both plants and animal genetic resources.

13. The Conference of the Parties adopted a Medium-Term Programme of Work for the period 1995-1997 (see Appendix 3), and decided to review it at its next Session, in the light of progress in the implementation of the Convention. The Medium-Term Programme includes a number of items relevant to FAO and its Commission on Plant Genetic Resources. For 1995, these include:

- . item 2.6 (relationship of the Convention with other biodiversity-related conventions, international agreements, institutions and processes); this is expected to include the relationship with the International Undertaking on Plant Genetic Resources;
- . item 5.4 (access to genetic resources), and item 5.5 (access to and transfer of technology); this is relevant to the current negotiations on the revision of the Undertaking;
- . item 5.6 (need for and modalities of a possible protocol on biosafety); this is relevant to the FAO Code of Conduct on Biotechnology (see para. 14 and 15 below); and more specifically
- . item 5.9 (relationship with the FAO Global System for Plant Genetic Resources for Food and Agriculture, including sub-items on the revision of the International Undertaking, on the preparation for the Fourth International Technical Conference, and on *ex situ* collections of plant genetic resources).

The Commission may wish to discuss its possible contributions to the Conference of the Parties and its Secretariat on matters related to plant genetic resources for food and agriculture in this Programme of Work.

7. Possible Protocol on Biosafety

14. In the context of its Medium-Term Programme, the Conference of the Parties also decided to establish an open-ended intergovernmental *ad hoc* group of experts, to consider the need and modalities of a protocol for the transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effects on the conservation and sustainable use of biodiversity. The open-ended intergovernmental group of experts will meet in Spain in 1995. The report of the Group of Experts should allow the second Conference of the Parties to reach an informed decision on the need for and modalities of such a protocol. The Conference requested its Secretariat, in order to prepare a background document for the meeting, to establish a panel of fifteen experts nominated by governments, with equitable geographical representation, in consultation with the Bureau of the Convention, and with the assistance of UNIDO, UNEP, FAO and WHO.

15. At the request of the Commission on Plant Genetic Resources at its Fifth Session, FAO transmitted to the Secretariat of the Convention on Biological Diversity the biosafety elements of the

draft Code of Conduct on Biotechnology discussed at that session, as an input to the possible protocol. The Commission also recommended "that FAO participate in this work in order to ensure that the aspects of biosafety in relation to plant genetic resources for food and agriculture are appropriately covered". Following an invitation from the Secretariat of the Convention, FAO has designated a focal point within its Secretariat to assist the Secretariat of the Convention in the organization of the panel of experts and the preparation of background documentation. (See para. 28 and 29 of CPGR-6/95/4).

**8. Preparation of the Participation of the Convention
on Biological Diversity in the Third Session
of the Commission on Sustainable Development**

16. The Conference of the Parties discussed and agreed on the statement to be made to the Third Session of the Commission on Sustainable Development (CSD). It is based on the report of an intergovernmental expert consultation convened by the Government of Spain in Madrid in October 1994, with FAO's participation. The statement includes information on the ongoing negotiations within FAO for the revision of the International Undertaking on Plant Genetic Resources, in harmony with the Convention. It also stresses the desirability "to coordinate efforts carried out in both fora, in order to collaborate, and to avoid overlapping in the respective fields of competence of FAO and the Convention on Biological Diversity".

III. GUIDANCE REQUESTED FROM THE COMMISSION ON PLANT GENETIC RESOURCES

17. The Commission may wish to discuss and guide its Secretariat on matters related to continuing cooperation and follow-up, especially in relation to para. 6, 11, 13 and 15 above.

 APPENDIX 1

 RATIFICATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY,
 AS AT 5 APRIL 1995*

1. Mauritius (4.9.92)	31. Philippines (8.10.93)	61. UK (3.6.94)	91. Bolivia (3.10.94)
2. Seychelles (22.9.92)	32. Uruguay (5.11.93)	62. Chad (7.6.94)	92. Rep. of Korea (3.10.94)
3. Marshall Islands (8.10.92)	33. Nauru (11.11.93)	63. The Gambia (10.6.94)	93. Senegal (17.10.94)
4. Maldives (9.11.92)	34. Jordan (12.11.93)	64. Micronesia (20.6.94)	94. Cameroon (19.10.94)
5. Monaco (20.11.92)	35. Nepal (23.11.93)	65. Malaysia (24.6.94)	95. DP Rep. Korea /3 (26.10.94)
6. Canada (4.12.92)	36. Czech Republic /3 (3.12.93)	66. Benin (30.6.94)	96. San Marino (28.10.94)
7. China (5.1.93)	37. Barbados (10.12.93)	67. France (1.7.94)	97. Swaziland (9.11.94)
8. St. Kitts & Nevis (7.1.93)	38. Sweden (16.12.93)	68. Netherlands /1 (12.7.94)	98. Zimbabwe (11.11.94)
9. Ecuador (23.2.93)	39. EC /3 (21.12.93)	69. Kenya (26.7.94)	99. Viet Nam (16.11.94)
10. Fiji (25.2.93)	40. Denmark (21.12.93)	70. Pakistan (26.7.94)	100. Switzerland (21.11.94)
11. Antigua & Barbuda (9.3.93)	41. Germany (21.12.93)	71. Estonia (27.7.94)	101. Argentina (22.11.94)
12. Mexico (11.3.93)	42. Portugal (21.12.93)	72. Finland /1 (27.7.94)	102. Myanmar (25.11.94)
13. Papua New Guinea (16.3.93)	43. Spain (21.12.93)	73. Greece (4.8.94)	103. Colombia (28.11.94)
14. Vanuatu (25.3.93)	44. Belize (30.12.93)	74. Grenada (11.8.94)	104. Côte d'Ivoire (29.11.94)
15. Cook Islands (20.4.93)	45. Albania /2 (5.1.94)	75. Kiribati /2 (16.8.94)	105. Zaire (3.12.94)
16. Guinea (7.5.93)	46. Malawi (2.2.94)	76. Romania (17.8.94)	106. Equatorial Guinea /2
17. Armenia (14.5.93)	47. Samoa (9.2.94)	77. Austria (18.8.94)	107. Sierra Leone /2 (12.12.94)
18. Japan /1 (28.5.93)	48. India (18.2.94)	78. Indonesia (23.8.94)	108. Lebanon (15.12.94)
19. Zambia (28.5.93)	49. Hungary (24.2.94)	79. Slovakia /3 (25.8.94)	109. Jamaica (6.1.95)
20. Peru (7.6.93)	50. Paraguay (24.2.94)	80. Costa Rica (26.8.94)	110. Lesotho (10.1.95)
21. Australia (18.6.93)	51. Brazil (28.2.94)	81. Ghana (29.8.94)	111. Panama (17.1.95)
22. Norway (9.7.93)	52. Cuba (8.3.94)	82. Nigeria (29.8.94)	112. Ukraine (7.2.95)
23. Tunisia (15.7.93)	53. Sri Lanka (23.3.94)	83. Guyana (29.8.94)	113. Oman (8.2.95)
24. Saint Lucia /2 (28.7.93)	54. Ethiopia (5.4.94)	84. Djibouti (1.9.94)	114. Cambodia /2 (9.2.95)
25. Bahamas (2.9.93)	55. Dominica /2 (6.4.94)	85. Kazakhstan (6.9.94)	115. Mali (29.3.95)
26. Burkina Faso (2.9.93)	56. Italy (15.4.94)	86. El Salvador (8.9.94)	116. Cape Verde (29.3.95)
27. Belarus (8.9.93)	57. Bangladesh (3.5.94)	87. Chile (9.9.94)	117. Russian Federation (5.4.95)
28. Uganda (8.9.93)	58. Luxembourg (9.5.94)	88. Iceland (12.9.94)	
29. New Zealand (16.9.93)	59. Egypt (2.6.94)	89. Venezuela (13.9.94)	
30. Mongolia (30.9.93)	60. Georgia /2 (2.6.94)	90. Comoros (29.9.94)	

1/ Acceptance of the Convention

2/ Accession to the Convention

3/ Approval of the Convention

* As notified by the Secretariat of the Convention on 21 April 1995.

APPENDIX 2

REPORT OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY (UNEP/CBD/COP/1/17)

Decision I/5 - Support to the Secretariat by International Organizations

The Conference of the Parties

1. *Welcomes* the willingness demonstrated by international organizations to support and cooperate with the Secretariat for the effective discharge of its functions, and in particular the concrete offers made by the Food and Agriculture Organization of the United Nations and the United Nations Educational Scientific and Cultural Organization, including by secondment of staff;
2. *Requests* the Executive Secretary to coordinate with those organizations with a view to entering into such administrative and contractual arrangements as may be required to make effective those offers, as provided for in Article 24.1 (d) of the Convention;
3. *Invites* other competent organizations which wish to do so to make further proposals to the Secretariat in this regard;
4. *Requests* the Executive Secretary to contact the Secretariats of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation between this Convention and those conventions and report to the Conference of the Parties on this issue, as provided for in Article 23.4 (h) of the Convention.

APPENDIX 3

REPORT OF FIRST MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY (UNEP/CBD/COP/1/17)

From Decision I/9 - Medium-term Programme of Work of the Conference of the Parties, 1995-1997

1. The medium-term programme of work will be constructed on the basis of standing and rolling issues.
2. Standing items will include *inter alia*:
 - 2.1 Matters relating to the financial mechanism, including report from the interim institutional structure entrusted with its operation;
 - 2.2 Report from the Secretariat on the administration of the Convention and budget for the Secretariat;
 - 2.3 Report from, instructions to and consideration of recommendations from the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);
 - 2.4 Reports by Parties on implementation of the Convention;
 - 2.5 Report on, assessment and review of the operation of the clearing-house mechanism;
 - 2.6 Relationship of the Convention on Biological Diversity with the Commission on Sustainable Development and biodiversity related conventions, other international agreements, institutions and processes of relevance.
3. The other issues and derived activities necessary to implement the Convention should be treated on a year-by-year agenda, and the understanding that these relevant rotating issues will be developed and continually treated in accordance with the decisions of the Conference of the Parties by the SBSTTA and any eventual working groups appointed by the Conference of the Parties. The year-by-year agenda has to be flexible.
4. Treatment of the Work Programme items should also reflect the importance of capacity-building as one of the elements of successful Convention implementation. The Work Programme should always reflect a balance among the Convention's objectives as set forth in Article 1.
5. In 1995, the second meeting of the Conference of the Parties may consider, *inter alia*, the following items:⁴

⁴ The order given does not reflect any prioritization of items, but merely reflects the general structure of the Convention.

5.1 General measures for conservation and sustainable use

5.1.1 To provide information and share experiences on the implementation of Article 6.

5.2 Conservation of biological diversity

5.2.1 Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention;

5.2.2 To provide information and share experiences on measures for implementing Article 8.

5.3 Conservation and sustainable use of coastal and marine biological diversity

5.3.1 To consider coastal and marine biological diversity within the context of the Convention's three objectives and its provisions.

5.4 Access to genetic resources

5.4.1 To compile existing legislation, administrative and policy information on access to genetic resources and the equitable sharing of benefits derived from their use;

5.4.2 To compile information provided by Governments as well as relevant reports from appropriate international organizations regarding policy, legislative, or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources.

5.5 Issues relating to technology

5.5.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged by Articles 16 and 18 of the Convention.

5.6 Handling of biotechnology

5.6.1 To consider the need for and modalities of a protocol for safe handling and transfer of living modified organisms.

5.7 Report on the financial mechanism

5.7.1 Consideration of the study prepared by the Secretariat on the availability of financial resources additional to those provided through the restructured Global Environment Facility (GEF), and on the ways and means for mobilizing and channelling these resources in support of the objectives of the Convention taking into account the views expressed by participants on the subject at the Conference of the Parties at its first meeting.

5.8 Reports by Parties

- 5.8.1 To provide the form for reporting;
- 5.8.2 To decide on intervals for reporting.

5.9 Relationship with the FAO Global System for Plant Genetic Resources for Food and Agriculture

- 5.9.1 To be informed and to be able to consider progress made revising the International Undertaking on Plant Genetic Resources for Food and Agriculture in order to consider its consistency with the objectives and provisions of the Convention and implementation of Resolution 3 of the Nairobi Final Act;
- 5.9.2 To be informed about and to be able to consider the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in 1996;
- 5.9.3 To be informed about developments with regard to *ex situ* collections of plant genetic resources.

6. In 1996, the third meeting of the Conference of the Parties may consider, *inter alia*, the following items:

6.1 General measures for conservation and sustainable use;

6.2 Identification, monitoring and assessment

- 6.2.1 To consider options for implementing Article 7;
- 6.2.2 Appraisal of SBSTTA's review of assessment of biological diversity for the implementation of Article 25(2) (a) and advice on methodologies for future assessments;

6.3 Conservation and sustainable use of agricultural biological diversity

- 6.3.1 To consider agricultural biological diversity within the context of the Convention's three objectives and its provisions;

6.4 Consideration of the future programme of work for terrestrial biological diversity in the light of the outcome of deliberations of the Third Session of the Commission on Sustainable Development in 1995;

6.5 Knowledge, innovations and practices of indigenous and local communities;

- 6.5.1 Implementation of Article 8(j);

6.6 Access to genetic resources

- 6.6.1 To compile the views of Parties on possible options for developing national legislative, administrative or policy measures, as appropriate, to implement Article 15.

6.7 Issues related to technology

6.7.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged by Articles 16 and 18 of the Convention.

6.8 Incentive measures

6.8.1 To consider options for implementing Article 11.

6.9 Special session of the General Assembly to review implementation of Agenda 21

6.9.1 To consider possible inputs from the perspective of the Convention's three objectives.

7. In 1997, the fourth meeting of the Conference of the Parties may consider, *inter alia*, the following items:

7.1 Review of medium-term programme of work (1995-1997)

7.1.1 To undertake an overall review and consider a longer term work programme;

7.2 Models and mechanisms for linkages between *in situ* and *ex situ* conservation;

7.3 Measures for implementing the Convention

7.3.1 To provide information and share experiences on the implementation of Article 13;

7.3.2 To provide information and share experiences on the implementation of Article 14;

7.4 Consideration of matters related to benefit sharing

7.4.1 To consider measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19;

7.5 Technical and scientific cooperation