



Item 3 of the
Provisional Agenda

COMMISSION ON PLANT GENETIC RESOURCES

Fourth Session

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

FIFTH SESSION OF THE WORKING GROUP OF THE
COMMISSION ON PLANT GENETIC RESOURCES

Rome, 11 - 12 December 1990

Report by the Chairman

The following countries took part in this Session of the Working Group: Cape Verde, Congo, Egypt, El Salvador, Ethiopia, Indonesia, Italy, Kenya, Mexico, the Netherlands, Peru, Spain, Sweden, Thailand, the United States of America, Venezuela and Yugoslavia.

The following items of interest were discussed.

1. Draft Code of Conduct for the Collecting and Transfer of Plant Germplasm

The Working Group considered the draft International Code of Conduct for the Collecting and Transfer of Plant Germplasm that had been prepared by the Secretariat, and noted that it was based on the opinions and ideas of a large number of experts from all over the world. The Working Group expressed its satisfaction, and agreed with the main thrust of the document. The Working Group felt that the final document should be much shorter, and that a number of details, particularly those of a technical nature, should not be part of the Code of Conduct, but perhaps of a separate, complementary manual for collectors. Some countries felt that details of financial mechanisms should not feature in the Code either. The Working Group agreed that states had sovereignty over their plant genetic resources. The Working Group asked the Secretariat to submit a new version of the Code, following the criteria set out above, to the Sixth Session of the Working Group, and then to the Commission.

2. Partial report on the International Undertaking on Plant Genetic Resources: Farmers' Rights and Breeders' Rights.

The Group discussed the document submitted by the Secretariat and agreed that there were certain essential points on which a consensus needed to be achieved, before implementing Breeders' Rights and Farmers' Rights. With regard to Breeders' Rights, it was necessary to recognize that breeders' lines should only be available at the discretion of the breeders. As for Farmers' Rights, financial mechanisms still needed to be developed.

The Working Group recognized that all countries were donors of plant genetic resources, as well as of funds and technology to preserve these resources. A nation's proportionate contribution to these three categories depended on its ecogeographical situation and degree of development. These three elements were complementary and equally essential for the world's agricultural development, and therefore cooperation between the nations was essential.

The Working Group agreed that the Commission, being an inter-governmental forum where the donors of genetic resources, funds and technology were represented, provided a unique opportunity for this cooperation. It helped facilitate the search for an equitable distribution of responsibilities derived from the contribution of all donors. The Commission, in Interpreting the International Undertaking, had recognized the important role of both Farmers' Rights and Plant Breeders' Rights as mechanisms to compensate donors for their contributions of genetic resources and technology. Furthermore, this compensation encouraged the continuation of these efforts to ensure the conservation, and promote the utilization of germplasm, in line with the objectives on the International Undertaking.

The Working Group reiterated the need, expressed in Articles I and 5 of the International Undertaking, to make plant germplasm available for plant breeding and scientific purposes, for the benefit of humankind. However, it should be further recognized that there were certain understandable situations in which germplasm with unique promise could not be immediately commercialized. The Working Group recommended that the Commission recognize that breeders' lines should be available at the discretion of the breeder only. It was suggested that this be reflected in a footnote to Resolution 4/89 on the Agreed Interpretation of the International Undertaking. It was also suggested that the same procedure be followed to clarify and develop certain concepts related to resolution 5/89 on Farmers' Rights, or, alternatively, that this be done in the context of a new resolution on the International Fund for Plant Genetic Resources, which would then become Annex 3 to the International Undertaking.

The Working Group noted that, while some countries had established legal mechanisms for the implementation of Breeders' Rights, no mechanism existed for the implementation of Farmers' Rights. The Working Group agreed, and recommended that the Commission recognize that the best way to implement Farmers' Rights would be an International Fund, such as the Fund currently existing at FAO, which supports genetic conservation and utilization programmes, particularly, but not exclusively, in the Third World. It also agreed that, through the FAO Commission on Plant Genetic Resources, the donors of genetic resources, funds and technology have the responsibility to determine and oversee the policies, programmes and priorities of the Fund, with the advice of the appropriate technical bodies. The Working Group recognized that the conservation and sustainable utilization of plant genetic resources is a permanent need and therefore considered that the International Fund should also be sustainable. The Working Group was informed of the agreement reached during the Second Session of the Keystone International Dialogue on Plant Genetic Resources, a widely respected and influential forum representing a broad spectrum of interests, and noted that the experts participating in this forum felt that the best way of implementing Farmers' Rights would be an international fund with mandatory contributions, and estimated that at least \$US 500 000 per annum should be a target figure.

While recognizing that a fund with legally obligatory contributions would be a desirable objective, the Group felt that contributions should, for the time being, be voluntary, and that the fund's financial needs, priorities and costs, as well as the terms and levels of contribution, should be determined on a step-by-step basis. For this reason, the Working Group recognized the need to have the document, the "State of the World's Plant Genetic Resources", as soon as possible, and a Global plan of Action on Plant Genetic Resources,, both of which had been requested by the Commission. The Plan of Action should include a general budget, as well as the priority programmes and projects, to be progressively financed through the International Fund for Plant Genetic Resources, and to be implemented by the appropriate agencies and organizations under the supervision of the Commission.

In this context, and in line with the three previous Conferences convened by FAO in 1967, 1973 and 1981, the Working Group felt it was desirable that FAO should convene a new International Technical Conference on Plant Genetic Resources at the earliest possible opportunity. Within the framework of this Technical Conference, and through the preparatory technical meetings, the draft of the first State of the World's Plant Genetic Resources", and the draft Plan of Action for plant Genetic Resources would be prepared. Both documents would be submitted to this Conference for discussion and technical approval. The Working Group recommended that a wide range of interests be represented at the Conference, including the major potential donors to, and users of the International Fund, such as international, regional and national governmental and non-governmental organizations. It was suggested that the Technical Conference be followed by a meeting to determine the terms and conditions of financing, and the financial commitments needed for the implementation of the Plan of Action.

The proposed Conference should be funded by extra-budgetary contributions, preferably through the International Fund for Plant Genetic Resources. The Working Group recommended that the Secretariat draft a paper on this Conference for the next Session of the Commission, specifying the objectives, and giving a provisional budget and tentative date for the Conference. Potential donors should undertake to finance (i) the preparation and organization of the Conference, (ii) the participation of technicians from developing countries with no other access to funding, and (iii) the publication of Conference documents and proceedings.

3. Relations between FAO and IBPGR

The Working Group noted that the Memorandum of Understanding that had been signed by FAO and IBPGR had been prepared in line within the recommendations of the Commission and the Fourth Session of the Working Group. The Working Group congratulated FAO and IBPGR on the agreement reached, and expressed satisfaction with the climate of cooperation and harmony between the two organizations. The Working Group stressed the importance that should be given to FAO and IBPGR cooperation with regard to local, under-utilized crops not covered by the International Agricultural Research Centres (IARCs).

4. Other Matters

Some countries requested Information on the discussions of the latest FAO Council regarding biodiversity, and cooperation between FAO, UNEP and UNCED in this field, and expressed the hope that such cooperation would expand and become systematic.