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**REPORT OF THE COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

**Sixth Extraordinary Session
Rome, 25-30 June 2001**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2001**

The documents of the Sixth Extraordinary Session of the
Commission on Genetic Resources for Food and Agriculture
are to be found on the internet at <http://www.fao.org/ag/cgrfa/docsex6.htm>

They may also be obtained from:

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CONTENTS

	<i>Para.</i>
Report of the Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture	1 - 11

Appendixes

- A. Agenda of the Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture
- B. International Undertaking on Plant Genetic Resources, as adopted at the Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture
- C. Statements by the European Union and its Member States at the time of the adoption (i) of the text of the International Undertaking on Plant Genetic Resources, and (ii) of the draft resolution for consideration by the FAO Conference at its Thirty-first session
- D. Statement by the Government of Japan at the time of the adoption of the text of the International Undertaking on Plant Genetic Resources
- E. Lists of crops discussed and pending final acceptance by some regions / countries, during the meetings of the Working Group for the List of Crops at the Sixth Extraordinary Session: (i) Spoleto – Table II, and (ii) Additional crops under discussion
- F. Draft Resolution for consideration by the FAO Conference at its Thirty-first Session
- G. Resolution of the Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture
- H. Members of the Commission on Genetic Resources for Food and Agriculture
- I. List of Documents
- J. List of Delegates to the Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture

**REPORT OF THE SIXTH EXTRAORDINARY SESSION OF THE COMMISSION
ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

1. The Sixth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture met in Rome, Italy, from 25 to 30 June 2001. A list of delegates and observers is attached as *Appendix J*.
2. Mr. Fernando Gerbasi (Venezuela), Chair of the Commission, opened the meeting. He noted that, during its Sixth Inter-session Meeting, the Contact Group had considered a Chairman's Simplified Text (CGRFA/Ex-6/01/2), including text negotiated in previous sessions of the Commission and of the Chairman's Contact Group, and had agreed that this text would be the basis for further negotiations. He stressed the importance of concluding the negotiations this week, to meet Council's request to submit the negotiated text to the Thirty-first Session of the FAO Conference in November 2001.
3. The Assistant Director-General, Agriculture Department, Ms. Louise O. Fresco welcomed participants and observers on behalf of FAO Director-General. She underlined the importance of the negotiations to the agricultural sector, and stressed that the FAO Secretariat would make every effort to facilitate a rapid conclusion of the negotiations. She thanked countries that had contributed extra-budgetary funding for the meeting (Belgium, Germany, Italy, Japan, Norway, Sweden, Switzerland and United Kingdom), including support for the participation of developing countries.
4. The Commission adopted the agenda, as given in *Appendix A* and elected Ms. Andrée Sontot (France) as *Rapporteur*.
5. Negotiations on Articles 1 to 18 continued in the Plenary, under the Chairmanship of Ambassador Gerbasi. The Commission established a Committee of the Whole, under the Chairmanship of Ambassador Francis Montanaro Mifsud (Malta), to negotiate the text of part VII, *Institutional Provisions*. The Working Group on the Use of Terms was co-chaired by Mr. Lars Espeby (Sweden) and Mr. Abdel Monem Abou Zeid (Egypt). The Working Group for the List of Crops was co-chaired by Mr. John Dueck (Canada) and Mr. Javad Mozafari Hasjin (Iran). A Resolutions Committee was chaired by Mr. Marcel Vernooij (Netherlands). A Working Group, chaired by Mr. Masa Iwanaga (Japan) was established to prepare the text of Article 15, *Ex Situ Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions*, for the consideration of the Plenary.
6. Following a week of negotiations, the Commission adopted the text of the International Undertaking on Plant Genetic Resources, which is in *Appendix B* to this report, as had been requested by the Council at its Hundred and Nineteenth and Hundred and Twentieth Sessions, and requested the Director-General to transmit it, through the Seventy-second session of the Committee on Constitutional and Legal Matters (1-2 October 2001) and the Hundred and Twenty-first session of the Council (30 October-1 November 2001), to the Thirty-first Session of the Conference (2-13 November 2001), for its consideration and approval.
7. The Commission also adopted the resolution, which is in *Appendix G*, regarding the revision of the Agreements between FAO and twelve International Agricultural Research Centres

of the Consultative Group on International Agricultural Research, by which they placed their collections of plant germplasm under the auspices of FAO.

8. In adopting the text of the International Undertaking, the Commission also forwarded to the Thirty-first session of the Conference the draft of a resolution, to be considered for adoption in parallel with the International Undertaking, regarding interim arrangements for its implementation. (The draft resolution is in *Appendix F*.) At the request of the Russian Federation, the Commission noted that the paragraph B2 of the draft resolution would need to be finalized so as to allow states that were not members of FAO, but which had signed the International Undertaking, to participate as members of the Interim Committee on the International Undertaking on Plant Genetic Resources.

9. In adopting the text of the International Undertaking and the draft resolution for the consideration of the Thirty-first session of the Conference, statements were made by the European Union (*Appendix C*) and Japan (*Appendix D*).

10. At the request of one group of countries, that further crops be included in the list of crops in Annex I of the Undertaking, which stated that its final agreement to the Undertaking was dependent on a successful conclusion of the list, it was agreed to include in this report *Appendix E*, which contains the following lists of crops under discussion in the Working Group for the List of Crops: (i) crops on Table II of its report at the Spoleto Meeting, and (ii) additional crops under discussion.

11. In closing the Sixth Extraordinary Session, the Chairman personally thanked those who had made possible the adoption of the text of the International Undertaking: the members of the Bureau, Tewolde Berhan Gebre Egziabher (Ethiopia), Brad Fraleigh (Canada), Javad Mozafari Hashjin (Iran), Ms Kristiane Herrmann (Australia), Gert Kleijer (Switzerland), Eng Siang Lim (Malaysia); and the chairs of the Working Groups, Mr. Abdel Monem Abou Zeid (Egypt), Mr. John Dueck (Canada), Mr. Lars Espeby (Sweden), Mr. Masa Iwanaga (Japan), Mr. Francis Montanaro Mifsud (Malta), Mr. Mangala Rai (India), and Mr. Marcel Vernooij (Netherlands). He also sincerely thanked the members of the secretariat of the Commission, as well as those staff of the FAO who have given their dedicated service over the many years of the negotiations for the revision of the International Undertaking.

APPENDIX A

AGENDA OF THE SIXTH EXTRAORDINARY SESSION

1. Adoption of the Provisional Agenda and Timetable.
2. Finalization of the Negotiations for the revision of the International Undertaking on Plant Genetic Resources.
3. Other business.

APPENDIX B

**THE INTERNATIONAL UNDERTAKING
ON PLANT GENETIC RESOURCES**

AS ADOPTED AT

**THE SIXTH EXTRAORDINARY SESSION
OF THE COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

ROME, 25-30 JUNE 2001

THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

PREAMBLE

The Contracting Parties,

Convinced of the special nature of plant genetic resources for food and agriculture, their distinctive features and problems needing distinctive solutions;

Alarmed by the continuing erosion of these resources;

Cognizant that plant genetic resources for food and agriculture are a common concern of all countries, in that all countries depend very largely on plant genetic resources for food and agriculture that originated elsewhere;

Acknowledging that the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture are essential in meeting the goals of the Rome Declaration on World Food Security and the World Food Summit Plan of Action and for sustainable agricultural development for this and future generations, and that the capacity of developing countries and countries with economies in transition to undertake such tasks needs urgently to be reinforced;

Noting that the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is an internationally agreed framework for such activities;

Acknowledging further that plant genetic resources for food and agriculture are the raw material indispensable for crop genetic improvement, whether by means of farmers' selection, classical plant breeding or modern biotechnologies, and are essential in adapting to unpredictable environmental changes and future human needs;

Affirming that the past, present and future contributions of farmers in all regions of the world, particularly those in centres of origin and diversity, in conserving, improving and making available these resources, is the basis of Farmers' Rights;

Affirming also that the rights recognized in this Undertaking to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in the fair and equitable sharing of the benefits arising from, the use of plant genetic resources for food and agriculture, are fundamental to the realization of Farmers' Rights, as well as the promotion of Farmers' Rights at national and international levels;

Aware that questions regarding the management of plant genetic resources for food and agriculture are at the meeting point between agriculture, the environment and commerce, and convinced that there should be synergy among these sectors;

Aware of their responsibility to past and future generations to conserve the World's diversity of plant genetic resources for food and agriculture; and,

Recognizing that, in the exercise of their sovereign rights over their plant genetic resources for food and agriculture, states may mutually benefit from the creation of an effective multilateral

system for facilitated access to a negotiated selection of these resources and for the fair and equitable sharing of the benefits arising from their use;

Have agreed as follows:

PART I – INTRODUCTION

Article 1 – Objectives

1.1 The objectives of this Undertaking are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.

1.2 These objectives will be attained by closely linking this Undertaking to the Food and Agriculture Organization of the United Nations and to the Convention on Biological Diversity.

Article 2 – Use of terms

For the purpose of this Undertaking, the following terms shall have the meanings hereunder assigned to them:

“*In situ* conservation” means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated plant species, in the surroundings where they have developed their distinctive properties.

“*Ex situ* conservation” means the conservation of plant genetic resources for food and agriculture outside their natural habitat.

[“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.

OR

“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.]

[“Genetic material” means any material of plant origin containing functional units of heredity.]

“Variety” means a plant grouping, within a single botanical taxon of the lowest known rank, defined by the reproducible expression of its distinguishing and other genetic characteristics.

“*Ex situ* collection” means a collection of plant genetic resources for food and agriculture maintained outside their natural habitat.

“Centre of origin” means a geographical area where a plant species, either domesticated or wild, first developed its distinctive properties.

“Centre of crop diversity” means a geographic area containing a high level of genetic diversity for crop species in *in situ* conditions.

Article 3 – Scope

This Undertaking relates to plant genetic resources for food and agriculture.

[Article 4 – Relationship of this Undertaking with Other International Agreements

4.1 The provisions of this Undertaking will be implemented in harmony with the provisions of other existing international agreements relevant to the objectives of this Undertaking, in such a way that they are mutually supportive, with a view to achieving sustainable development

4.2 This Undertaking shall not be interpreted as implying a change in the rights and obligations of a Contracting Party under any existing international agreements, nor as being subordinate to them.]

PART II - GENERAL PROVISIONS

Article 5 - General Obligations

Each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in this Undertaking.

Article 6 – Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture

6.1 Each Contracting Party shall, subject to national legislation, and in cooperation with other Contracting Parties where appropriate, promote, an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture and shall in particular, as appropriate:

- (a) Survey and inventory plant genetic resources for food and agriculture, taking into account the status and degree of variation in existing populations, including those that are of potential use and, as feasible, assess any threats to them;
- (b) Promote the collection of plant genetic resources for food and agriculture and relevant associated information on those plant genetic resources that are under threat or are of potential use;
- (c) promote or support, as appropriate, farmers and local communities’ efforts to manage and conserve on-farm their plant genetic resources for food and agriculture;

- (d) Promote *in situ* conservation of wild crop relatives and wild plants for food production, including in protected areas, by supporting, *inter alia*, the efforts of indigenous and local communities;
- (e) Cooperate to promote the development of an efficient and sustainable system of *ex situ* conservation, giving due attention to the need for adequate documentation, characterization, regeneration and evaluation, and promote the development and transfer of appropriate technologies for this purpose with a view to improving the sustainable use of plant genetic resources for food and agriculture;
- (f) Monitor the maintenance of the viability, degree of variation, and the genetic integrity of collections of plant genetic resources for food and agriculture.

6.2 The Contracting Parties shall, as appropriate, take steps to minimize or, if possible, eliminate threats to plant genetic resources for food and agriculture.

Article 7 – Sustainable Use of Plant Genetic Resources

7.1 The Contracting Parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of plant genetic resources for food and agriculture.

7.2 The sustainable use of plant genetic resources for food and agriculture may include such measures as:

- (a) pursuing fair agricultural policies that promote, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
- (b) strengthening research which enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers, especially those who generate and use their own varieties and apply ecological principles in maintaining soil fertility and in combating diseases, weeds and pests;
- (c) promoting, as appropriate, plant breeding efforts which, with the participation of farmers, particularly in developing countries, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;
- (d) broadening the genetic base of crops and increasing the range of genetic diversity available to farmers;
- (e) promoting, as appropriate, the expanded use of local and locally adapted crops, varieties and underutilized species;
- (f) supporting, as appropriate, the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion, and promote increased world food production compatible with sustainable development; and
- (g) reviewing, and, as appropriate, adjusting breeding strategies and regulations concerning variety release and seed distribution.

Article 8 – National Commitments and International Cooperation

8.1 Each Contracting Party shall, as appropriate, integrate into its agriculture and rural development policies and programmes, activities referred to in Articles 6 and 7, and cooperate with other Contracting Parties, directly or through FAO and other relevant international organizations, in the conservation and sustainable use of plant genetic resources for food and agriculture.

8.2 International cooperation shall, in particular, be directed to:

- (a) establishing or strengthening the capabilities of developing countries and countries with economies in transition with respect to conservation and sustainable use of plant genetic resources for food and agriculture;
- (b) enhancing international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication; and sharing, providing access to, and exchanging, in conformity with Part IV, plant genetic resources for food and agriculture and appropriate information and technology;
- (c) maintaining and strengthening the institutional arrangements provided for in Part V; and
- (d) implement the funding strategy of Article 19.

Article 9– Technical Assistance

The Contracting Parties agree to promote the provision of technical assistance to Contracting Parties, especially those that are developing countries or countries with economies in transition, either bilaterally or through the appropriate international organizations, with the objective of facilitating the implementation of this Undertaking.

PART III - FARMERS' RIGHTS

Article 10 – Farmers' Rights

10.1 The Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.

10.2 The Contracting Parties agree that the responsibility for realizing Farmers' Rights, as they relate to Plant Genetic Resources for Food and Agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:

- (a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

- (b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture;
- (c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

10.3 Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.

PART IV - THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

Article 11 – Multilateral System of Access and Benefit-sharing

11.1 In their relationships with other States, the Contracting Parties recognize the sovereign rights of States over their own plant genetic resources for food and agriculture, including that the authority to determine access to those resources rests with national governments and is subject to national legislation.

11.2 In the exercise of their sovereign rights, the Contracting Parties agree to establish a multilateral system, which is efficient, effective, and transparent, both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis.

Article 12 – Coverage of the Multilateral System

12.1 In furtherance of the objectives of conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out of their use, as stated in Article I, the multilateral system shall cover the plant genetic resources for food and agriculture listed in Annex I, established according to criteria of food security and interdependence.

12.2 The Multilateral System, as identified in Article 12.1, shall include all plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain. With a view to achieving the fullest possible coverage of the Multilateral System, the Contracting Parties invite all other holders of the plant genetic resources for food and agriculture listed in Annex I to include these plant genetic resources for food and agriculture in the Multilateral System.

12.3 Contracting Parties also agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources for food and agriculture listed in Annex I to include such plant genetic resources for food and agriculture in the Multilateral System.

12.4 Within two years of the entry into force of the Undertaking, the Governing Body shall assess the progress in including the plant genetic resources for food and agriculture referred to in paragraph 12.3 in the Multilateral System. 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 12.3 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.

12.5 The Multilateral System shall also include the plant genetic resources for food and agriculture listed in Annex I and held in the *ex situ* collections of the International Agricultural Research Centres of the CGIAR, as provided in Article 16.1a, and in other international institutions, in accordance with Article 16.5.

Article 13 – Facilitated access to plant genetic resources for food and agriculture within the Multilateral System

13.1 The Contracting Parties agree that facilitated access to plant genetic resources for food and agriculture under the Multilateral System, as defined in Article 12, shall be in accordance with the provisions of this Undertaking.

13.2 The Contracting Parties agree to take the necessary legal or other appropriate measures to provide such access to other Contracting Parties through the Multilateral System. To this effect, such access shall also be provided to legal and natural persons under the jurisdiction of any Contracting Party, subject to the provisions of Article 12.4.

13.3 Such access shall be provided in accordance with the conditions below:

- (a) Access shall be provided solely for the purpose of utilization and conservation in research, breeding and training for food and agriculture, provided that such purpose does not include chemical, pharmaceutical and/or other non-food/feed industrial uses. In the case of multiple-use crops (food and non-food), their importance for food security should be the determinant for their inclusion in the Multilateral System and availability for facilitated access.
- (b) Access shall be accorded 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;
- (c) All available passport data and, subject to applicable law, any other associated available non-confidential descriptive information, shall be made available with the plant genetic resources for food and agriculture provided;
- (d) [Recipients shall not claim any intellectual property or other rights that limit the facilitated access to the plant genetic resources for food and agriculture, [or their genetic parts or components,] [in the form]received from the Multilateral System];
- (e) Access to plant genetic resources for food and agriculture under development, including material being developed by farmers, shall be at the discretion of its developer, during the period of its development;
- (f) Access to plant genetic resources for food and agriculture protected by intellectual and other property rights shall be consistent with relevant international agreements, and with relevant national laws;

- (g) Plant genetic resources for food and agriculture accessed under the Multilateral System and conserved shall continue to be available to the Multilateral System by the recipients of those plant genetic resources for food and agriculture, under the terms of this Undertaking;
- (h) Without prejudice to the other provisions under this Article, the Contracting Parties agree that access to plant genetic resources for food and agriculture found in *in situ* conditions will be provided according to national legislation or, in the absence of such legislation, in accordance with such standards as may be set by the Governing Body.

13.4 To this effect, facilitated access, in accordance with paragraphs 13.2 and 13.3 above, shall be provided pursuant to a standard material transfer agreement (MTA), which shall be adopted by the Governing Body and contain the provisions of Articles 13.3a, d and g, as well as the benefit-sharing provisions set forth in Article 14.2d(ii) and other relevant provisions of this Undertaking, and the provision that the recipient of the plant genetic resources for food and agriculture shall require that the conditions of the MTA shall apply to the transfer of plant genetic resources for food and agriculture to another person or entity, as well as to any subsequent transfers of those plant genetic resources for food and agriculture.

13.5 In emergency disaster situations, the Contracting Parties agree to provide facilitated access to appropriate plant genetic resources for food and agriculture in the Multilateral System for the purpose of contributing to the re-establishment of agricultural systems, in cooperation with disaster relief co-ordinators.

Article 14 - Benefit-sharing in the Multilateral System

14.1 The Contracting Parties recognize that facilitated access to plant genetic resources for food and agriculture within the Multilateral System constitutes itself a major benefit of the Multilateral System and agree that benefits accruing therefrom shall be shared fairly and equitably in accordance with the provisions of this Article.

14.2 The Contracting Parties agree that benefits arising from the use, including commercial, of plant genetic resources for food and agriculture under the Multilateral System shall be shared fairly and equitably through the following mechanisms: the exchange of information, access to and transfer of technology, capacity-building, and the sharing of the benefits arising from commercialization, taking into account the priority activity areas in the rolling Global Plan of Action, under the guidance of the Governing Body:

- (a) Exchange of information:

The Contracting Parties agree to make available information which shall, *inter alia*, encompass catalogues and inventories, information on technologies, results of technical, scientific and socio-economic research, including characterization, evaluation and utilization, regarding those plant genetic resources for food and agriculture under the Multilateral System. Such information shall be made available, where non-confidential, subject to applicable law and in accordance with national capabilities. Such information shall be made available to all Contracting Parties to this Undertaking through the information system of the Multilateral System.

- (b) Access to and transfer of technology

- (i) The Contracting Parties undertake to provide and/or facilitate access to technologies for the conservation, characterization, evaluation and use of plant genetic resources for food and agriculture which are under the Multilateral System. Recognizing that some technologies can only be transferred through genetic material, the Contracting Parties shall provide and/or facilitate access to such technologies and genetic material which is under the Multilateral System and to improved varieties and genetic material developed through the use of plant genetic resources for food and agriculture under the Multilateral System, in conformity with the provisions of Article 13. Access to these technologies, improved varieties and genetic material shall be provided and/or facilitated, while respecting applicable property rights and access laws, and in accordance with national capabilities.
- (ii) Access to and transfer of technology to countries, especially to developing countries and countries with economies in transition, shall be carried out through a set of measures, such as the establishment and maintenance of, and participation in, crop-based thematic groups on utilization of plant genetic resources for food and agriculture, all types of partnership in research and development and in commercial joint ventures on the material received, human resource development, and effective access to research facilities.
- (iii) Access to and transfer of technology as referred to in (i) and (ii) above, including that protected by intellectual property rights, to developing countries that are Contracting Parties, in particular least developed countries, and countries with economies in transition, shall be provided and/or facilitated under fair and most favourable terms, in particular in the case of technologies for use in conservation as well as technologies for the benefit of farmers in developing countries, especially in least developed countries, and countries with economies in transition, including on concessional and preferential terms where mutually agreed, *inter alia*, through partnerships in research and development under the Multilateral System. Such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.
- (c) Capacity-building
- Taking into account the needs of developing countries and countries with economies in transition, as expressed through the priority they accord to building capacity in plant genetic resources for food and agriculture in their plans and programmes, when in place, in respect of those plant genetic resources for food and agriculture covered by the Multilateral System, the Contracting Parties agree to give priority to (i) establishing and/or strengthening programmes for scientific and technical education and training in conservation and sustainable use of plant genetic resources for food and agriculture, (ii) developing and strengthening facilities for conservation and sustainable use of plant genetic resources for food and agriculture, in particular in developing countries, and countries with economies in transition, and (iii) carrying out scientific research preferably, and where possible, in developing countries and countries with economies in transition, in cooperation with institutions of such countries, and developing capacity for such research in fields where they are needed.
- (d) Sharing of monetary and other benefits of commercialization
- (i) The Contracting Parties agree, under the Multilateral System, to take measures in order to achieve commercial benefit-sharing, through the involvement of the private and public sectors in activities identified under this Article, through partnerships and collaboration,

including with the private sector in developing countries and countries with economies in transition, in research and technology development;

- (ii) The Contracting Parties agree that the standard Material Transfer Agreement referred to in Article 13.4 shall include a requirement that a recipient who commercializes a product that is a plant genetic resource for food and agriculture and that incorporates material accessed from the Multilateral System, shall pay to the mechanism referred to in Article 20.3f, an equitable share of the benefits arising from the commercialization of that product, except whenever such a product is available without restriction to others for further research and breeding, in which case the recipient who commercializes shall be encouraged to make such payment.

The Governing Body shall, at its first meeting determine the level, form and manner of the payment, in line with commercial practice. The Governing Body may decide to establish different levels of payment for various categories of recipients who commercialize such products; it may also decide on the need to exempt from such payments small farmers in developing countries and in countries with economies in transition. 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 Undertaking, 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.

- (iii) Contracting Parties shall ensure that an opportunity to seek recourse is available, consistent with applicable jurisdictional requirements, under their legal systems, in case of contractual disputes arising under such MTAs, recognizing that obligations arising under such MTAs rest exclusively with the parties to those MTAs.

14.3 The Contracting Parties agree that benefits arising from the use of plant genetic resources for food and agriculture that are shared under the Multilateral System should flow primarily, directly and indirectly, to farmers in all countries, especially in developing countries, and countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture.

14.4 The Governing Body will, at its first meeting, consider relevant policy and criteria for specific assistance under the agreed funding strategy established under Article 19 for the conservation of plant genetic resources for food and agriculture in developing countries, and countries with economies in transition whose contribution to the diversity of plant genetic resources for food and agriculture in the Multilateral System is significant and/or which have special needs.

14.5 The Contracting Parties recognize that the ability to fully implement the Global Plan of Action, in particular of developing countries and countries with economies in transition, will depend largely upon the effective implementation of this Article and of the funding strategy as provided in Article 19.

14.6 The Contracting Parties shall consider modalities of a strategy of voluntary benefit-sharing contributions whereby Food Processing Industries that benefit from plant genetic resources for food and agriculture shall contribute to the Multilateral System.

PART V - SUPPORTING COMPONENTS

Article 15 – Global Plan of Action

Recognizing that the rolling Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is important to this Undertaking, Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation to provide a coherent framework, *inter alia*, for capacity-building, technology transfer and exchange of information, taking into account the provisions of Article 14.

Article 16 - Ex Situ Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions

16.1 The Contracting Parties recognize the importance to this Undertaking of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCS) of the Consultative Group on International Agricultural Research (CGIAR). The Contracting Parties call upon the IARCs to sign agreements with the Governing Body with regard to such *ex situ* collections, in accordance with the following terms and conditions:

- (a) Plant genetic resources for food and agriculture listed in Annex I of this Undertaking and held by the IARCs shall be made available in accordance with the provisions set out in Part IV of this Undertaking;
- (b) Plant genetic resources for food and agriculture other than those listed in Annex I of this Undertaking and collected before its entry into force that are held by IARCs shall be made available in accordance with the provisions of the MTA currently in use pursuant to agreements between the IARCs and the FAO. This MTA shall be amended by agreement by the Governing Body no later than its second regular session, in consultation with the IARCs, in accordance with the relevant provisions of this Undertaking, especially Articles 13 and 14, and under the following conditions:
 - (i) The IARCs shall periodically inform the Governing Body about the MTAs entered into, according to a schedule to be established by the Governing Body;
 - (ii) The Contracting Parties in whose territory the plant genetic resources for food and agriculture were collected from *in situ* conditions shall be provided with samples of such plant genetic resources for food and agriculture on demand, without any MTA;
 - (iii) Benefits arising under the above MTA that accrue to the mechanism mentioned in Article 20.3f shall be applied, in particular, to the conservation and sustainable use of the plant genetic resources for food and agriculture in question, particularly in national and regional programmes in developing countries and countries with economies in transition, especially in centres of diversity and the least developed countries;
 - (iv) The IARCs shall take appropriate measures, in accordance with their capacity, to maintain effective compliance with the conditions of the MTAs, and shall promptly inform the Governing Body of cases of non-compliance.
- (c) IARCs recognize the authority of the Governing Body to provide policy guidance relating to *ex situ* collections held by them and subject to the provisions of this Undertaking.

- (d) The scientific and technical facilities in which such *ex situ* collections are conserved shall remain under the authority of the IARCs, which undertake to manage and administer these *ex situ* collections in accordance with internationally accepted standards, in particular the Genebank Standards as endorsed by the Commission on Genetic Resources for Food and Agriculture.
- (e) Upon request by an IARC, the Secretariat shall endeavour to provide appropriate technical support.
- (f) The Secretariat shall have, at any time, right of access to the facilities, as well as right to inspect all activities performed therein directly related to the conservation and exchange of the material covered by this Article.
- (g) If the orderly maintenance of these *ex situ* collections held by IARCs is impeded or threatened by whatever event, including *force majeure*, the Secretariat, with the approval of the host country, shall assist in its evacuation or transfer, to the extent possible.

16.2 The Contracting Parties agree to provide facilitated access to plant genetic resources for food and agriculture in Annex I under the Multilateral System to IARCS of the Consultative Group on International Agricultural Research that have signed agreements with the Governing Body in accordance with this Undertaking. Such Centres shall be included in a list held by the Secretariat to be made available to the Contracting Parties on request.

16.3 The material other than that listed in Annex I, which is received and conserved by IARCs after the coming into force of this Undertaking, shall be available for access on terms consistent with those mutually agreed between the IARCs that receive the material and the country of origin of such resources or the country that has acquired those resources in accordance with the Convention on Biological Diversity or other applicable law.

16.4 The Contracting Parties are encouraged to provide IARCs that have signed agreements with the Governing Body with access, on mutually agreed terms, to plant genetic resources for food and agriculture not listed in Annex I that are important to the programmes and activities of the IARCs.

16.5 The Governing Body will also seek to establish agreements for the purposes stated in this Article with other relevant International Institutions.

Article 17 – International Plant Genetic Resources Networks

17.1 Existing cooperation in international plant genetic resources for food and agriculture networks will be encouraged or developed on the basis of existing arrangements and consistent with the terms of this Undertaking, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture.

17.2 The Contracting Parties will encourage, as appropriate, all relevant institutions, including governmental, private, non-governmental, research, breeding and other institutions, to participate in the international networks.

**Article 18 – The Global Information System on
Plant Genetic Resources for Food and Agriculture**

18.1 The Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture, with the expectation that such exchange of information will contribute to the sharing of benefits by making information on plant genetic resources for food and agriculture available to all Contracting Parties. In developing the Global Information System, cooperation will be sought with the Clearing House Mechanism of the Convention on Biological Diversity.

18.2 Based on notification by the Contracting Parties, early warning should be provided about hazards that threaten the efficient maintenance of plant genetic resources for food and agriculture, with a view to safeguarding the material.

18.3 The Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of the state of the world's plant genetic resources for food and agriculture in order to facilitate the updating of the rolling Global Plan of Action referred to in Article 15.

PART VI - FINANCIAL PROVISIONS

Article 19 – Financial Resources

19.1 The Contracting Parties undertake to implement a funding strategy for the implementation of this Undertaking in accordance with the provisions of this Article.

19.2 The objectives of the funding strategy shall be to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under this Undertaking.

19.3 In order to mobilize funding for priority activities, plans and programmes, in particular in developing countries and countries with economies in transition, and taking the Global Plan of Action into account, the Governing Body shall periodically establish a target for such funding.

19.4 Pursuant to this funding strategy:

- (a) The Contracting Parties shall take the necessary and appropriate measures within the Governing Bodies of relevant international mechanisms, funds and bodies to ensure due priority and attention to the effective allocation of predictable and agreed resources for the implementation of plans and programmes under this Undertaking.
- (b) The extent to which Contracting Parties that are developing countries and Contracting Parties with economies in transition will effectively implement their commitments under this Undertaking will depend on the effective allocation, particularly by the developed country Parties, of the resources referred to in this Article. Contracting Parties that are developing countries and Contracting Parties with economies in transition will accord due priority in their own plans and programmes to building capacity in plant genetic resources for food and agriculture.

- (c) The Contracting Parties that are developed countries also provide, and Contracting Parties that are developing countries and Contracting Parties with economies in transition avail themselves of, financial resources for the implementation of this Undertaking through bilateral and regional and multilateral channels. Such channels shall include the mechanism referred to in Article 20.3f.
- (d) Each Contracting Party agrees to undertake, and provide financial resources for national activities for the conservation and sustainable use of plant genetic resources for food and agriculture in accordance with its national capabilities and financial resources[, and avoiding subsidies];
- (e) The Contracting Parties agree that the financial benefits arising from Article 14.2d are part of the funding strategy.
- (f) Voluntary contributions may also be provided by Contracting Parties, the private sector, taking into account the provisions of Article 14, non-governmental organisations and other sources. The Contracting Parties agree that the Governing Body shall consider modalities of a strategy to promote such contributions;

19.5 The Contracting Parties agree that priority will be given to the implementation of agreed plans and programmes for farmers in developing countries, especially in least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture.

PART VII - INSTITUTIONAL PROVISIONS

Article 20 – Governing Body

- 20.1 A Governing Body for this Undertaking is hereby established, composed of all Contracting Parties.
- 20.2 All decisions of the Governing Body shall be taken by consensus.
- 20.3 The functions of the Governing Body shall be to promote the full implementation of this Undertaking, keeping in view its objectives, and, in particular, to:
- (a) provide policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of this Undertaking and, in particular, for the operation of the Multilateral System;
 - (b) adopt plans and programmes for the implementation of this Undertaking;
 - (c) adopt, at its first session, and periodically review the funding strategy for the implementation of this Undertaking, in accordance with the provisions of Article 19;
 - (d) adopt the budget of this Undertaking;
 - (e) consider and establish subject to the availability of necessary funds such subsidiary bodies as may be necessary, and their respective mandates and composition;

- (f) establish, as needed, an appropriate mechanism, such as a Trust Account, for receiving and utilizing financial resources that will accrue to it for purposes of implementing this Undertaking;
- (g) establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Undertaking, including their participation in the funding strategy;
- (h) consider and adopt, as required, amendments to this Undertaking, in accordance with the provisions of Article 24;
- (i) consider and adopt, as required, amendments to annexes to this Undertaking, in accordance with the provisions of Article 25;
- (j) consider modalities of a strategy to encourage voluntary contributions, in particular, with reference to Articles 14 and 19;
- (k) perform such other functions as may be necessary for the fulfilment of the objectives of this Undertaking;
- (l) take note of relevant decisions of the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies;
- (m) inform, as appropriate, the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies of matters regarding the implementation of this Undertaking; and
- (n) approve the terms of agreements with the IARCs and other international institutions under Article 16, and review and amend the MTA in Article 16.

20.4 Subject to paragraph 7, 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. Alternates, experts and advisers may take part in the proceedings of the Governing Body but may not vote, except in the case of their being duly authorized to substitute for the delegate.

20.5 The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Contracting Party to this Undertaking, may be represented as observers at sessions of the Governing Body. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of plant genetic resources for food and agriculture, which has informed the Secretariat of its wish to be represented as an observer at a session of the Governing Body, may be admitted unless at least one third of the Contracting Parties present object. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Governing Body.

20.6 [A Member Organization of FAO that is a Contracting Party and the member states of that Member Organization that are Contracting Parties shall exercise their membership rights and fulfil their membership obligations in accordance, *mutatis mutandis*, with the Constitution and General Rules of FAO.]

20.7 The Governing Body shall adopt and amend, as required, its own Rules of Procedure and financial rules which shall not be inconsistent with this Undertaking.

20.8 The presence of delegates representing a majority of the Contracting Parties shall be necessary to constitute a quorum at any session of the Governing Body.

20.9 The Governing Body shall hold regular sessions at least once every two years. These sessions should, as far as possible, be held back-to-back with the regular sessions of the Commission on Genetic Resources for Food and Agriculture.

20.10 Special Sessions of the Governing Body shall be held at such other times as may be deemed necessary by the Governing Body, or at the written request of any Contracting Party, provided that this request is supported by at least one third of the Contracting Parties.

20.11 The Governing Body shall elect its Chairperson and Vice-Chairpersons (collectively referred to as “the Bureau”), in conformity with its Rules of Procedure.

Article 21 – Secretary

21.1 The Secretary of the Governing Body shall be appointed by [the Director-General of FAO, with the approval of]the Governing Body. The Secretary shall be assisted by such staff as the Governing Body may decide.

21.2 The Secretary shall perform the following functions:

- (a) arrange for and provide administrative support for sessions of the Governing Body and for any subsidiary bodies as may be established;
- (b) assist the Governing Body in carrying out its functions, including the performance of specific tasks that the Governing Body may decide to assign to it;
- (c) report on its activities to the Governing Body.

21.3 The Secretary shall communicate to all Contracting Parties:

- (a) decisions of the Governing Body within sixty days of adoption;
- (b) information received from Contracting Parties in accordance with the provisions of this Undertaking.

21.4 The Secretary shall provide documentation in the 6 languages of the United Nations for sessions of the Governing Body.

21.5 The Secretary shall cooperate with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of this Undertaking.

Article 22 – Compliance

The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Undertaking and to address issues of non-compliance. These procedures and mechanisms shall include monitoring, and offering advice or assistance, including legal advice or legal assistance, when needed, in particular to developing countries and countries with economies in transition.

Article 23 – Settlement of Disputes

23.1 In the event of a dispute between Contracting Parties concerning the interpretation or application of this Undertaking, the parties concerned shall seek solutions by negotiation.

23.2 If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

23.3 When ratifying, accepting, approving or acceding to this Undertaking, or at any time thereafter, a Contracting Party may declare in writing to the Depository that for a dispute not resolved in accordance with Article 23.1 or Article 23.2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II to this Undertaking;
- (b) Submission of the dispute to the International Court of Justice.

23.4 If the parties to the dispute have not, in accordance with Article 23.3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II to this Undertaking unless the parties otherwise agree.

Article 24 – Amendments of the Undertaking

24.1 Amendments to this Undertaking may be proposed by any Contracting Party.

24.2 Amendments to this Undertaking shall be adopted at a session of the Governing Body. The text of any proposed amendment shall be communicated to Contracting Parties by the Secretary at least six months before the session at which it is proposed for adoption.

24.3 All amendments to this Undertaking shall only be made by consensus of the Contracting Parties present at the session of the Governing Body.

24.4 Any amendment adopted by the Governing Body shall come into force among Contracting Parties having ratified, accepted or approved it on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by two-thirds of the Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the ninetieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendment.

24.5 For the purpose of this Article, an instrument deposited by a Member Organization of FAO shall not be counted as additional to those deposited by member states of such an organization.

Article 25 – Amendments of Annexes

25.1 The annexes to this Undertaking shall form an integral part of this Undertaking and, unless expressly provided otherwise, a reference to this Undertaking shall constitute at the same time a reference to any annexes thereto.

25.2 Except as otherwise provided for, the provisions of Article 24 regarding amendments to this Undertaking shall apply to the amendment of annexes.

25.3 Any amendment to Annex I to this Undertaking shall be adopted only by consensus.

Article 26 – Signature

This Undertaking shall be open for signature at the FAO from ... to ... [*a period of twelve months*] by all Members of FAO and any States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency.

Article 27 – Ratification, Acceptance or Approval

This Undertaking shall be subject to ratification, acceptance or approval by the Members and non-Members of FAO referred to in Article 26. Instruments of ratification, acceptance, or approval shall be deposited with the Depository.

Article 28 – Accession

This Undertaking shall be open for accession by the Members and non Members referred to in Article 26 from the date on which the Undertaking is closed for signature. Instruments of accession shall be deposited with the Depository.

Article 29 – Entry into force

29.1 This Undertaking shall enter into force on the ninetieth day after the deposit of the fortieth instrument of ratification, acceptance, approval or accession, provided that at least twenty instruments of ratification, acceptance, approval or accession have been lodged by Members of FAO.

29.2 For each Member or non Member of FAO that ratifies, accepts approves or accedes to this Undertaking after the deposit of the fortieth instrument of ratification, acceptance approval or accession, the Undertaking shall enter into force on the ninetieth day following the deposit of its instrument of ratification, acceptance approval or accession.

Article 30 – Member Organizations of FAO

30.1 When a Member Organization of FAO deposits an instrument of ratification, acceptance, approval or accession for this Undertaking, the Member Organization shall, in accordance with the provisions of Article II.7 of the FAO Constitution, notify any change regarding its distribution of competence to its declaration of competence submitted under Article II.5 of the FAO Constitution as may be necessary in light of its acceptance of this Undertaking. Any Contracting Party to this Undertaking may, at any time, request a Member Organization of FAO that is a Contracting Party to this Undertaking to provide information as to which, as between the Member Organization and

its member states, is responsible for the implementation of any particular matter covered by this Undertaking. The Member Organization shall provide this information within a reasonable time.

30.2 Instruments of ratification, acceptance, approval or accession deposited by a Member Organization of FAO shall not be counted as additional to those deposited by its member states.

Article 31 – Reservations

No reservations may be made to this Undertaking.

Article 32 – Non-Parties

The Contracting Parties shall encourage any Member of FAO or other State, not a Contracting Party to this Undertaking to accept this Undertaking.

Article 33 – Withdrawals

33.1 Any Contracting Party may at any time after two years from the date on which this Undertaking has entered into force for it, notify the Depositary in writing of its withdrawal from this Undertaking. The Depositary shall at once inform all Contracting Parties.

33.2 Withdrawal shall take effect one year from the date of receipt of the notification.

Article 34 – Termination

34.1 This Undertaking shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below forty, unless the remaining Contracting Parties unanimously decide otherwise.

34.2 The Depositary shall inform all remaining Contracting Parties that the number of Contracting Parties has dropped to forty.

34.3 In the event of termination the disposition of assets shall be governed by the financial rules to be adopted by the Governing Body.

Article 35 – Depositary

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

Article 36 – Authentic Texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Undertaking are equally authentic.

ANNEX I

LIST OF CROPS COVERED UNDER THE MULTILATERAL SYSTEM

Food crops

Crop	Genus	Observations
Breadfruit	<i>Artocarpus</i>	Breadfruit only.
Asparagus	<i>Asparagus</i>	
Oat	<i>Avena</i>	
Beet	<i>Beta</i>	
Brassica complex	<i>Brassica</i> et al.	Genera included are: <i>Brassica</i> , <i>Armoracia</i> , <i>Barbarea</i> , <i>Camelina</i> , <i>Crambe</i> , <i>Diplotaxis</i> , <i>Eruca</i> , <i>Isatis</i> , <i>Lepidium</i> , <i>Raphanobrassica</i> , <i>Raphanus</i> , <i>Rorippa</i> , and <i>Sinapis</i> . This comprises oilseed and vegetable crops such as cabbage, rapeseed, mustard, cress, rocket, radish, and turnip. The species <i>Lepidium meyenii</i> (maca) is excluded.
Pigeon Pea	<i>Cajanus</i>	
Chickpea	<i>Cicer</i>	
Citrus	<i>Citrus</i>	Genera <i>Poncirus</i> and <i>Fortunella</i> are included as root stock.
Coconut	<i>Cocos</i>	
Major aroids	<i>Colocasia</i> , <i>Xanthosoma</i>	Major aroids include taro, cocoyam, dasheen and tannia.
Carrot	<i>Daucus</i>	
Yams	<i>Dioscorea</i>	
Finger Millet	<i>Eleusine</i>	
Strawberry	<i>Fragaria</i>	
Sunflower	<i>Helianthus</i>	
Barley	<i>Hordeum</i>	
Sweet Potato	<i>Ipomoea</i>	
Grass pea	<i>Lathyrus</i>	
Lentil	<i>Lens</i>	
Apple	<i>Malus</i>	
Cassava	<i>Manihot</i>	<i>Manihot esculenta</i> only.
Banana / Plantain	<i>Musa</i>	Except <i>Musa textilis</i> .
Rice	<i>Oryza</i>	
Pearl Millet	<i>Pennisetum</i>	
Beans	<i>Phaseolus</i>	Except <i>Phaseolus polyanthus</i> .
Pea	<i>Pisum</i>	
Rye	<i>Secale</i>	
Potato	<i>Solanum</i>	Section <i>tuberosa</i> included, except <i>Solanum phureja</i> .
Eggplant	<i>Solanum</i>	Section <i>melangena</i> included.
Sorghum	<i>Sorghum</i>	
Triticale	<i>Triticosecale</i>	
Wheat	<i>Triticum</i> et al.	Including <i>Agropyron</i> , <i>Elymus</i> , and <i>Secale</i> .
Faba Bean / Vetch	<i>Vicia</i>	
Cowpea et al.	<i>Vigna</i>	
Maize	<i>Zea</i>	Excluding <i>Zea perennis</i> , <i>Zea diploperennis</i> , and <i>Zea</i>

luxurians.

Forages

Genera

Species

LEGUME FORAGES

<i>Astragalus</i>	<i>chinensis, cicer, arenarius</i>
<i>Canavalia</i>	<i>ensiformis</i>
<i>Coronilla</i>	<i>varia</i>
<i>Hedysarium</i>	<i>coronarium</i>
<i>Lathyrus</i>	<i>cicera, cilialatus, hirsutus, ochrus, odoratus, sativus</i>
<i>Lespedeza</i>	<i>cuneata, striata, stipulacea</i>
<i>Lotus</i>	<i>corniculatus, subflorus, uliginosus</i>
<i>Lupinus</i>	<i>albus, angustifolius, luteus</i>
<i>Medicago</i>	<i>arborea, falcata, sativa, scutellata, rigidula, truncatula</i>
<i>Melilotus</i>	<i>albus, officinalis</i>
<i>Onobrychis</i>	<i>viciifolia</i>
<i>Ornithopus</i>	<i>sativus</i>
<i>Prosopis</i>	<i>affinis, alba, chillensis, nigra, pallida</i>
<i>Pueraria</i>	<i>phaseoloides</i>
<i>Trifolium</i>	<i>alexandrinum, alpestre, ambiguam, angustifolium, arvense, agrocicerum, hybridum, incarnatum, pratense, repens, resupinatum, rueppellianum, semipilosum, subterraneum, vesiculosum</i>

GRASS FORAGES

<i>Andropogon</i>	<i>gayanus</i>
<i>Agropyron</i>	<i>cristatum, desertorum</i>
<i>Agrostis</i>	<i>stolonifera, tenuis</i>
<i>Alopecurus</i>	<i>pratensis</i>
<i>Arrenatherum</i>	<i>elatius</i>
<i>Dactylis</i>	<i>glomerata</i>
<i>Festuca</i>	<i>arundinacea, gigantea, heterophylla, ovina, pratensis, rubra</i>
<i>Lolium</i>	<i>hybridum, multiflorum, perenne, rigidum, temulentum</i>
<i>Phalaris</i>	<i>aquatica, arundinacea</i>
<i>Phleum</i>	<i>pratense</i>
<i>Poa</i>	<i>alpina, annua, pratensis</i>
<i>Tripsacum</i>	<i>laxum</i>

OTHER FORAGES

<i>Atriplex</i>	<i>halimus, nummularia</i>
<i>Salsola</i>	<i>vermiculata</i>

ANNEX II

Part 1

ARBITRATION

Article 1

The claimant party shall notify the secretariat that the parties to the dispute are referring it to arbitration pursuant to Article 23. The notification shall state the subject-matter of arbitration and include, in particular, the articles of this Undertaking, the interpretation or application of which are at issue. If the parties to the dispute do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Undertaking.

Article 2

1. In disputes between two parties to the dispute, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties to the dispute, nor be employed by any of them, nor have dealt with the case in any other capacity.
2. In disputes between more than two Contracting Parties, parties to the dispute with the same interest shall appoint one arbitrator jointly by agreement.
3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Director-General of FAO shall, at the request of a party to the dispute, designate the President within a further two-month period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Director-General of FAO who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Undertaking and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties to the dispute, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties to the dispute and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties to the dispute.

Article 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party to the dispute or a failure of a party to the dispute to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party to the dispute for decision to the arbitral tribunal which rendered it.

*Part 2***CONCILIATION**

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties to the dispute otherwise agree, be composed of five members, two appointed by each party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two Contracting Parties, parties to the dispute with the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties to the dispute have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties to the dispute are not made within two months of the date of the request to create a conciliation commission, the Director-General of FAO shall, if asked to do so by the party to the dispute that made the request, make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Director-General of FAO shall, if asked to do so by a party to the dispute, designate a President within a further two-month period.

Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

APPENDIX C

**STATEMENT BY THE EUROPEAN UNION AND ITS MEMBER STATES
AT THE TIME OF THE ADOPTION OF THE TEXT OF THE
INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES**

Now that we have adopted this list, I would like on behalf of the European Union and its Member States, to make the following statement for the record. The EU and its Member States are very disappointed of the outcome of today's negotiations on the list. We had expected, Mr. Chairman, following our agreement in Friends of the Chair Group, that countries would be significantly more flexible in addressing the issue of adding crops to our list. We find it very surprising that crops of major significance to world food security and interdependence are not included on the list. It puts the importance of the Undertaking into question. Mr Chairman, we consider, given the fact that there has not been an agreement in the discussions in this group, that the list is still open for inclusion of further crops.

It is also our position that the final agreement of the EU and its Member States to the IU is dependant on a successful conclusion of the list. We therefore request Mr. Chairman, that both the list of crops discussed in Spoleto and the list D of the report of the List Working Group be annexed to the report of this meeting.

Thank you Mr. Chairman.

**STATEMENT BY THE EUROPEAN UNION AND ITS MEMBER STATES
AT THE TIME OF THE ADOPTION OF THE DRAFT RESOLUTION FOR
CONSIDERATION BY THE FAO CONFERENCE AT ITS THIRTY-FIRST SESSION**

Thank you Mr Chairman.

We would also like to make a statement for the record after the adoption of the IU.

Noting paragraph 1 of section A of the Resolution, it is the understanding of the EU and its Member States that final agreement of the Undertaking is dependent upon the resolution of the outstanding issues that are bracketed in the text.

Thank you Mr. Chairman.

APPENDIX D

**STATEMENT BY THE GOVERNMENT OF JAPAN
AT THE TIME OF THE ADOPTION OF THE TEXT OF THE
INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES**

Thank you.

This time we appreciate very much the progress made and in particular by your initiative, but the progress made in these days is so significant and there are some substantial developments, so my authority would like to examine closely its impact in particular on domestic regulations. Therefore, while appreciating the outcome of this negotiation my delegation would like to bring the result back to Tokyo and come back on an appropriate occasion. Thank you, Mr Chairman.

 APPENDIX E

**LISTS OF CROPS DISCUSSED AND PENDING ACCEPTANCE BY SOME
REGIONS / COUNTRIES, DURING THE MEETINGS OF THE WORKING GROUP
FOR THE LIST OF CROPS AT THE SIXTH EXTRAORDINARY SESSION**

(i) CROPS UNDER DISCUSSION (SPOLETO - TABLE II)

Crop	Genus	Observations
Onion, garlic, <i>et al.</i>	<i>Allium</i>	
Groundnut / Peanut	<i>Arachis</i>	
Oil Palm	<i>Elaeis</i>	
Soybean	<i>Glycine</i>	
Tomato	<i>Lycopersicon</i>	
Sugarcane	<i>Saccharum</i>	
Minor millets	{diverse}	This crop group includes genera <i>Digitaria</i> , <i>Panicum</i> , <i>Setaria</i> , <i>Echinochloa</i> , <i>Paspalum</i> , and <i>Coix</i> (*)
Olive	<i>Olea</i>	
Pear	<i>Pyrus</i>	
Vine / Grapes	<i>Vitis</i>	
Fruit trees (<i>Prunus</i>)	<i>Prunus</i>	This genus includes apricot, peach, plum, cherry and almonds. <i>Prunus africana</i> is excluded.
Melon, cucumber	<i>Cucumis</i>	
Pumpkins, squashes	<i>Cucurbita</i>	
Flax	<i>Linum</i>	

(*) As stated in Annex I, document CGRFA/CG-6/01/2, and as suggested by the panel of experts

NOTE: Three regions accepted all the crops above. One region accepted all crops listed above if accepted by consensus as an entire block. Three regions have expressed reservations on some of the above crops. Some regions urged inclusion of crops in the above list because of major relevance to food security.

(ii) ADDITIONAL CROPS UNDER DISCUSSION
(extracted from the
*Report of the Working Group for the List of Crops
of the International Undertaking, 30 June 2001*)

(ii).1. Crops supported by the Regions except 1 country

Crops	Genera	Crops	Genera
Celery	<i>Apium</i>	American grapevine	<i>Muscadinia=Vitis</i>
Asparagus	<i>Asparagus</i>	Watercress	<i>Nasturtium</i>
Papaya	<i>Carica</i>	Parsnip	<i>Pastinaca</i>
Chestnut	<i>Castanea</i>	Avocado	<i>Persea</i> (*)
Chickory	<i>Cichorium</i>	Parsley	<i>Petroselinum</i>
Hazelnut	<i>Corylus</i>	Date palm	<i>Phoenix</i>
Artichoke	<i>Cynara</i>	Rhubarb	<i>Rheum</i>
Carrot	<i>Daucus</i>	Currant	<i>Ribes</i>
Buckwheat	<i>Fagopyrum</i>	Raspberry	<i>Rubus</i>
Fennel	<i>Foeniculum</i>	Black salsify	<i>Scorzonera</i>
Strawberry	<i>Fragaria</i>	Blueberry	<i>Vaccinium</i>

(*) 2 countries expressed reservations to crop avocado (*Persea*).

(ii).2. Crops supported by 6 regions but with reservations in 1 region

Crops	Genera	Crops	Genera
Okra, aibika	<i>Abelmoschus</i>	Cotton	<i>Gossypium</i>
Kiwifruit	<i>Actinidia</i>	Walnut	<i>Juglans</i>
<i>Aegilops</i>	<i>Aegilops</i>	Lettuce	<i>Lactuca</i>
Amaranth	<i>Amaranthus</i>	Mango	<i>Mangifera</i>
Pineapple	<i>Ananas</i>	<i>Miscanthus</i>	<i>Miscanthus</i>
Galip	<i>Canarium</i>	Rambutan	<i>Nephelium</i>
Capsicum pepper	<i>Capsicum</i>	Karuka	<i>Pandanus</i>
Quinoa	<i>Chenopodium</i>	Tomatillo, Cape gooseberry	<i>Physalis</i>
Watermelon, egusi	<i>Citrullus</i>	Pistachio	<i>Pistacia</i>
Job's tears	<i>Coix</i>	Winged bean	<i>Psophocarpus</i>
Azarole	<i>Crataegus</i>	Pomegranate	<i>Punica</i>
Quince	<i>Cydonia</i>	Sesame	<i>Sesamum</i> (*)
Durian	<i>Durio</i>	Spinach	<i>Spinacia</i>
Malay apple	<i>Eugenia</i>	Okari	<i>Terminalia</i> (**)
Fig	<i>Ficus</i>	Cocoa	<i>Theobroma</i>
Mangosteen	<i>Garcinia</i>		

(*) Inclusion of *Sesamum indicum* only was suggested.

(**) Inclusion of *Terminalia okari* only was suggested.

APPENDIX F

**DRAFT RESOLUTION FOR CONSIDERATION BY THE FAO CONFERENCE
AT ITS THIRTY-FIRST SESSION**

**ADOPTION OF THE INTERNATIONAL UNDERTAKING¹ ON PLANT GENETIC
RESOURCES AND INTERIM ARRANGEMENTS FOR ITS IMPLEMENTATION*****The Conference,***

Acknowledging the interdependence of all countries with respect to Plant Genetic Resources for Food and Agriculture

Recognizing the importance of realizing Farmers' Rights as set out in the International Undertaking and of increasing co-operation in the field of technical assistance in accordance with the relevant Articles of this Undertaking.

Recognizing that the International Undertaking on Plant Genetic Resources, as adopted by the FAO Conference by Resolution 8/83, and as modified by the agreed interpretations in its Resolutions 4/89, 5/89 and 3/91, represents the first international instrument dealing with the conservation and sustainable use of plant genetic resources for food and agriculture;

Recalling further Resolution 3 of the Nairobi Conference for the adoption of the agreed text of the Convention on Biological Diversity, which recognized the need to seek solutions to outstanding matters concerning plant genetic resources, within FAO, in particular, on access to *ex situ* collections not acquired in accordance with the Convention on Biological Diversity, and the question of Farmers' Rights;

Recalling Resolution 7/93 of the Twenty-seventh Session of the FAO Conference, which called for negotiations, through the FAO Commission on Genetic Resources for Food and Agriculture, to revise the International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity;

Recalling that the plan of action of the World Food Summit underlines the need to promote an integrated approach to conservation and sustainable utilization on PGRFA;

Recognizing that the International Undertaking will facilitate implementation of the Global Plan of Action agreed on the fourth International Technical Conference of FAO on Plant Genetic Resources for Food and Agriculture, 1996, in Leipzig;

Recalling further that both the FAO Conference at its Thirtieth Session and the Fifth Meeting of the Conference of the Parties to the Convention on Biological Diversity confirmed that

¹ The title of this agreement would be used consistently throughout this text and with the text of the Agreement as adopted by the Sixth Extraordinary Session

negotiations would proceed on the basis that the revision of the International Undertaking on Plant Genetic Resources would take the form of a legally binding instrument, closely linked to FAO and the Convention on Biological Diversity;

Recalling further that the Conference of the Parties of the Convention on Biological Diversity at its fifth meeting recognized the potential contribution that the revised International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity, would have to assist in the implementation of its programme of work on Agricultural Biological Diversity, and that the International Undertaking is envisaged to play a crucial role in the implementation of the Convention on Biological Diversity;

Recalling further that the Hundred and Nineteenth Session of FAO Council requested that the negotiations be completed in time for the International Undertaking on Plant Genetic Resources to be sent to this Session of the Conference;

Noting with appreciation the work undertaken by FAO and its Commission on Genetic Resources for Food and Agriculture in supporting States and Regional Economic Integration Organizations throughout the negotiations for the revision of the International Undertaking on Plant Genetic Resources and in preparation for its effective implementation;

Also noting with appreciation the many expressions of support by the Conference of the Parties of the Convention on Biological Diversity for FAO and its Commission on Genetic Resources for Food and Agriculture in this work;

Noting further that preparations are required for effective operation of the International Undertaking on Plant Genetic Resources, once it has entered into force;

A. Adoption of the International Undertaking on Plant Genetic Resources

1. *Adopts* the International Undertaking on Plant Genetic Resources, which is annexed to this Resolution;
2. *Requests* the Director-General of FAO to open the International Undertaking on Plant Genetic Resources for signature, after the adoption of this Resolution, during this Session of the FAO Conference and at FAO Headquarters in Rome from 14 November 2001 until 13 November 2002;
3. *Invites* Members of FAO and States that are not Members of FAO, but are Members of the United Nations and any of its specialized agencies or the International Atomic Energy Agency to sign the International Undertaking on Plant Genetic Resources, and to deposit instruments of ratification, acceptance, approval or accession, at the earliest opportunity;
4. *Decides* that the International Undertaking on Plant Genetic Resources, as now adopted by the FAO Conference, on entry into force establishes a new and binding framework for cooperation in the area of Plant Genetic Resources for Food and Agriculture.

B. Interim Arrangements for the Implementation of the International Undertaking on Plant Genetic Resources

1. *Decides* to establish an Interim Committee on the International Undertaking on Plant Genetic Resources for Food and Agriculture, hereinafter referred to as “the Interim Committee”. The Rules of Procedures of the Interim Committee shall be based on and not be incompatible with the FAO Rules of Procedures.

2. *Invites* Members of FAO and States that are not Members of FAO, but are Members of the United Nations and any of its specialized agencies or the International Atomic Energy Agency to participate in the Interim Committee [consistent with the FAO Rules of Procedures].

3. *Requests* the Director-General of FAO to convene the first meeting of the Interim Committee in 2002, and at the request of the Interim Committee subsequent meetings as necessary whenever possible in conjunction with meetings of the Commission on Genetic Resources for Food and Agriculture, subject to the availability of necessary resources.

The Interim Committee shall:

(new a) Adopt at its first session its Rules of Procedures;

(a) prepare, for consideration at the first session of the Governing Body, draft rules of procedure; draft financial rules; [and a proposal for a budget of the International Undertaking on Plant Genetic Resources]; pending ongoing negotiations;²

(b) also prepare, for consideration at the first session of the Governing Body, upon the recommendation of an expert group, a draft standard Material Transfer Agreement for facilitated access and proposals for the level, form and manner of payments for the equitable sharing of benefits arising from the commercialization of products;

(b. bis) [also prepare, for consideration at the first session of the Governing Body proposed procedures to promote compliance in accordance with Article ;]³

(c) consult with the International Agricultural Research Centres on the agreements to be signed with the Governing Body;

(d)

(e) perform such other functions as may be necessary for the effective operation of the Revised International Undertaking on Plant Genetic Resources upon its entry into force;

4. *Further requests* the Director-General of FAO to appoint an interim Secretary to assist the Intergovernmental Committee in its work;

5. *Also requests* the Director-General of FAO to invite the Executive Secretary of the Convention on Biological Diversity to convey this Resolution to the Conference of the Parties of the Convention on Biological Diversity;

6. *Requests* the Intergovernmental Committee to initiate the establishment of cooperation with the Conference of the Parties of the Convention on Biological Diversity and, as appropriate, with other relevant international organizations and treaty bodies, in particular in relation to the provisions of Article 18.4a of the International Undertaking on Plant Genetic Resources;

² Outstanding issue, pending ongoing negotiations in the Plenary.

³ Outstanding issue, pending ongoing negotiations in the Plenary.

7. *Invites* the Conference of Parties of the Convention on Biological Diversity to establish and maintain cooperation with the Intergovernmental Committee and, upon the entry into force of the International Undertaking on Plant Genetic Resources, with the Governing Body;
8. *Further invites* Members of FAO and States that are not Members of FAO, but are Members of the United Nations and any of its specialized agencies and Regional Economic Integration Organizations to contribute, through the FAO, to the functioning of the Intergovernmental Committee;
9. *Also invites* the IARCs of the CGIAR, in particular IPGRI, and other relevant international organizations and treaty bodies, to assist the Intergovernmental Committee and its interim Secretary in its work.

APPENDIX G

**RESOLUTION OF THE SIXTH EXTRAORDINARY SESSION OF THE
COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE***The Commission on Genetic Resources for Food and Agriculture,*

Cognisant of the fact that the current agreements between the International Agricultural Research Centres and FAO, placing collections of plant germplasm under the auspices of FAO, will be subject to renewal in 2002;

Recognizing that it will be necessary to revise the provisions of the current Material Transfer Agreement (MTA) in use pursuant to agreements between the International Agricultural Research Centres and the FAO in order to make it consistent with the provisions of the revised Undertaking;

Further recognizing the need for a speedy and smooth transition between the current arrangements and those that will apply with the entry into force of the revised Undertaking;

Requests the Director General of FAO and the Directors General of those International Agricultural Research Centres which have signed agreements with FAO to collaborate in the preparation of a revised Material Transfer Agreement that will, as appropriate, take into account the provisions of the revised Undertaking and support an effective transition; and

Further requests that the draft Material Transfer Agreement be presented to the Ninth Regular Session of the Commission on Genetic Resources for Food and Agriculture, for its consideration.

APPENDIX H

MEMBERS OF THE FAO COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE (JULY 2001)

AFRICA	ASIA AND THE PACIFIC	EUROPE	LATIN AMERICA AND THE CARIBBEAN
Algeria*	Australia*	Albania	Antigua and Barbuda*
Angola*	Bangladesh*	Armenia	Argentina*
Benin*	China	Austria*	Bahamas*
Botswana	Cambodia	Belgium*	Barbados*
Burkina Faso*	Cook Islands	Bosnia and Herzegovina	Belize*
Burundi	Democrat. People's Rep. of Korea*	Bulgaria*	Bolivia*
Cameroon*	Fiji*	Croatia	Brazil
Cape Verde*	India*	Cyprus*	Chile*
Central African Republic*	Indonesia	Czech Republic*	Colombia*
Chad*	Japan	Denmark*	Costa Rica*
Comoros*	Kazakhstan	Estonia	Cuba*
Congo, Rep. of*	Korea, Rep. of*	European Community	Dominica*
Congo, Dem. Rep. of the	Malaysia	Finland*	Dominican Rep.*
Côte d'Ivoire*	Maldives	France*	Ecuador*
Equatorial Guinea*	Mongolia	Georgia	El Salvador*
Eritrea	Myanmar	Germany*	Grenada*
Ethiopia*	Nepal*	Greece*	Guatemala
Gabon*	New Zealand*	Hungary*	Guyana
Gambia	Pakistan	Iceland*	Haiti*
Ghana*	Papua New Guinea*	Ireland*	Honduras*
Guinea*	Philippines*	Israel*	Jamaica*
Guinea-Bissau	Samoa*	Italy*	Mexico*
Kenya*	Solomon Islands*	Latvia	Nicaragua*
Lesotho	Sri Lanka*	Lithuania	Panama*
Liberia*	Thailand	Malta	Paraguay*
Madagascar*	Tonga*	Netherlands*	Peru*
Malawi*	Vanuatu	Norway*	Saint Kitts and Nevis
Mali*	Vietnam	Poland*	Saint Lucia
Mauritania*		Portugal*	Saint Vincent and the Grenadines
Mauritius*	NEAR EAST	Romania*	Suriname
Morocco*	Afghanistan	Slovakia	Trinidad and Tobago*
Mozambique*	Azerbaijan	Slovenia	Uruguay
Namibia	Egypt*	Spain*	Venezuela
Niger*	Iran*	Sweden*	
Nigeria*	Iraq*	Switzerland*	
Rwanda*	Jordan	The Former Yugoslav Rep. of Macedonia	NORTH AMERICA
Senegal*	Lebanon*	Turkey*	Canada
Seychelles	Libya*	United Kingdom*	United States of America
Sierra Leone*	Oman*		
South Africa*	Qatar		
Sudan*	Syria*		
Swaziland	Tunisia*		
Tanzania*	Yemen*		
Togo*			
Uganda			
Zambia*			
Zimbabwe*			

A total of 160 countries and the European Community are members of the Commission.

* The countries marked with an asterisk are members of the Commission that have adhered to the International Undertaking on Plant Genetic Resources, to which two FAO Members not members of the Commission (Bahrain and Kuwait) and three countries not FAO Members (Liechtenstein, the Russian Federation and the Federal Republic of Yugoslavia) have also adhered. In total, 113 countries have adhered to the International Undertaking

APPENDIX I

LIST OF DOCUMENTS
Working Documents

CGRFA-Ex6/01/1	Draft provisional agenda
CGRFA-Ex6/01/2	Chairman's Simplified Text including the texts negotiated and agreed by the Commission and the Chairman's Contact Group
CGRFA-Ex6/01/3	Composite Draft Text of the International Undertaking on Plant Genetic Resources, incorporating: the texts of Article 15, negotiated during the Commission's Eighth Regular Session; and the texts of Articles 8, 8bis, 9, 10, 11, 12, 13, 14, 16, 17, 18, 20 and 21, as negotiated at the First to the Sixth Inter-Sessional Meetings of the Contact Group

Information Documents

CGRFA-Ex6/01/Inf.1	Statement of competence and voting rights of the European Union
CGRFA-Ex6/01/Inf.2	List of Documents
CGRFA-Ex6/01/Inf.3	Autonomy of the International Undertaking under Art. XIV of the FAO Constitution
CGRFA-Ex6/01/Inf.4	List of delegates and observers
CL 120/INF/16 120 th Session of the FAO Council	Report by the Chairman of the Commission on Genetic Resources for Food and Agriculture
CL 120/Report	Report of the 120 th Session of the FAO Council
C 99/Report 30 th Session of the FAO Conference	Report on Item 8: Revision of the International Undertaking on Plant Genetic Resources
No number	Text of the International Undertaking on Plant Genetic Resources - 1983

Other Relevant Documents

(available on request)

CGRFA/CG-6/01/3	Material of relevance for the legal and institutional status of the revised International Undertaking on Plant Genetic Resources, which was requested by the Fifth Meeting of the Contact Group
CL119/REP/3	Report of the 119 th Session of the FAO Council – Item 10

CGRFA/CG-4/00/Inf.4 (English only)	Information provided by the regions on the List, during the Third Inter-sessional Meeting of the Contact Group
CGRFA-8/99/REPORT	Report of the Eighth Regular Session of the Commission on Genetic Resources for Food and Agriculture – Rome, 19-23 April 1999
CGRFA-8/99/7	Progress report on the International Network of <i>Ex Situ</i> Collections under the Auspices of FAO
CGRFA-8/99/8	Possible formulas for the sharing of benefits based on different benefit-indicators
CGRFA-8/99/9	Revision of the International Undertaking on Plant Genetic Resources: legal and institutional options
CGRFA- 8/99/Inf.3 (English only)	Exploring options for the list approach within the multilateral system of facilitated germplasm exchange within the revised International Undertaking - Report of an informal Workshop of Experts convoked by the 'Istituto Agronomico per l'Oltremare', on behalf of the Italian Ministry of Foreign Affairs – Florence, 1-3 October 1998
CGRFA-Ex5/98/REP	Report of the Fifth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture. Rome, 8-12 June 1998
CGRFA- Ex5/98/Inf.2	Anthology of definitions that might be pertinent for the revision of the International Undertaking on Plant Genetic Resources.
CPGR-6/95/8 Supp.	Revision of the International Undertaking on Plant Genetic Resources. Analysis of some technical, economic and legal aspects for consideration in Stage II
CPGR-6/95/9	Revision of the International Undertaking on Plant Genetic Resources. Stage III - Legal and institutional matters.
No number	Agreement between the CGIAR Centres and the FAO, placing collections of plant germplasm under the auspices of FAO – signed in October 1994

New Background Study Papers:

Background Study Paper No. 11 (English only)	Nutritional value of some of the crops under discussion in the development of a Multilateral System
Background Study Paper No. 12 (English only)	Crops proposed for the Multilateral System: centres of diversity, locations of ex situ collections, and major producing countries
Background Study Paper No. 13 (English only)	Financing treaty operations and implementation: a survey of mechanisms
Background Study Paper No. 14 (English only)	Transaction costs of germplasm exchange under bilateral agreements

Other Background Study Papers:

Background Study Paper No. 1 (English)	The appropriation of the benefits of plant genetic resources for agriculture: an economic analysis of the alternative mechanisms for biodiversity conservation.
Background Study Paper No. 2	Sovereign and property rights over plant genetic resources.
Background Study Paper No. 3 (English)	Providing Farmers' Rights through <i>in situ</i> conservation of crop genetic resources.
Background Study Paper No. 4 (English)	Identifying genetic resources and their origin: The capabilities and limitations of modern biochemical and legal systems.
Background Study Paper No. 5	Information on <i>ex situ</i> collections maintained in botanic gardens.
Background Study Paper No. 6 (Spanish only with Summary in English and French)	Mejora genética para mantener la diversidad en los cultivos agrícolas.
Background Study Paper No. 7 Rev.1	Contribution to the estimation of countries' interdependence in the area of plant genetic resources
Background Study Paper No. 8 (English only)	Access to plant genetic resources and intellectual property rights
Background Study Paper No. 9 (English only)	Recent developments in biotechnology as they relate to plant genetic resources for food and agriculture
Background Study Paper No. 10 (English only)	Recent developments in biotechnology as they relate to animal genetic resources for food and agriculture

APPENDIX J – ANNEXE J – APÉNDICE J -

**LIST OF DELEGATES AND OBSERVERS
LISTE DES DELEGUES ET OBSERVATEURS
LISTA DE DELEGADOS Y OBSERVADORES**

_____	:	
Chairman	:	Fernando GERBASI
Président	:	(Venezuela)
Presidente	:	
	:	
_____	:	
Vice-Chairmen	:	Tewolde Berhan GEBRE EGZIABHER
Vice-Présidents	:	(Ethiopia)
Vicepresidentes	:	
	:	Gert KLEIJER
	:	(Switzerland)
	:	
	:	Eng Siang LIM
	:	(Malaysia)
	:	
	:	Ms Kristiane HERRMANN
	:	(Australia)
	:	
	:	Javad MOZAFARI HASHJIN
	:	(Islamic Republic of Iran)
	:	
	:	Brad FRALEIGH
	:	(Canada)

**MEMBERS OF THE COMMISSION
MEMBRES DE LA COMMISSION
MIEMBROS DE LA COMISION**

AFGHANISTAN**ALBANIA – ALBANIE****ALGERIA – ALGERIE – ALGERIA**

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