



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



E

FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 14 – 18 March 2011

ANNOTATED DRAFT PROVISIONAL AGENDA AND PROVISIONAL INDICATIVE TIMETABLE

Introduction

1. The Governing Body is convened under the provisions of Article 19 of the Treaty, and is open to all Contracting Parties to the International Treaty, and to observers.
2. Following the generous offer of the Government of Indonesia, which was welcomed by the Governing Body, the Fourth Session of the Governing Body is being held at the Bali International Convention Centre, Bali, from 14 – 18 March 2011.
3. In accordance with Rule 7 of the *Rules of Procedure* of the Governing Body, the Secretary has notified those bodies and agencies, whether governmental or non-governmental, qualified in fields relating to the subject-matter of the Treaty, which have informed the Secretariat of their wish to be represented at the meeting, so that they may be admitted as observers. A list of such bodies and agencies will be made available to the Governing Body for information.
4. At its Third Session, the Governing Body adopted a number of Resolutions and requested Contracting Parties and observers, its Bureau as well as the Secretariat to carry out a number of actions. The Governing Body also deferred a number of issues to this Fourth Session, in particular:
 - some Rules of the *Financial Rules* of the Governing Body;
 - procedures to promote compliance with the Treaty and to address issues of non-compliance;
 - certain issues related to the operation of the Funding Strategy of the Treaty; and
 - a number of reviews and assessments related to the implementation of the Multilateral System and the operation of the Standard Material Transfer Agreement (SMTA).

Chairperson and Vice-Chairpersons of the Fourth Session of the Governing Body

5. At the end of its Third Session, the Governing Body elected Ms Cosima Hufler (Austria) as Chairperson of the current session of the Governing Body, and the following Vice-Chairpersons: Ms Fiona Bartlett (South West Pacific Region), Mr Gustavo Pacheco (Latin America and the Caribbean Region), Mr Marco Valicenti (Northern America Region), Mr Javad Mozafari Hashjin (Near East Region), Mr Mohd Shukor Nordin (Asia Region) and Mr Mohamed Kharrat (Africa Region).

6. In accordance with Rule II.1 of the *Rules of Procedure*,¹ the Government of Australia designated Mr Travis Power, in the place of Ms Bartlett, as the Vice-Chair representing the South West Pacific Region. Furthermore, the Government of Brazil designated Ms Maria Cecilia Calvacante Vieira, in the place of Mr Gustavo Pacheco, as the Vice-Chair representing the Latin America and the Caribbean Region, while the Government of Malaysia designated Mr. Mohd Saad Azman, in the place of Mr Mohd Shukor Nordin, as the Vice-Chair representing the Asia Region.

Opening Session

7. The opening session will begin at 10.00 a.m. on Monday, 14 March 2011. The Governing Body will hear welcoming addresses by representatives of the Government of Indonesia, and by local authorities, as well as special addresses by the Director General of FAO and invited expert speakers representing some major stakeholders in the Treaty.

ITEM 1. Adoption of Agenda and Time-Table

8. The present document annotates the *Provisional Agenda*,² and provides a proposed timetable, for the consideration of the Governing Body.

9. The provisional agenda has been prepared by the Secretary under the guidance of the Bureau of the Fourth Session of the Governing Body, in accordance with Rule 5.1 of the Rules of Procedure.

10. The agenda for this meeting is very heavy, reflecting the volume of work that the Treaty has been able to accomplish in the current biennium and that the Governing Body will undertake at this session. It includes a number of issues arising from the Second and Third Sessions of the Governing Body, or specifically deferred to this session, as well as issues that the Governing Body expressly requested be put on the agenda for this session.

11. The list of the documents for this session is contained in the document, IT/GB-4/11/Inf. 1, *List of Documents*. In accordance with the recommendation of the Bureau of this session, the Secretary has prepared a compilation of the *various elements* of draft Resolutions for the consideration of the Governing Body. These are contained in the document, IT/GB-4/11/2/28.

12. The Governing Body is invited to consider the provisional agenda contained in document, IT/GB-4/11/1, *Draft Provisional Agenda*, and the indicative timetable suggested in this document, in order to adopt its Agenda and organize its work for this session.

ITEM 2. Election of the *Rapporteur* for the Fourth Session of the Governing Body

13. In accordance with Rule II.1 of the *Rules of Procedure* adopted by the Governing Body at its First Session,³ “*the Governing Body shall elect [...] a Rapporteur from among the delegates, alternates, experts and advisers of the Contracting Parties*”. The Governing Body is invited to do so, under this Item.

¹ “If a Bureau member is unable to temporarily carry out any of his or her functions, the Contracting Party of that Bureau member may designate an alternate”.

² Document IT/GB-4/11/1, *Draft Provisional Agenda*.

³ IT/GB-1/06/Report, *Appendix D*.

ITEM 3. Appointment of the Credentials Committee

14. According to Rule IV.5 of the Rules of Procedure, “*each Contracting Party shall communicate to the Secretary of the Treaty the name of its representatives on the Governing Body before the opening of each session of the Governing Body*”.

15. By Article 19.4 of the Treaty, each Contracting Party shall have one vote and may be represented at sessions of the Governing Body by a single delegate, who may be accompanied by an alternate, and by experts and advisers.

16. Rule XIII of the Rules of Procedure further provides that “*the provisions of the General Rules of the FAO shall apply mutatis mutandis to all matters not specifically dealt with under the Treaty or the present Rules*”. According to Rules III.3 and III.4 of the General Rules of the FAO, a Credentials Committee shall be set up to examine credentials.

17. The Governing Body may wish establish a Credentials Committee, comprising one representative per region, to examine the credentials at this session, and report back to the Governing Body in Plenary.

ITEM 4. Establishment of the Budget Committee

18. According to Rule II of the *Financial Rules of the Governing Body* (Financial Rules), the financial period is two calendar years, coinciding with the financial period of FAO, and Rule III.4 provides that the draft budget shall be prepared by the Secretary and circulated to Contracting Parties before regular sessions of the Governing Body. The draft Work Programme and Budget for the biennium 2010-2011 is contained in the document, IT/GB-4/11/27, *Draft work programme and budget for the 2012-2013 biennium*.

19. The Governing Body may wish to establish a Budget Committee, which meets from time to time following Plenary proceedings, to translate the decisions taken by the Plenary into budgetary terms, review the draft budget accordingly, and recommend a draft Budget for the 2012-2013 Work Programme, for the consideration of the Plenary.

20. It is suggested that the Budget Committee consist of a maximum of two representatives per region acting as the spokespersons for their respective regions, and that all Contracting Parties be able to attend as observers. It is also suggested that there be two Co-Chairs, one from a developing, and one from a developed country.

ITEM 5. Report of the Chairperson

21. Since the election of its members, the Bureau of the Fourth Session of the Governing Body has met several times and the Chairperson will provide her report, for information, on actions taken by the Bureau in accordance with the decisions of the Governing Body.

ITEM 6. Report of the Secretary

22. In accordance with Article 20 of the Treaty, the Secretary will report to the Governing Body on activities undertaken in accordance with the decisions of the Governing Body. The Governing Body is invited to consider the Secretary’s report and may wish to give any further guidance it considers appropriate on any of the issues covered in the report.

ITEM 7. Financial Rules of the Governing Body

23. At its First Session, the Governing Body adopted its *Financial Rules*, leaving some Rules in brackets, to be resolved at its Second Session.⁴ At its Second Session, it further deferred consideration of these Rules to the Third Session.⁵
24. At its Third Session, the Governing Body “*agreed on the urgent need to finalize the Financial Rules at its Fourth Session*”.⁶ The Financial Rules, as amended, are contained in the *Appendix* to the document, IT/GB-4/11/6, *The Financial Rules of the Governing Body*, and reflect the outstanding Rules in brackets. The outstanding issue for the Governing Body is whether the Core Administrative Budget should be funded by voluntary contributions, or by voluntary contributions based on an indicative scale of contributions. In this context, the Governing Body may wish to take into account document, IT/GB-4/11/6 Add.1, *Financial Rules of the Governing Body - background information*, which provides factual information on practices to date, and on a report by the United Nations Joint Inspection Unit regarding the impact of voluntary contributions on programme delivery in United Nations system organizations.
25. The Governing Body is invited to consider the Rules in brackets and finalize its *Financial Rules*.

ITEM 8. Adoption of Procedures and Operational Mechanisms to Promote Compliance and to Address Issues of Non-Compliance

26. At its Second Session, by Resolution 1/2007, the Governing Body decided *pursuant to Article 21 of the Treaty, to consider and approve procedures and operational mechanisms on compliance at its Third Session, on the basis of the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance, and the submissions made by Parties and observers.*
27. By Resolution 2/2009, the Governing Body, *inter alia*, ***Decide[d]*** *to establish and convene[...] an ad hoc working group which shall negotiate and finalise the procedures and operational mechanisms to promote compliance and address issues of non-compliance, on the basis of the text contained in the Annex to this Resolution, with a view to their approval at the Fourth Session of the Governing Body.*
28. The *Ad Hoc* Working Group held two meetings at the FAO Headquarters, Rome, on 2 – 3 February 2010, and 17 – 18 January 2011, respectively. The outputs of the meeting including the Committee’s recommendations are before the Governing Body in the document, IT/GB-4/11/7.⁷ A number of issues in the draft procedures further developed by the Committee remain outstanding, and the related provisions are in brackets for resolution by the Governing Body.
29. The Governing Body is invited to consider the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance, as developed by the *Ad Hoc* Working Group and contained in the *Appendix* to IT/GB-4/11/7, for adoption and to give any further guidance it considers appropriate.

⁴ Rules 5.1b, 5.2, 5.4 and 5.5.

⁵ IT/GB-2/07/Report, paragraph 43.

⁶ IT/GB-3/09/Report, paragraph 23.

⁷ The full reports of the two meetings of Committee are also available for the information of the Governing Body as documents IT/AHWG-C 1/10/Report, and IT/AHWG-C 2/11/Report.

ITEM 9. Implementation of the Funding Strategy for the Implementation of the Treaty***Item 9.1 Report of the Chair of the Ad Hoc Advisory Committee on the Funding Strategy***

30. At its Third Session, the Governing Body reconvened the *Ad Hoc* Advisory Committee on the Funding Strategy to undertake a range of tasks, including advising the Bureau and the Secretary on resource mobilization efforts and innovative approaches to such mobilization; advising the Bureau and the Secretary on the operation of the Benefit-sharing Fund and the related disbursement and reporting procedures; and addressing remaining issues within the full remit of the Funding Strategy, i.e. not only the Benefit-sharing Fund but also other elements of the Funding Strategy, in particular resources not under the direct control of the Governing Body.⁸

31. The document, IT/GB-4/11/8 contains the outputs of the meetings of the Committee, for the consideration of the Governing Body. These include recommendations on: a) resource mobilization efforts; b) operations of the Benefit-sharing Fund; c) implementation of the Funding Strategy.

Item 9.2 Implementation of the Funding Strategy

32. Since the Third Session of the Governing Body, significant progress has been made in the implementation of the Funding Strategy, especially with regard to the mobilization of resources and the operations of the Benefit-sharing Fund under which the resources under the direct control of the Governing Body are being managed.

33. The document, IT/GB-4/11/9 describes other aspects of the implementation of the Funding Strategy including: actions undertaken by the Secretariat; an update on resource mobilization efforts for the Benefit-sharing Fund and the implementation of the Strategic Plan; key challenges ahead in the further operationalization of the Benefit-sharing Fund such as the implementation of its project cycle and the development of procedures and institutional arrangements to support the Fund's functioning and impact; and the process by which the second set of projects for funding from the Benefit-sharing Fund were identified, as well as a brief analysis of the intergovernmental work that is needed in the next inter-sessional period.

34. The document, IT/GB-4/11/9 Add.1, describes the activities undertaken in response to the request by the Governing Body to develop procedures for reporting, monitoring and disbursement, and to collaborate with international organizations in the further development and implementation of operational procedures. The document outlines the steps necessary for the implementation of projects funded under the second round of the project cycle, and the expected support from partners in the implementation of such projects. It also analyzes the costs associated with the administration, monitoring and evaluation of projects approved for funding.

35. In accordance with the request of the Governing Body at its Third Session, the Bureau of this Fourth Session of the Governing Body developed and launched the Call for Proposals 2010. Project proposals in response to the Call were submitted by 27 January 2011, which are currently under appraisal. An update on the progress with the implementation of this Call will be provided by the Bureau during the Session.

36. Document IT/GB-4/11/9 Add.1 contains possible elements for a Resolution of the Governing Body regarding the further development of the Funding Strategy. The elements that the Governing Body is invited to consider include:

- guidance on future resource mobilization efforts for government, private sector and foundations prospects of the Benefit-sharing Fund;
- consideration of the progress made in the implementation of the first and second rounds

⁸ Ibid.

of the project cycle of the Benefit-sharing Fund;

- guidance on the implementation of future rounds, and especially on the further operationalization of the Benefit-sharing Fund, including on procedures and institutional arrangements;
- consideration of measures to further address the issue of resources relevant to the Funding Strategy not under the direct control of the Governing Body; and
- consideration and approval of draft *Interim* Procedures for Reporting, Monitoring and Evaluation, and draft *Interim* Disbursement Procedures.

37. The Governing Body is invited to consider the issues outlined above, and contained in the possible elements of a Resolution that are appended to documents IT/GB-4/11/9 and IT/GB-4/11/9 Add.1, and give any further guidance it considers appropriate for the continued effective implementation of the Funding Strategy of the Treaty.

ITEM 10. Consideration of the Business Plan of the Governing Body

38. At its Second Session, by Resolution 3/2007, the Governing Body requested the Secretary, working with the Bureau, to prepare and submit a Business Plan for the implementation of the Treaty, for consideration by the Governing Body at its Third Session, and decision at its Fourth Session.

39. At its Third Session, the Governing Body agreed that the *Draft Business Plan* submitted to its attention needed to be further developed. It urged Contracting Parties to provide comments on the *Draft Business Plan* by 31 December 2009, and requested the Bureau, working with the Secretary, to revise the *Draft Business Plan* based on the comments received from Contracting Parties, for consideration at this Fourth Session of the Governing Body.

40. The document IT/GB-4/11/11 contains the revised draft Business Plan of the Governing Body, based on comments received from Contracting Parties, the Bureau and *ad hoc* committees of the Governing Body. The document also outlines the other steps taken by the Secretariat and the Bureau in the preparation of the draft Business Plan.

41. The Bureau agreed that a broader discussion needs to be undertaken by the Governing Body on the substantive merit of the Business Plan. The discussion should include questions as to whether the Business Plan is still needed at this stage of the development and implementation of the Treaty or whether some other strategic document, which spells out a possible future direction of the Treaty, would be preferable.

42. The Bureau further agreed that such a discussion should take place taking into account developments within the Treaty during the past years, in particular with regard to the Funding Strategy and the related progress in fund-raising, communication and planning activities, as well as with regard to the Strategic Plan for the Implementation of the Benefit-sharing Fund.

43. The Governing Body is invited to consider the draft Business Plan in the *Appendix* to document IT/GB-4/11/11, for a decision thereon, and to provide any further guidance it may consider appropriate.

ITEM 11. Implementation of the Multilateral System of Access and Benefit-sharing

44. This agenda item is both extensive and complex, and contains several interlinked issues. In order to facilitate a systematic approach to the item, it is proposed that the discussions be structured in a manner that separates the substantive and more general issues from the very specific practical aspects.

45. The document, IT/GB-4/11/12, *Report on the implementation of the Multilateral System of Access and Benefit-sharing* presents a broad assessment of the progress in the practical and policy aspects of the implementation of the Multilateral System. It also contains elements that are based on document IT/GB-4/11/Inf. 5. These fall under Agenda sub-item 11.1 and 11.4, respectively. The Governing Body may therefore wish to discuss them first, before moving to the issues under agenda sub-items 11.2 and 11.3.

46. The document, IT/GB-4/11/13 is addressed to the issues under agenda sub-items 11.2 and 11.3. These issues relate to a number of reviews and assessments related to the implementation of the Multilateral System and operation of the SMTA, which were either mandated by the Treaty or specifically scheduled for this session by the previous sessions of the Governing Body.

47. Should the Governing Body so decide, it may undertake or commence the process for the reviews and assessments at its current session, or it may decide to again postpone them until its next session, providing clear guidance as to what information it wishes to obtain, responsibilities for providing it, and channels of communication.

48. Attention is drawn to the elements of a draft Resolution contained in the *appendices* to documents IT/GB-4/11/12 and IT/GB-4/11/13, which the Governing Body is invited to consider for adoption.

Item 11.1 Review of the Multilateral System

49. By Resolution 4/2009, the Governing Body requested *the Secretary to prepare a comprehensive report to its Fourth Session on the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.2a, b, c and d of the International Treaty, and for this purpose to request information from Contracting Parties, international institutions having signed agreements under Article 15, and private sector entities.*

50. In the current biennium, both Contracting Parties and the International Agricultural Research Centers of the Consultative Group on Agricultural Research, and other relevant international institutions have provided more detailed information about their use of the SMTA and Multilateral System. This has allowed, for the first time since the Treaty entered into force, the preparation of a more comprehensive report on the functioning of the Multilateral System, as requested by the Governing Body.

51. Document IT/GB-4/11/12 contains the report requested by the Governing Body based on information provided by Contracting Parties and other international institutions on their implementation of the Multilateral System and their experiences in the use of the SMTA.⁹ The document highlights a number of short-term priorities for the continued effective functioning of the Multilateral System: (a) to promote the complete documentation of Materials “in” the Multilateral System; (b) to document exchange under the Multilateral System; and (c) to assist users of the Multilateral System to resolve legal and technical challenges that are impeding the inclusion of plant genetic resources in the Multilateral System, as well as broader implementation of the Multilateral System.

52. By Resolution 4/2009, the Governing Body requested *the Secretary to give priority to assisting users of the Standard Material Transfer Agreement to overcome any implementation problems such as those identified at the First Meeting of Experts on the Standard Material Transfer Agreement, including, subject to the availability of funds, through the convening of an Ad Hoc Advisory Technical Committee on the Standard Material Transfer Agreement and the Multilateral System.*

⁹ Other relevant documents provided, for the information of the Governing Body, are: IT/GB-4/11/Inf. 5; IT/GB-4/11/Inf. 9; and IT/GB-4/11/Inf. 10.

53. The terms of reference established by the Governing Body for the *Ad Hoc* Advisory Technical Committee on the Standard Material Transfer Agreement and the Multilateral System stipulated that it would report on the progress to the Secretary who would in turn report on this progress to this Fourth Session of the Governing Body.
54. In accordance with its terms of reference, the Committee recommended that the Secretary bring a number of issues to the attention of the Governing Body for its consideration and, where appropriate, further guidance. The relevant output of the work of the Committee is included in Part IX of document IT/GB-4/11/12, for consideration by the Governing Body.¹⁰
55. The Committee, at its second meeting, also identified a number of minor, non-substantive updates to the text of the SMTA that would incorporate the decisions of the Governing Body at its Third Session as well as updates that could resolve various uncertainties of formulation and cross-reference. Accordingly, the Committee recommended that the Secretary bring to the attention of the Governing Body, for consideration and adoption, an integrated and updated text of the SMTA, as contained in *Appendix* of document IT/GB-4/11/12. As recommended by the Committee, the Secretary brings to the attention of the Governing Body the integrated and updated text of the SMTA for its consideration and adoption.
56. Document IT/GB-4/11/12 concludes with a brief over-all picture of the implementation status of the Multilateral System, and identifies possible elements of a Resolution on the implementation of the Multilateral System, for consideration by the Governing Body.

Item 11.2 Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons

57. Under Article 11.4 of the Treaty
- within two years of the entry into force of the Treaty, the Governing Body shall assess the progress in including the plant genetic resources for food and agriculture referred to in paragraph 11.3 in the Multilateral System.*
58. Article 11.4 of the Treaty further provides that
- Following this assessment, the Governing Body shall decide whether access shall continue to be facilitated to those natural and legal persons referred to in paragraph 11.3 that have not included these plant genetic resources for food and agriculture in the Multilateral System, or take such other measures as it deems appropriate.*
59. At its First Session, the Governing Body deferred this assessment in the Multilateral System until the Third Session.¹¹
60. At its Third Session, the Governing Body decided to
- postpone the assessment provided for in Article 11.4 of the Treaty until its Fourth Session, because of the current lack of information.*¹²
61. Part II of document IT/GB-4/11/13, *Reviews and assessments under the Multilateral System, and of the implementation and operation of the Standard Material Transfer Agreement*, provides the limited information currently available, for consideration by the Governing Body.

¹⁰ The reports of the two meetings of the Committee's meetings are made available to the Governing Body as information documents, IT/GB-4/11/Inf. 7 and IT/GB-4/11/Inf. 8, respectively.

¹¹ IT/GB-1/06/Report, paragraph 28.

¹² Resolution 4/2009, paragraph 11.

Item 11.3 *Review of the implementation and operation of the Standard Material Transfer Agreement and the Multilateral System*

62. Under this Agenda sub-item, the Governing Body will consider two separate but related issues concerning the implementation and operation of the Multilateral System and the SMTA under Article 13.2d (ii) of the Treaty. The first relates to review of the level of payment under the SMTA, and the second, to an assessment of whether the mandatory payment requirement in the SMTA shall apply also in cases where commercialized products are available without restriction to others for further research and breeding.

63. Article 13.2d(ii) of the Treaty states that

The Governing Body may, from time to time, review the levels of payment with a view to achieving fair and equitable sharing of benefits, and it may also assess, within a period of five years from the entry into force of this Treaty, whether the mandatory payment requirement in the MTA shall apply also in cases where such commercialized products are available without restriction to others for further research and breeding.

64. At its First Session, the Governing Body decided

*to review the levels of payment periodically, in conformity with Article 13.2d(ii) of the Treaty, starting from the third session of the Governing Body.*¹³

65. By Resolution 4/2009, the Governing Body, at its Third Session, decided

to again review the level of payments, with a view to achieving fair and equitable sharing of benefits, at its Fourth Session; and

to postpone the review of whether the mandatory payment requirement shall also apply in cases where commercialized products are available without restriction to others for further research and breeding to its Fourth Session.

66. Document IT/GB-4/11/13 provides a synopsis of the information received on the relevant aspects of the implementation and operation of the SMTA.

67. Attention is drawn to the elements of a draft Resolution contained in the *Appendix* of document IT/GB-4/11/13, which the Governing Body is invited to consider for adoption.

Item 11.4 *Review of the Material Transfer Agreement being used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions, for Plant Genetic Resources for Food and Agriculture not included in Annex I of the Treaty*

68. At its Second Session, the Governing Body endorsed the use of the SMTA by the International Agricultural Research Centres, for plant genetic resources for food and agriculture other than those listed in *Annex I* of this Treaty and collected before its entry into force, with an interpretative footnote or series of footnotes that indicated that certain of its provisions should not be interpreted as precluding such use of the SMTA.¹⁴ It also decided that it would review these measures during its consideration of the SMTA at its Third Session.¹⁵

69. At its Third Session, the Governing Body decided that it would further review these measures at its Fourth Session.¹⁶

70. Part X of document IT/GB-4/11/12, documents IT/GB-4/11/Inf. 5 and IT/GB-4/11/Inf. 10

¹³ Ibid.

¹⁴ Paragraph 68, IT/GB-2/07/Report.

¹⁵ Ibid.

¹⁶ IT/GB-3/09/Report, paragraph 39.

report on the experiences of the International Agricultural Research Centres and other relevant institutions in this use of the SMTA as endorsed by the Governing Body at its Second Session.

71. According to the various reports, with one or two notable exceptions, the impression of the Centres and other relevant institutions continues to be that the SMTA is attracting increasing acceptance by potential recipients as they become more familiar with its terms. The Governing Body is invited to take note of these documents and to take any decisions necessary.

ITEM 12. Operation of the Third Party Beneficiary

Item 12.1 Report of the Chair of the Ad Hoc Third Party Beneficiary Committee

72. By Resolution 5/2009, the Governing Body adopted the *Procedures for the Operation of the Third Party Beneficiary* (Third Party Beneficiary Procedures), and requested the Secretary to develop operational guidelines for the commencement and management of amicable dispute resolution and mediation proceedings under the Third Party Beneficiary Procedures in order to promote the effective functioning of the Third Party Beneficiary.

73. By the same Resolution, the Governing Body

Request[ed] the Secretary of the International Treaty to develop operational guidelines for the commencement and management of amicable dispute resolution and mediation proceedings under the Third Party Beneficiary Procedures in order to promote the effective functioning of the Third Party Beneficiary, which shall include appropriate cost containment measures. In developing the operational guidelines, the Secretary shall seek, as appropriate, technical support from relevant organizations, such as the WIPO Mediation and Arbitration Centre, and other relevant international organizations.

74. The Governing Body also decided that the *Ad Hoc* Third Party Beneficiary Committee would reconvene in the biennium 2010-2011 in order to review and finalize the operational guidelines, for adoption by the Governing Body at this Fourth Session.

75. The Committee held its meeting from 7 – 8 October 2010, and finalized draft *Mediation Rules* which, in the view of the Committee, provide for impartial and neutral procedures of administered mediation, and also promote the effective functioning of the Third Party Beneficiary. The Committee was also of the view that these draft *Mediation Rules* would, in effect, constitute and satisfy the requirement for the draft operational guidelines requested by the Governing Body.

76. The document IT/GB-4/11/14 contains the draft *Mediation Rules* and elements of a draft Resolution for the consideration of the Governing Body, as developed by the *Ad Hoc* Third Party Beneficiary Committee. The Committee agreed that in order to give proper effect to the *Mediation Rules*, it would be necessary to amend Article 6 of the Third Party Beneficiary Procedures so as to incorporate the *Mediation Rules* into the Procedures. To this end, the elements of the draft Resolution include the suggested amendment for consideration by the Governing Body.

77. The attention of the Governing Body is drawn to the further recommendation of the *Ad Hoc* Third Party Beneficiary Committee regarding the arbitration services of the WIPO Arbitration and Mediation Center. The Governing Body is invited to request the Third Party Beneficiary, in the implementation of Article 7 of the Third Party Beneficiary Procedures, to first propose Expedited Arbitration under WIPO Rules to the other party or parties in the dispute.

78. In the context of consideration of the SMTA being used by the International Agricultural Research Centres and other relevant international institutions for plant genetic resources for food and agriculture not included in *Annex I* to the Treaty, the Governing Body at its Third Session requested the *Ad Hoc* Third Party Beneficiary Committee to consider the issue of the application of the Third Party Beneficiary provisions and procedures to transactions related to non-*Annex I*

material transferred with the SMTA and report to this Fourth Session of the Governing Body.¹⁷ Due to lack of time, the *Ad Hoc* Third Party Beneficiary Committee agreed to consider the issue at a continued meeting back-to-back with this Fourth Session of the Governing Body. The outcome of the Committee's continued meeting will be made available to the Governing Body during this session.

Item 12.2 Report on the operations of the Third Party Beneficiary

79. In adopting the Third Party Beneficiary Procedures, the Governing Body
*Thank[ed] the Director-General of FAO for having agreed in principle that FAO shall act as the Third Party Beneficiary, and request[ed] him to bring these procedures to the attention of the relevant bodies of FAO, for formal approval.*¹⁸
80. Accordingly, after due consideration, the FAO Committee on Constitutional and Legal Matters and the FAO Council approved the Third Party Beneficiary Procedures, which are now fully operational.¹⁹
81. Article 9 of the Third Party Beneficiary Procedures requires the Third Party Beneficiary to submit to the Governing Body, at each of its Regular Sessions, a report setting forth information on a number of items regarding its operations in the previous biennium.
82. By Resolution 5/2009, the Governing Body requested
the Secretary of the International Treaty to provide, at each session of the Governing Body, a report in accordance with Article 9 of the Third Party Beneficiary Procedures.
83. In this context, the document, IT/GB-4/11/15 contains the report on the operations of the Third Party Beneficiary for the biennium 2009 – 2010, and includes updates on the establishment of the Third Party Operational Reserve; the establishment of the list of experts to act as mediators and arbitrators as envisaged under Article 8.4c of the SMTA; and the technical implementation of the Third Party Beneficiary.
84. The Governing Body is invited to note the developments on the above issues and to give any further guidance it considers appropriate for the effective operation of the Third Party Beneficiary. In this regard, possible elements of a Resolution are provided in the *Appendix* to the document, IT/GB-4/11/15, for consideration by the Governing Body.

ITEM 13. Implementation of Article 9, Farmers' Rights

85. The Treaty, in Article 9.2, provides that
the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments.
86. By Resolution 6/2009, the Governing Body, *inter alia*,
Request[ed] the Secretariat to convene regional workshops on Farmers' Rights, subject to the agreed priorities of the Work Programme and Budget and to the availability of financial resources, aiming at discussing national experiences on the implementation of Farmers' Rights as set out in Article 9 of the International Treaty, involving, as appropriate, farmers' organizations and other stakeholders;

¹⁷ IT/GB-03/09/Report, paragraph 40.

¹⁸ Resolution 5/2009.

¹⁹ *Report of the Council of FAO, Hundred and Thirty-seventh Session, Rome, 28 September -2 October 2009, CL 137/REP, paragraph 59.*

*Request[ed] the Secretariat to collect the views and experiences submitted by Contracting Parties and other relevant organizations, and the reports of the regional workshops as a basis for an agenda item for consideration by the Governing Body at its Fourth Session, and to disseminate relevant information through the website of the International Treaty, where appropriate.*²⁰

87. In accordance with the request of the Governing Body, the document, IT/GB-4/11/Inf.6 contains the submissions on views and experiences received from Contracting Parties and other relevant organizations. The Secretary will bring any further submissions that may be received before the session to the attention of the Governing Body.

88. Furthermore, the document, IT/GB-4/11/Circ.1, *Global Consultation on Farmers' Rights in 2010*, has been circulated to Contracting Parties at the request of the Government of Ethiopia, as input to the discussion on the implementation of farmers' rights. The document contains elements and recommendations for consideration by the Governing Body.

89. Due to budgetary constraints in the early part of the biennium, and the consequent limited financial and human resources available, the Secretariat was unable to convene regional workshops as requested by the Governing Body. However, the document, IT/GB-4/11/16 provides an overview of the decisions and resolutions taken by the Governing Body in relation to the implementation of Article 9, and reports on actions taken by the Secretary, according to the requests made by the Governing Body.

90. Based on the above documentation, the Governing Body is invited to give guidance on how it wishes to proceed in relation to Article 9.

ITEM 14. Implementation of Article 6, Sustainable use of plant genetic resources

91. At its First Session, the Governing Body

*decided that the implementation of Article 6 should be a component of its programme of work, and a standing item on its agenda,*²¹

92. At its Second Session, it

*reiterated the high importance it attaches to the promotion of Article 6 for the successful implementation of the Treaty. It stressed that Article 6 should continue to be a component of its Programme of Work, and a standing item on its agenda. Capacity building, research and availability of financial resources were considered to be integral components for the implementation of Article 6.*²²

93. At its Third Session, the Governing Body noted that in many regions, the implementation of Article 6 was lagging behind in comparison to other elements of the Treaty, and that further financial resources, capacity building and technology transferred were required. At the same Session, the Governing body invited the Contracting Parties to regularly submit progress reports on implementation of Article 6 through the reporting mechanism of the *Global plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*.²³

94. In response to the proposal to develop a toolbox to assist countries in designing measures to promote the sustainable use of plant genetic resources for food and agriculture, the Governing

²⁰ Resolution 6/2009.

²¹ IT/GB-1/06/Report, paragraph 22.

²² IT/GB-2/07/Report, paragraph 71.

²³ IT/GB-3/09/Report, paragraphs 44 and 46.

Body, at its Third Session, requested the Secretary to clarify the notion of a toolbox in order to come to a common understanding with regard to such an instrument.²⁴

95. The document, IT/GB-4/11/17 reviews the concept of the toolbox and its elements with the aim of defining its coverage. The document suggests that the development of a toolbox is instrumental to the elaboration of a comprehensive work programme on Article 6 and proposes the organization of a stakeholders' consultation on sustainable use of plant genetic resources for food and agriculture, which could further explore and elaborate elements of a work programme on Article 6 for the consideration and approval by the Governing Body, at its Fifth Session.

96. The Document, IT/GB-4/11/Inf. 3 describes the concept of a toolbox, its justification, the elements that will be included, the functions that it will serve, and who will benefit from its development. The document is not the toolbox itself, rather a description of the concept, some of the components, and how it might be developed.

97. The Governing Body is invited to take note of the above documents and, considering in particular the possible elements of a draft Resolution included in *Appendix 2* of the Document IT/GB-4/11/17, provide further guidance on the implementation of Article 6 of the Treaty.

ITEM 15. Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture

98. The Governing Body and the Commission on Genetic Resources for Food and Agriculture (the Commission) have repeatedly emphasized the need for close collaboration between the two bodies.

99. At its Third Session, the Governing Body

Encourage[d] *a close cooperation between the Commission and the Governing Body that may gradually lead to an agreed functional division of tasks and activities between the Commission and the Governing Body within the terms of the Treaty;*²⁵

100. At its Twelfth Regular Session, the Commission, *inter alia*,

commended the ongoing close collaboration between its Secretariat and the Secretariat of the Governing Body of the International Treaty, as well as between the Bureaus of the two bodies;

[...]

*emphasized the need for close cooperation between the Commission and the Governing Body that may gradually lead to an agreed functional division of tasks and activities between the Commission and the Governing Body within the terms of the International Treaty, and requested the Secretariats of the Commission and the International Treaty to jointly develop a vision paper with the aim of facilitating policy coherence and complementarity of the work of the two bodies, for consideration by the Commission at its Thirteenth Regular Session and the Fourth Session of the Governing Body.*²⁶

101. The document, IT/GB-4/11/18, *Policy coherence and complementarity of the work of the Commission on Genetic Resources for Food and Agriculture and of the Governing Body*, responds to the above requests. It presents the institutional framework relevant to both bodies, reviews on-going cooperation and provides an overview of most relevant activities on plant genetic resources for food and agriculture by the Commission and the Governing Body. It

²⁴ IT/GB-3/09/Report, paragraph 47.

²⁵ Resolution 7/2009.

²⁶ CGRFA-12/09/Report, paragraphs 87 and 92.

contains options and considerations to be taken into account to further facilitate policy coherence and complementarity of the work of the two bodies.

102. The initial draft of this document was prepared jointly by the Secretaries of the Governing Body and the Commission, and reviewed by the Bureaus of the two bodies at their joint meeting on 12 November 2010, before being finalized. The Secretary of the Commission will also put the document before the Thirteenth Regular Session of the Commission for its consideration.

103. The Governing Body is invited to consider the document before it and may wish to recommend, for consideration by the Commission, next joint steps the two bodies may wish to take in order to further enhance cooperation and, in particular, promote a functional division of tasks and activities between the Commission and the Governing Body within the terms of the Treaty.

ITEM 16. Relationship between the Governing Body and the Global Crop Diversity Trust

104. At its First Session, the Governing Body entered into a *Relationship Agreement between the Global Crop Diversity Trust and the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*.²⁷

105. Under this Agenda Item, the Executive Secretary of the Global Crop Diversity Trust will present a report to the Governing Body on the activities of the Trust on the basis of the document, IT/GB-4/11/20, *Report from the Global Crop Diversity Trust*.

106. The Governing Body is invited to take note of the contents of the Report and provide relevant guidance within the purview of the Treaty and the *Relationship Agreement*.

107. At its Third Session, the Governing Body considered the selection of candidates and appointment of members of the Executive Board of the Global Crop Diversity Trust, and delegated the Bureau to select and appoint members to replace those whose term expired during the period between the Third and Fourth Sessions of the Governing Body. The Governing Body also requested the Bureau, in conjunction with the Secretariat, to prepare a report for presentation at this Session, on possible options for simplification of the Normal Selection and Appointment Procedures.²⁸

108. In accordance with the request of the Governing Body, the Bureau undertook the process of the selection and appointment of the members of the Executive Board of the Trust. The document, IT/GB-4/11/21 contains the report of the selection and appointments made by the Bureau in the past intersessional period, and provides draft simplified procedures, as prepared by the Bureau in conjunction with the Secretariat, for consideration by the Governing Body.

109. The Governing Body is invited to take note of the new members of the Executive Board appointed by the Bureau in accordance with its request, and to consider the draft simplified Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust, as developed and generally agreed upon by the Bureau, and contained in *Appendix 1* of document IT/GB-4/11/21. In this regard, possible elements of a Resolution are provided for consideration by the Governing Body in the *Appendix 2* to document IT/GB-4/11/21.

²⁷ IT/GB-1/06/Report, *Appendix M*.

²⁸ IT/GB-3/09/Report, *Appendix H*.

ITEM 17. Report on the status of cooperation with other international organizations, including Agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions

110. Articles 1, 15, 17, 18, 19 and 20 of the Treaty, as well as several Resolutions of the Governing Body, foresee cooperation of the Treaty with other international organizations, in particular the Convention on Biological Diversity, in the implementation of the International Treaty.

111. In accordance with the provisions of the Treaty and the Resolutions of the Governing Body, activities to develop partnerships, synergies and cooperation with international organizations, treaty bodies and FAO departments have been systematically pursued by the Secretary.

112. The Treaty provides, in Article 1.2, that the objectives of the Treaty are to be attained by closely linking it with the Convention on Biological Diversity (CBD), while Articles 19.3 (g) and (l), stipulate that the Governing Body shall establish and maintain cooperation, in particular with the Conference of the Parties to the CBD on matters covered by the Treaty, and that the Governing Body shall also take note of the relevant decisions of the Conference of the Parties to the CBD.

113. At its third meeting in November 2010, the Bureau of this Fourth Session of the Governing Body noted that the tenth meeting of the Conference of the Parties to the CBD (COP-10), which took place in October 2010, referred to the Treaty in several aspects and that the outcomes would have significant implications and opportunities for the Treaty. The Bureau, therefore, recommended that, in the context of the harmonious relationship between the Treaty and the CBD, and their respective governing bodies and Secretariats, an additional document be prepared for the Governing Body, highlighting the relevant outcomes of COP-10, in particular the adoption of the *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization*.

114. Document IT/GB-4/11/22 contains a summary of certain aspects of the relationship between the Treaty and the Convention, and a selection of possible joint activities as well as the most relevant outcomes of the tenth Conference of the Parties to the Convention, for consideration and guidance by the Governing Body. In this regard, possible elements of a Resolution are provided.

115. At its Third Session, the Governing Body requested

*the Secretary to report to the Governing Body at its Fourth Session on relevant activities undertaken by the Secretary to maintain, strengthen and extend the partnerships, synergies and cooperation with other organizations.*²⁹

116. The document, IT/GB-4/11/23 provides information on a number of cooperative activities and initiatives since the Third Session of the Governing Body. Relations with the CGIAR Centres and other institutions which have signed agreements with the Governing Body under Article 15 of the Treaty, regarding their *ex situ* collections, are also covered. Furthermore, collaborative activities with Contracting Parties and other governments, and contacts with non-governmental organizations, since the Third Session, are described in the document.

117. By Resolution 7/2009, the Governing Body

Request[ed] the Secretary to continue to collaborate with FAO and other relevant stakeholders on information technologies to facilitate their contribution to the continuous development of the global information system in the context of Article 17 of the Treaty, in

²⁹ Resolution 8/2009.

order to promote greater access to relevant information and information systems by Contracting Parties and other relevant stakeholders, and request[ed] the Secretariat to develop a vision paper to be presented to the Fourth Session of the Governing Body to take stock of existing information systems and to outline a process for the development of this global information system.

118. Accordingly, document, IT/GB-4/11/19 describes the existing major information systems on plant genetic resources for food and agriculture as well as number of related initiatives. The document also outlines, for the consideration of the Governing Body, a number of activities that may be undertaken in the next biennium for the effective development and strengthening of a coherent global information system pursuant to Article 17 of the Treaty, including the necessary cooperative activities.

119. The Governing Body may wish to give further guidance on how cooperation with relevant international organizations may be strengthened, taking into account the possible elements of a Resolution, as contained documents IT/GB-4/11/22 and IT/GB-4/11/23.

ITEM 18. Matters relevant to the Treaty arising from the Report of the Independent External Evaluation of FAO

120. FAO is in the midst of a reform process, following the *Report of the Independent External Evaluation of FAO (IEE)*, the outcomes of which may have implications for both the implementation of the Treaty and the administration of its Secretariat.

121. At its Third Session, the Governing Body

*requested the Secretary to continue following the process of FAO reform, in particular, regarding any potential financial and administrative implications for the International Treaty, regularly updating the Bureau on the reform process and, working with the Bureau to prepare a report for the consideration of the Governing Body at its Fourth Session.*³⁰

122. The Governing Body is provided with a report on matters relevant to the Treaty arising from the FAO reform process, as contained in the document, IT/GB-4/11/24.

123. Of particular relevance for the Treaty was the unanimous adoption by the FAO Conference in November 2008 of the *Report of the Conference Committee on follow-up to the Independent External Evaluation of FAO: Immediate Plan of Action*, which, under *Governance Reform: Statutory Bodies, Conventions*, provided that “[t]he statutory bodies and conventions will be strengthened, enjoying more financial and administrative authority within the framework of FAO and a greater degree of self-funding by their Members.”

124. The Governing Body may wish to take note of the relevant processes and issues, and give any further guidance it considers appropriate.

ITEM 19. Adoption of Work Programme and Budget for the 2012 – 2013 biennium

125. Article 19.3 of the Treaty provides for the Governing Body to develop plans and programmes for implementation of the Treaty and to adopt a budget for the Treaty.

126. In Resolution 1/2009, the Governing Body

appreciate[d] the Secretary’s efforts to ensure a modern and transparent approach to the establishment of the International Treaty’s biennial Work Programme and Budget, as well as to the management of the International Treaty’s financial operations and

³⁰ IT/GB-3/09/Report, paragraph 59.

reporting.” In the same Resolution, the Governing Body “recognize[d] that these efforts will provide financial clarity, facilitate work programming, and increase confidence among Contracting Parties.

127. Consequently, the Governing Body encouraged the Secretary

*to continue the implementation of the transparent approach in preparing and submitting the draft Work programme and Budget for the biennium 2012-2013, including a Secretariat staffing table and a Draft Resolution, for the consideration of the Governing Body at its Fourth Session, and to report on progress on income and expenditures, as well as any adjustments made to the budget in the biennium 2010-2011.*³¹

128. In accordance with this Resolution, the same transparent approach has been applied to the preparation of this agenda item.

129. The document, IT/GB-4/11/26, *Report on progress of Work Programme and Budget 2010/11 biennium*, concludes that although there has been significant improvement in the level of voluntary contributions by Contracting Parties, compared to the similar period in the previous biennia, the unpredictability of both the level and the timing of contributions to the Core Administrative Budget continues to create difficulties in the implementation of the Work Programme. There is a significant outstanding balance from the previous biennium, due to the implementation of a large fraction of the programme of work in that biennium that was only made possible through the exceptional agreement of donors to allow the temporary use of moneys they had donated to the Special Fund for Agreed Purposes for other purposes. The fact that the Working Capital Reserve is not fully capitalized further creates unpredictability and uncertainty.

130. The two documents in relation to the budget for the forthcoming biennium are: IT/GB-4/11/27, *Draft Work Programme and Budget for the 2012/2013 Biennium*; and IT/GB-4/11/27 Add. 1, *Addendum 1 to the Draft Work Programme and Budget for the 2012-13 Biennium: possible supporting activities to be funded by Contracting Parties under the Special Fund for Agreed Purposes*.

131. The structure of the Work Programme and Budget for the 2012-2013 biennium largely continues the approach adopted in the presentation of the draft Work Programme and Budget 2010-11, and is intended to enable the Governing Body to guide the budgeting and work programming process in an efficient and transparent manner. The procedure proposed for finalizing and adopting the Work Programme and Budget 2012/13 seeks to directly link the discussions of the Governing Body to the draft Work Programme, and to the budgetary provisions required for its execution. Each substantive agenda item or issue for discussion is correlated with a defined component of the Work Programme, and the financial implications are reflected in the corresponding Budget line.

132. In this regard, the Governing Body may wish to refer each decision or conclusion it reaches in Plenary on the various agenda items to the Budget Committee, which will evaluate the financial implications and report back to the Governing Body for a final decision on the relevant amounts, and the sources of funding to be used.

133. The Core Administrative Budget detailed in document IT/GB-4/11/27 — that is, the part of the Budget that, in accordance with Financial Rule III.3, is to be met by (a) the amount provided for the Treaty in the Regular Programme of Work and Budget of the FAO; (b) the voluntary contributions of Contracting Parties; (c) other voluntary contributions and moneys carried over from a previous biennium — has been kept to an absolute minimum, and is composed of two elements. These are: *Annex 1*, the statutory and overhead expenses required for the basic Maintenance Functions of the Treaty, to keep it in existence; and *Annex 2*, the cost of those activities which are already approved or expected to be approved by the Governing Body that are necessary to ensure the Core implementing Functions of the Treaty systems, and thereby

³¹ Resolution 1/2009, paragraph 13.

make it possible to meet the Treaty's objectives. The capitalization of the Working Capital Reserve during the forthcoming biennium is also requested.

134. Document IT/GB-4/11/27 Add. 1 lists, for information, further possible supporting activities that could be funded by donors as separate, self-contained projects, according to their individual priorities, in accordance with Financial Rules V.1d and e. In this regard, project descriptions have been prepared on each element will be provided to prospective donors who may be interested in providing financial support to the related activities.

135. At its previous sessions, the Governing Body established a number of subsidiary bodies and inter-sessional mechanisms and processes, in order to address specific issues and carry out specific tasks. At the request of the Bureau, the Secretary has prepared the document, IT/GB-4/11/25, *Organisation of inter-sessional work under the Treaty*, which reviews the various subsidiary bodies in place and outlines their terms of references, tasks and mandates, how they relate to each other and progress against their respective workplans. The document also contains a number of options for the retention, abolishment or reconfiguration of these committees. It is hoped that this might assist the Governing Body in considering how, in the next biennium, it might best organise its intersessional work, including through various committees, in order to further enhance efficiency and cost-effectiveness.

136. Document IT/GB-4/11/27 contains elements of a draft Resolution, for consideration by the Governing Body in adopting its Work Programme and Budget 2012-2013.

ITEM 20. Date and place of the Fifth Session of the Governing Body

137. The Governing Body is requested to indicate when and where the Fifth Session of the Governing Body should be convened.

ITEM 21. Election of the Chair and Vice-Chairs of the Fifth Session of the Governing Body

138. In accordance with Rule II.1 of its *Rules of Procedure*,
the Governing Body shall elect a Chairperson and one Vice-Chairperson per FAO region other than the region of the Chairperson (hereinafter collectively referred to as "the Bureau") and in addition a Rapporteur from among the delegates, alternates, experts and advisers (hereinafter referred to as "representatives") of the Contracting Parties.

139. The Governing Body is invited to elect the Chair and Vice-Chairs of the Fifth Session of the Governing Body. In accordance with Rule II.2 of the *Rules of Procedure*, the term of office of the Bureau of the Fifth Session will commence with immediate effect upon the closure of this Fourth Session.

ITEM 22. Other business

140. Under this item, the Governing Body may address any other business requested by Contracting Parties.

ITEM 23. Adoption of the Report

141. According to Rule VIII.1 of the *Rules of Procedure*,
[a]t each session, the Governing Body shall approve a report embodying its decisions, views, recommendations and conclusions."

This final agenda item therefore provides for the approval of the *Report of the Fourth Session of the Governing Body*.

PROVISIONAL INDICATIVE TIME-TABLE

PLENARY			
Time	Agenda Item	Title	Documents
Monday, 14 March 2011			
Morning			
10:00-13:00	Opening Ceremony of the Fourth Session of the Governing Body		
	1	Adoption of the Agenda and Timetable	IT/GB-4/11/1 IT/GB-4/11/2 IT/GB-4/11/3 IT/GB-4/11/Inf. 1 IT/GB-4/11/Inf. 11
	2	Election of the <i>Rapporteur</i>	
	3	Appointment of the Credentials Committee	
	4	Establishment of a Budget Committee	
	5	Report of the Chairperson	IT/GB-4/11/4
	6	Report of the Secretary	IT/GB-4/11/5
Monday, 14 March 2011			
Afternoon			
15:00-18:00	7	Financial Rules of the Governing Body – (<i>Initial consideration</i>)	IT/GB-4/11/6 IT/GB-4/11/6 Add.1
	8	Adoption of procedures and operational mechanisms to promote compliance and to address issues of non-compliance – (<i>Initial consideration and possible establishment of a Contact Group on Compliance</i>)	IT/GB-4/11/7

	9	Implementation of the Funding Strategy of the Treaty	IT/GB-4/11/8 IT/GB-4/11/9 IT/GB-4/11/Inf. 12
Tuesday, 15 March 2011			
morning			
10:00-13.00	9	Implementation of the Funding Strategy <i>Continued</i>	IT/GB-4/11/8 IT/GB-4/11/9 IT/GB-4/11/Inf. 12
	16	Relationship between the Governing Body and the Global Crop Diversity Trust	IT/GB-4/11/20 IT/GB-4/11/21
Tuesday, 15 March 2011			
afternoon			
	10	Consideration of the Business Plan of the Governing Body	IT/GB-4/11/11
	11.1	Review of the implementation of the Multilateral System	IT/GB-4/11/12 IT/GB-4/11/Inf. 5 IT/GB-4/11/Inf. 7 IT/GB-4/11/Inf. 8 IT/GB-4/11/Inf. 9 IT/GB-4/11/Inf. 10
	11.4	Review of the Material Transfer Agreement being used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions, for Plant Genetic Resources for Food and Agriculture not included in <i>Annex 1</i> of the Treaty	IT/GB-4/11/12 IT/GB-4/11/Inf. 5 IT/GB-4/11/Inf. 10
	11.2	Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons	IT/GB-4/11/13 IT/GB-4/11/Inf. 5 IT/GB-4/11/Inf. 7 IT/GB-4/11/Inf. 8 IT/GB-4/11/Inf. 9 IT/GB-4/11/Inf. 10

Wednesday, 16 March 2011			
morning			
10:00-13:00	11.3	Review of the implementation and operation of the Standard Material Transfer Agreement and the Multilateral System	IT/GB-4/11/13 IT/GB-4/11/Inf. 8 IT/GB-4/11/Inf. 9
	12	Operation of the Third Party Beneficiary	IT/GB-4/11/14 IT/GB-4/11/15
Wednesday, 16 March 2011			
Afternoon			
15:00-18:00	7	Financial Rules of the Governing Body (<i>contd.</i>)	IT/GB-4/11/6 IT/GB-4/11/6 Add.1
	13	Implementation of Article 9, <i>Farmers' Rights</i>	IT/GB-4/11/16 IT/GB-4/11/Circ. 1 IT/GB-4/11/Inf. 6
	14	Implementation of Article 6, <i>Sustainable Use of Plant Genetic Resources</i>	IT/GB-4/11/17 IT/GB-4/11/Inf. 4 IT/GB-4/11/Inf. 3
Thursday, 17 March 2011			
morning			
10:00-13:00	8	Adoption of procedures and operational mechanisms to promote compliance and to address issues of non-compliance (<i>contd.</i>)	IT/GB-4/11/7
	15	Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture	IT/GB-4/11/18
	17	Report on the status of cooperation with other international organizations	IT/GB-4/11/19 IT/GB-4/11/22 IT/GB-4/11/23
	18	Matters relevant to the Treaty arising from the FAO reform process	IT/GB-4/11/24

Thursday, 17 March 2011			
Afternoon			
15:00-18:00	19	Adoption of the Work Programme and Budget for 2012/13 biennium	IT/GB-4/11/25 IT/GB-4/11/26 IT/GB-4/11/27 IT/GB-4/11/27 Add. 1
	20	Other Business	
Friday, 18 March 2011			
morning			
10:00-13:00	Preparation of the Report		
Friday, 18 March 2011			
Afternoon			
15:00-18:00	22	Date and place of the Fifth Session of the Governing Body	
	21	Election of the Chair and Vice-Chairs of the Fifth Session of the Governing Body	
	23	Adoption of the report	
		Closing of the Session	