

October 2001

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Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COUNCIL

Hundred and Twenty-first Session

Rome, 30 October - 1 November 2001

INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

INFORMATION PURSUANT TO RULE XXI.1 OF THE GENERAL RULES OF THE ORGANIZATION

Corrigendum

The following comments received from China should be added, under heading "IV. COMMENTS RECEIVED", between Chile and the European Community.

CHINA

Views and Proposed Revisions of China Regarding the International Undertaking on Plant Genetic Resources

- I. The Chinese Government encourages and supports the international exchange and cooperation of germplasm resources, and agrees to the arrangement that the 31st Session of FAO Conference will review and approve the text of the Undertaking adopted by the Commission on Genetic Resources for Food and Agriculture at its 6th Extraordinary Session.
- II. State sovereignty and farmers rights should be fully reflected, and facilitated access and benefit-sharing should be treated as equally important. When considerable commercial benefit is

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obtained by taking advantage of the Multilateral System, part of it must be returned to the party that has provided the resources and this must be ensured by establishing an effective mechanism.

In reflecting state sovereignty, it is imperative to respect the resources holding countries' unrestricted disposition over their resources and their laws must be abided by. The party that has obtained the resources should not seek to claim any intellectual property or other rights over the resources obtained. To realize farmers rights is not only the responsibility resting with the national government. The international community should make efforts as well. Particularly, the party that has obtained the resources should provide a certain amount of funds to ensure that farmers rights are realized. To this end, it is suggested that provisions concerning "international obligations" for realizing farmers rights be added to Part III - Farmers Rights (Article 10).

We agree to the principle, proposed for the purpose of facilitating the access, that access shall be accorded expeditiously and free of charge, or a fee may be charged for the minimal cost. However, its feasibility should be considered. If access cannot be provided expeditiously and free of charge due to financial and technical difficulties, the party providing resources has the right to request financial and technical cooperation. It is therefore suggested to make appropriate amendment to 13.3(b) of the Undertaking, which reads: "Access shall be provided expeditiously, without the need to track individual accessions and free of charge, or, when a fee is charged, it shall not exceed the minimal cost involved."

III. The two principles of food security and interdependence should be insisted on when preparing the List of Crops Covered under the Multilateral System while giving due consideration to the factor of financial supports. The List must be made on a basis of consensus. It is inadvisable to place a lot of crops on the list at the very beginning. More crops may be added to the List depending on implementation of the Undertaking. Considering that the List under Annex I has been agreed upon by consensus, it is suggested that this List be submitted to the Conference for consideration and approval for the purpose of approving the Undertaking as soon as possible. In view of different opinions on the List under Annex E, we suggest that this List be held up for more negotiations as appropriate.

IV. We disagree, for the time being, to placing soybean on the List. However, we are not against the international exchange of soybean germplasm. As a matter of fact, we have never suspended any bilateral cooperation with other countries in this field.

V. Concerning the meaning of genetic resources, we believe that not only propagating material but also material of any origin containing genetic material should be included. With regard to the definition of "plant genetic resources for food and agriculture" under Article 2 - Use of Terms, we disagree with the first version that "plant genetic resources for food and agriculture means any material of plant origin, including reproductive and vegetative propagating material, containing genetic parts and components, functional units of heredity of actual or potential value to food and agriculture." Instead, we are for the second one that "plant genetic resources for food and agriculture means any material of plant origin, including reproductive and vegetative propagating material, and its genetic parts and components containing functional units of heredity of actual or potential value for food and agriculture."

VI. Comments on the Chinese translation. Chinese is an official language used by the United Nations and FAO and an official language for the text of the Undertaking. In our view, the Chinese version is a relatively rough translation, which contains many points that are both

difficult to understand and out of keeping with the idiomatic expression of Chinese. It is suggested that after the English text of the Undertaking is adopted at the Conference session, the translation of it into Chinese should involve legal experts, bilingual experts in English and Chinese, and scientists in the field of genetic resources, who, with the final say, will review and revise the Chinese version. This is to ensure that the Chinese version will be faithful to the English one to be adopted by the Conference, and will take into consideration the idiomatic usage of Chinese. The official Chinese text of the Undertaking should be endorsed both by FAO and by the Chinese side.

