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# conference

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS - ROME

## Twenty-seventh Session

Rome, 6-25 November 1993

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### CONSERVATION AND SUSTAINABLE UTILIZATION OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE: MATTERS ARISING FROM THE FIFTH SESSION OF THE COMMISSION ON PLANT GENETIC RESOURCES

#### I. INTRODUCTION

1. Under the guidance of the Commission on Plant Genetic Resources (CPGR) and within the framework of the International Undertaking on Plant Genetic Resources, FAO has developed since 1983 a Global System for the Conservation and Utilization of Plant Genetic Resources (see chart in Appendix A). Currently 137 countries are formally part of the Global System, of which 120 are members of the Commission and 109 have adhered to the International Undertaking (see list in Appendix B).
2. At its Twenty-sixth Session, the Conference considered a comprehensive progress report on the FAO Global System for the Conservation and Utilization of Plant Genetic Resources (C 91/24) and made a number of recommendations which were followed-up by the Fifth Session of the Commission on Plant Genetic Resources and the Seventh and Eighth Sessions of its Working Group. The report of the Fifth Session of the Commission, which includes as annexes the reports of the Seventh and Eighth Sessions of its Working Group, is available as document CPGR/REP/93. This report was discussed and endorsed by the Hundred and Third Session of the Council. Matters related to the follow-up of UNCED on plant genetic resources were also discussed by the Hundred and Second Session of the Council. Extracts on these discussions from the Report of the Hundred and Third Session of the Council are presented in Appendix C.
3. This document summarizes relevant results and recommendations of the Fifth Session of the CPGR and invites the Conference to consider for approval: (i) a draft Resolution on the "Revision of the International Undertaking on Plant Genetic Resources" (see paras 4 to 8 below and Appendix C), and (ii) a draft Resolution endorsing the text of the draft international Code of Conduct for Plant Germplasm Collecting and Transfer (see paras 10 and 11 below and Appendix C). The Conference may also wish to consider making recommendations to the Conference of the Parties of the Convention on Biological Diversity (see para 8 below) which is likely to have its first meeting in 1994.

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## II. RECOMMENDATIONS OF THE COMMISSION ON PLANT GENETIC RESOURCES WHICH REQUIRE FOLLOW-UP BY THE CONFERENCE

*Follow-up to UNCED, and draft Resolution on the "Revision of the International Undertaking on Plant Genetic Resources"*

4. The Fifth Session of the Commission discussed a comprehensive review on the Implications of UNCED for the FAO Global System on Plant Genetic Resources (CPGR/93/7). It noted that Agenda 21 recognizes the identity and special character of Plant Genetic Resources for Food and Agriculture (PGRFA), giving them the status of a "programme area" within Chapter 14 on sustainable agriculture and rural development. This programme recommends the strengthening of the Global System and its components, as well as actions at the national and international level. It makes specific reference to a number of components of the Global System, supports the convening of the Fourth International Technical Conference on PGR and recommends taking further steps to realize Farmers' Rights.

5. The Commission recognized that the Convention on Biological Diversity, once operative, will play a central role in determining policy on PGR in the future. The Commission noted that the issues which need to be addressed within the FAO Global System, include not only those already covered by the Convention, but also those specifically identified as outstanding matters to be addressed within the Global System in Resolution 3 of the Nairobi Final Act of the Convention on Biological Diversity: access to *ex situ* collections not acquired in accordance with the Convention on Biological Diversity, and the question of Farmers' Rights.

6. The Commission agreed that the International Undertaking should be adjusted and that this process should address several questions: consolidation of annexes into the Undertaking; its harmonization with the relevant provisions of the Convention; issues such as access on mutually agreed terms to samples of genetic resources for food and agriculture, especially those in *ex situ* collections not addressed by the Convention; realization of Farmers' Rights, and the funding of activities pertaining to the conservation and sustainable use of PGR.

7. The Commission considered that the revision of the Undertaking should be conducted carefully, as a gradual pragmatic and step-by-step process and suggested that the intergovernmental negotiations be conducted through the Commission in cooperation with the governing body of the international Convention on Biological Diversity.

8. The Council endorsed the Resolution adopted by the Commission for the "Revision of the International Undertaking on Plant Genetic Resources" as included in Appendix C and recommended that it be submitted to the Conference for adoption. The Commission noted that, at a later stage, FAO might, if it were requested, convert the revised Undertaking into a binding legal instrument, and that this might take the form of a protocol to the Convention, with its own secretariat and governing body.

9. In line with the Commission's recommendations, the Council also recommended that FAO collaborate with the interim secretariat of the Convention on Biological Diversity and considered that the FAO Conference should provide recommendations to the Conference of the Parties to the Convention, on matters related to plant genetic resources for food and agriculture. In this connection, the Conference may wish that the content of the above Resolution, if adopted, be formally brought to the attention of the Intergovernmental Committee on the Convention.



*Draft Resolution endorsing the text of the Draft International Code of Conduct for Plant Germplasm Collecting and Transfer.*

10. At its Fifth Session, the Commission agreed on the text of the Draft International Code of Conduct for Plant Germplasm Collecting and Transfer. The Council endorsed the Draft Code at its Hundred and Third Session, agreed that it would be voluntary and requested the Director-General to submit the Draft Resolution presented in Appendix C to the Conference for adoption.

11. As noted by the Council, the Code had been requested by the Conference in 1989, and a previous version had been considered by the Twenty-sixth Session of Conference, which, in general had agreed with its contents and had returned it to the Commission for further elaboration. The Council also noted that the current version was the final result of long and difficult negotiations and represented a compromise text that could be acceptable to all countries. In endorsing the Draft Code, the Commission noted that its primary function would be to serve as a reference document to help individual countries to establish their own codes of regulation, especially until the Convention on Biological Diversity enters into force. The Commission considered that the Code would allow countries to exercise sovereignty over, and to benefit from, their plant genetic resources, while at the same time creating conditions to facilitate access to genetic resources for environmentally sound uses. The concern was expressed that while discussions and negotiations went on in various international fora, genetic erosion was continuing and potentially harmful and insidious collecting activities might also be taking place.

III. PROGRESS REPORT ON OTHER RECOMMENDATIONS OF THE COMMISSION ON PLANT GENETIC RESOURCES

*Fourth International Technical Conference on Plant Genetic Resources*

12. The convening by FAO of the Fourth International Technical Conference on Plant Genetic Resources following UNCED, was fully supported by the Twenty-sixth Session of the Conference and recommended by UNCED. The Conference agreed that the Fourth Technical Conference be financed through extra-budgetary funds. The Hundred and Second Session of the Council agreed that the preparatory process of the Technical Conference should be under the guidance of the Commission on Plant Genetic Resources and should contribute to the achievement of the full operation of the FAO Global System for the Conservation and Use of Plant Genetic Resources.

13. At its Fifth Session, the Commission discussed and endorsed the aims and strategy of the Technical Conference and its preparatory process, noting, in particular, that they would:

- (i) transform the relevant parts of the UNCED process (including Agenda 21 and the Convention on Biological Diversity) into a costed Global Plan of Action, based on a Report on the State of the World's Plant Genetic Resources; and
- (ii) make the Global System for the Conservation and Use of Plant Genetic Resources fully operational.

The Commission emphasized that the preparatory process must be participatory and country-driven, and that it should ensure the participation of relevant organizations and institutions dealing with *ex situ* and *in situ* conservation, as well as the sustainable utilization of plant genetic resources. The Technical Conference and its preparatory process should aim to develop consensus, and commitment from countries in accordance with the recommendations of Agenda 21.

14. The Commission emphasized the urgent need to initiate the preparatory process as soon as funding is identified and extra-budgetary resources are pledged. The Council, at its Hundred and Third Session, reaffirmed the urgency to initiate the work, welcomed pledges of financial support already made and urged member countries to make further pledges.

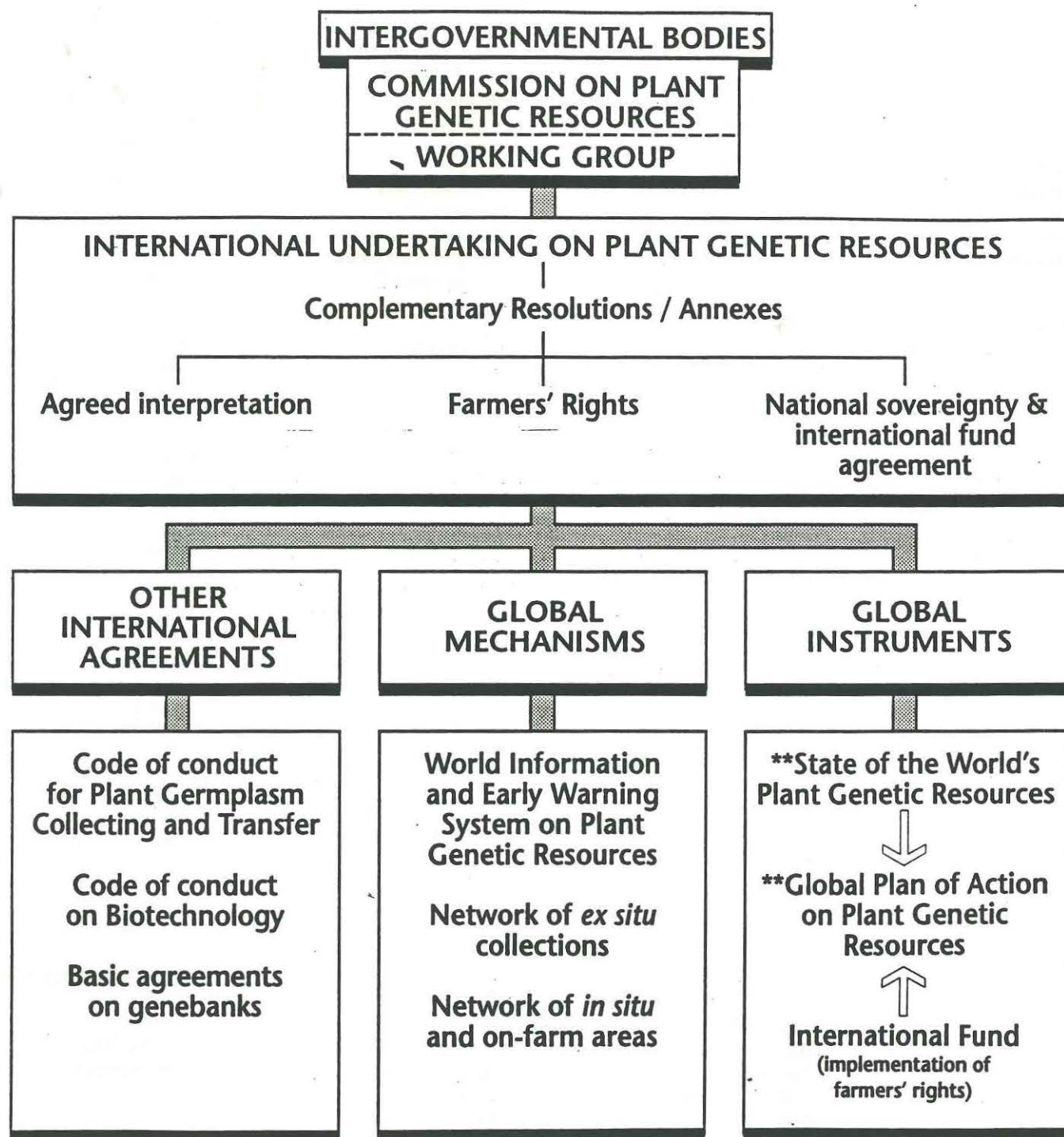
15. This first phase of the preparatory process, with a budget based on extra-budgetary funds currently available, has started. It will be country-driven and aim to support national and sub-regional assessments and capacity building for the conservation and use of PGR, including action plans. This will provide the basic information and elements for the preparation of the Report on the State of the World's PGR and costed Global Plan of Action during the second phase. Meanwhile potential donor countries have been contacted requesting them to make further pledges in order to complete commitments for the total cost of the whole project and asking those that have already made pledges to make the funds available soonest to FAO.

*Offer from the CGIAR centres to place their base and active collections under the auspices of FAO*

16. The Commission welcomed the offer of the Consultative Group on International Agricultural Research (CGIAR) Centres to place their base and active collections under the auspices of FAO. While requesting clarification on the concepts of trusteeship and ownership of the material stored as well as on the role of the Commission on policy decision, it requested the Director-General to negotiate with the Centres on the basis of the model agreement discussed. Negotiations have already started between FAO and IBPGR which is acting on behalf of the CGIAR Centres.



## The Global System for the Conservation and Utilization of Plant Genetic Resources \*



\* For illustrative purposes only

\*\* The first State of the World and Global Plan of Action on Plant Genetic Resources will be produced during the preparatory process of the International Technical Conference.

30 August 1993

MEMBERS OF FAO COMMISSION ON PLANT GENETIC RESOURCES  
AND/OR COUNTRIES WHICH HAVE ADHERED TO THE  
INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

AFRICA

Algeria <sup>1/2</sup>  
Angola <sup>1/2</sup>  
Benin <sup>1/2</sup>  
Botswana <sup>1/</sup>  
Burkina Faso <sup>1/2</sup>  
Cameroon <sup>1/2</sup>  
Cape Verde <sup>1/2</sup>  
Central African Rep. <sup>1/2</sup>  
Chad <sup>1/2</sup>  
Congo <sup>1/2</sup>  
Côte d'Ivoire <sup>2/</sup>  
Equatorial Guinea <sup>1/2</sup>  
Ethiopia <sup>1/2</sup>  
Gabon <sup>2/</sup>  
Gambia <sup>1/</sup>  
Ghana <sup>1/2</sup>  
Guinea <sup>1/2</sup>  
Guinea-Bissau <sup>1/</sup>  
Kenya <sup>1/2</sup>  
Liberia <sup>1/2</sup>  
Madagascar <sup>1/2</sup>  
Malawi <sup>2/</sup>  
Mali <sup>1/2</sup>  
Mauritania <sup>1/2</sup>  
Mauritius <sup>1/2</sup>  
Morocco <sup>1/2</sup>  
Mozambique <sup>2/</sup>  
Niger <sup>1/2</sup>  
Rwanda <sup>1/2</sup>  
Senegal <sup>1/2</sup>  
Sierra Leone <sup>1/2</sup>  
South Africa <sup>2/</sup>  
Sudan <sup>1/2</sup>  
Tanzania <sup>1/2</sup>  
Togo <sup>1/2</sup>  
Uganda <sup>1/</sup>  
Zaire <sup>1/</sup>  
Zambia <sup>1/2</sup>  
Zimbabwe <sup>1/2</sup>

ASIA AND THE  
SOUTHWEST PACIFIC

Australia <sup>1/2</sup>  
Bangladesh <sup>1/2</sup>  
Dem. People's Rep.  
of Korea <sup>1/2</sup>  
Fiji <sup>2/</sup>  
India <sup>1/2</sup>  
Indonesia <sup>1/</sup>  
Japan <sup>1/</sup>  
Korea, Rep. of <sup>1/2</sup>  
Malaysia <sup>1/</sup>  
Myanmar <sup>1/</sup>  
Nepal <sup>2/</sup>  
New Zealand <sup>1/2</sup>  
Pakistan <sup>1/</sup>  
Philippines <sup>1/2</sup>  
Samoa <sup>1/2</sup>  
Solomon Islands <sup>2/</sup>  
Sri Lanka <sup>1/2</sup>  
Thailand <sup>1/</sup>  
Tonga <sup>2/</sup>  
Vanuatu <sup>1/</sup>

EUROPE

Austria <sup>1/2</sup>  
Belgium <sup>1/2</sup>  
Bulgaria <sup>1/2</sup>  
Cyprus <sup>1/2</sup>  
Czechoslovakia <sup>1/2</sup>  
Denmark <sup>1/2</sup>  
Estonia <sup>1/</sup>  
European Economic  
Community <sup>1/</sup>  
Finland <sup>1/2</sup>  
France <sup>1/2</sup>  
Germany <sup>1/2</sup>  
Greece <sup>1/2</sup>  
Hungary <sup>1/2</sup>  
Iceland <sup>1/2</sup>  
Ireland <sup>1/2</sup>  
Israel <sup>1/2</sup>  
Italy <sup>1/2</sup>  
Liechtenstein <sup>2/</sup>  
Lithuania <sup>1/</sup>  
Netherlands <sup>1/2</sup>  
Norway <sup>1/2</sup>  
Poland <sup>1/2</sup>  
Portugal <sup>1/2</sup>  
Romania <sup>1/2</sup>  
Russia <sup>2/</sup>  
Spain <sup>1/2</sup>  
Sweden <sup>1/2</sup>  
Switzerland <sup>1/2</sup>  
Turkey <sup>1/2</sup>  
United Kingdom <sup>1/2</sup>  
Yugoslavia <sup>1/2</sup>

LATIN AMERICA AND  
THE CARIBBEAN

Antigua & Barbuda <sup>2/</sup>  
Argentina <sup>1/2</sup>  
Barbados <sup>1/2</sup>  
Belize <sup>1/2</sup>  
Bolivia <sup>1/2</sup>  
Brazil <sup>1/</sup>  
Chile <sup>1/2</sup>  
Colombia <sup>1/2</sup>  
Costa Rica <sup>1/2</sup>  
Cuba <sup>1/2</sup>  
Dominica <sup>1/2</sup>  
Dominican Rep. <sup>1/2</sup>  
Ecuador <sup>1/2</sup>  
El Salvador <sup>1/2</sup>  
Grenada <sup>1/2</sup>  
Guatemala <sup>1/</sup>  
Guyana <sup>1/</sup>  
Haiti <sup>1/2</sup>  
Honduras <sup>1/2</sup>  
Jamaica <sup>2/</sup>  
Mexico <sup>1/2</sup>  
Nicaragua <sup>1/2</sup>  
Panama <sup>1/2</sup>  
Paraguay <sup>2/</sup>  
Peru <sup>1/2</sup>  
Saint Christopher  
and Nevis <sup>1/</sup>  
Saint Lucia <sup>1/</sup>  
Saint Vincent and  
the Grenadines <sup>1/</sup>  
Suriname <sup>1/</sup>  
Trinidad & Tobago <sup>1/2</sup>  
Uruguay <sup>1/</sup>  
Venezuela <sup>1/</sup>

NEAR EAST

Afghanistan <sup>1/</sup>  
Bahrain <sup>2/</sup>  
Egypt <sup>1/2</sup>  
Iran, Islamic Rep. of <sup>1/2</sup>  
Iraq <sup>1/2</sup>  
Jordan <sup>1/</sup>  
Kuwait <sup>2/</sup>

Lebanon <sup>1/2</sup>  
Libya <sup>1/2</sup>  
Oman <sup>2/</sup>  
Syria <sup>1/2</sup>  
Tunisia <sup>1/2</sup>  
Yemen <sup>1/2</sup>

NORTH AMERICA

Canada <sup>1/</sup>  
United States  
of America <sup>1/</sup>

<sup>1/</sup> Members of the Commission.

<sup>2/</sup> Countries which have adhered to the International Undertaking.



APPENDIX C

(EXTRACT FROM THE REPORT OF THE 103RD SESSION OF THE COUNCIL, June 1993)

Matters Arising from the Commission on Plant Genetic Resources<sup>8</sup>

45. The Council discussed and endorsed the Report of the Fifth Session of the Commission on Plant Genetic Resources (PGR). It noted that the session marked the tenth anniversary of the establishment of the Commission. The Council expressed satisfaction with the changes that had taken place in the attitudes of members of the Commission which had made it possible to achieve notable cooperation amongst all interested parties. It also expressed satisfaction that during the session, the Commission had received reports from the FAO Secretariat and from sixteen other organizations, including United Nations agencies, Consultative Group on International Agricultural Research (CGIAR) Centres and relevant International Non-governmental Organizations (INGOs), on their respective PGR programmes and activities, and had made recommendations as appropriate.

46. The Council noted the United Nations Conference on Environment and Development (UNCED) recommendations to strengthen the FAO Global System on Plant Genetic Resources, to realize farmers' rights and to convene the Fourth International Technical Conference on Plant Genetic Resources for the Conservation and Utilization of Plant Genetic Resources that the 1991 Session of the FAO Conference agreed be financed with extra-budgetary funds. The Council recommended that FAO collaborate with the interim Secretariat of the Convention on Biological Diversity and considered that the FAO Conference should provide recommendations to the Conference of the Parties to the Convention.

47. The Council endorsed the Resolution CPGR 93/1 adopted by the Commission recommending that the Director-General be requested to provide a forum for negotiations among governments for the adaptation of the International Undertaking on Plant Genetic Resources in harmony with the Convention on Biological Diversity. This process, which would commence with integrating the existing International Undertaking with its annexes, would also include the issues of access to PGR on mutually agreed terms and the realization of farmers' rights. It recognized that to implement the Resolution, regular and extraordinary sessions of the Commission would be needed, and that this would have considerable financial implications, both budgetary and extra-budgetary. The Council then recommended that the following Draft Resolution be submitted to the Conference for adoption:

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<sup>8</sup> CL 103/16; CL 103/16-Sup.1; CL 103/PV/4; CL 103/PV/5; CL 103/PV/19.

**DRAFT RESOLUTION FOR THE CONFERENCE**

**REVISION OF THE INTERNATIONAL UNDERTAKING  
ON PLANT GENETIC RESOURCES**

**THE CONFERENCE,**

**Noting that**

- (a) the United Nations Conference on Environment and Development (UNCED), in Chapter 14 of its programme of action, Agenda 21, recommended that the Global System on the Conservation and Sustainable Use of Plant Genetic Resources for Food and Sustainable Agriculture be strengthened, and that the System should be adjusted to be in line with the outcome of the negotiations of the Convention on Biological Diversity,
- (b) the Convention on Biological Diversity, signed at UNCED by 156 governments and the European Communities, covers plant genetic resources, and recognizes that the authority to determine access to genetic resources rests with the national governments, that access to genetic resources shall be subject to the prior informed consent of the Contracting Party providing such resources, and shall be on mutually agreed terms,
- (c) the Final Act of the Nairobi Conference for the adoption of the agreed text of the Convention on Biological Diversity, in a resolution on the interrelationship between the Convention on Biological Diversity and the promotion of sustainable agriculture, urged that ways and means should be explored to develop complementarity and cooperation between the Convention on Biological Diversity and the Global System for the Conservation and Sustainable Use of Plant Genetic Resources for food and sustainable agriculture, and recognized the need to seek solutions to outstanding matters concerning plant genetic resources,
- (d) the Fourth Session of the FAO Commission on Plant Genetic Resources agreed that conditions of access to plant genetic resources needed further clarification,

**Recognizing**

- (a) the importance and urgency of revising the International Undertaking, in harmony with the Convention on Biological Diversity, on a step-by-step basis, starting with the integration of the International Undertaking and its annexes,
- (b) the need to ensure fair and equitable sharing of benefits with the countries providing plant genetic resources,
- (c) the need to consider agreement on the terms of access to samples of plant genetic resources, including those preserved in *ex situ* collections, and not addressed by the Convention on Biological Diversity,
- (d) the need to realize farmers' rights,
- (e) the importance of close collaboration, including mutual reporting, in these matters, between the Commission on Plant Genetic Resources and the Governing Body of the Convention on Biological Diversity, and before the entry into force of the Convention, the Intergovernmental Committee on the Convention on Biological Diversity, as well as the Commission on Sustainable Development,



1. Requests the Director-General to provide a forum for negotiations among governments:
  - (a) for the adaptation of the International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity,
  - (b) for consideration of the issue of access on mutually agreed terms to plant genetic resources, including *ex situ* collections not addressed by the Convention; as well as
  - (c) for the issue of realization of Farmers' Rights,
2. Urges that the process be carried out through regular and extraordinary sessions of the Commission on Plant Genetic Resources, convened, if necessary, with extra-budgetary financing, and with the help of its subsidiary body, in close collaboration with the Intergovernmental Committee on the Convention on Biological Diversity, and after the entry into force of the Convention, with its Governing Body;
3. Expresses the hope that the process be concluded in time for the FAO International Technical Conference on Plant Genetic Resources; and
4. Suggests that the outcome be submitted to the International Technical Conference, and to the Conference of the Parties to the Convention on Biological Diversity.

48. The Council expressed strong support for initiating preparatory activities so that the Fourth International Technical Conference on Plant Genetic Resources, recommended by the Twenty-sixth Session of the FAO Conference (November 1991), could be held. It agreed that this preparatory process would include an assessment of the state of the world's plant genetic resources and a costed Plan of Action on PGR to address the issues. It emphasized the urgent need to initiate this work as a participatory and country-driven process. The Council welcomed the pledges of financial support for preparations and for the Conference already made by member countries, as well as the offer to host the Conference by Germany. The Council noted that in spite of these pledges and indications of future support, the amount so far committed for the programme and Technical Conference was still short of that required and urged member countries to make further pledges in order to complete preparations and the holding of the Conference as soon as possible. It also noted that no extra-budgetary resources had actually been made available to FAO and requested those who had pledged to make funds available immediately so that the Secretariat would be able to initiate in July 1993 the preparations for the Conference.

49. Some members suggested that consideration be given to using Regular Programme resources during 1994-95 to augment extra-budgetary resources should they be necessary to bridge a potential initial shortfall in ensuring that the Technical Conference and its associated preparatory work proceed on schedule.

50. In relation to the offer made by the International Agricultural Research Centres (IARCs) to put their active and base collections under the auspices of FAO, the Council agreed with the Commission's request to the Director-General to negotiate and seek an agreement with the centres on the basis of the model agreement proposed, while clarifying the concepts of trusteeship and ownership, and the role of the Commission on policy decisions related to these collections.

51. The Council expressed satisfaction with the decision of the Commission to endorse the technical standards for Genebanks that were prepared by an FAO/IBPGR (International Board for Plant Genetic Resources) group of experts.

52. The Council endorsed the Draft International Code of Conduct for Plant Germplasm Collecting and Transfer.<sup>9</sup> It noted that this code had been requested by the FAO Conference in 1989 and that a previous version had been considered by the Twenty-sixth Session of the Conference (November 1991) which, in general, had agreed with its contents and had returned it to the Commission for further elaboration. The Council also noted that the current version was the final result of long and difficult negotiations and represented a compromise text that could be acceptable to all countries. The Council agreed that the Code would be voluntary and it requested the Director-General to submit the following Draft Resolution to the Conference for adoption:

### **DRAFT RESOLUTION FOR THE CONFERENCE**

#### **INTERNATIONAL CODE OF CONDUCT FOR PLANT GERMPLASM COLLECTING AND TRANSFER**

#### **THE CONFERENCE,**

##### **Reaffirming that**

- (a) the conservation of plant genetic resources is a common concern of humankind,
- (b) nations have sovereign rights over their plant genetic resources in their territories,
- (c) plant genetic resources should be made available for plant breeding and other scientific purposes of human benefit,

##### **Noting that**

- (a) the best way to guarantee the maintenance of plant genetic resources is to ensure their effective and beneficial utilization in all countries,
- (b) the farmers of the world have, over the millennia, domesticated, conserved, nurtured, improved and made available plant genetic resources, and continue to do so today,

**Recognizing** the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on plant genetic resources,

**Adopts** the Voluntary International Code of Conduct for Plant Germplasm Collecting and Transfer, the overriding purpose of which is to contribute, within the context of the FAO Global System on Plant Genetic Resources, to the conservation and rational use of plant genetic resources for sustainable development by providing broad guidelines for plant germplasm collection and transfer.



53. With respect to the Code of Conduct on Biotechnology as it affected the conservation and utilization of PGR, the Council noted the recommendations of the Commission that (a) the element on biosafety should constitute an input from FAO to the work of the interim Intergovernmental Committee for the Convention on Biological Diversity on this matter, possibly for the development of a protocol on biosafety and (b) other parts of the preliminary Draft Code should form the basis of a revised Draft Code.

54. While some members gave strong support to the development of a code on biotechnology with wide scope and coverage, others expressed doubts about the need for such an instrument and felt that if developed, the Code should be more limited in scope to avoid duplication with on-going activities of other organizations and fora.