

CGRFA/IC/OWG-1/05/REP

**Commission on Genetic Resources for
Food and Agriculture acting as Interim
Committee for the International Treaty
on Plant Genetic Resources for Food and
Agriculture**

**Open-ended Working
Group on the Rules of
Procedure and the Financial
Rules of the Governing
Body, Compliance, and the
Funding Strategy**

Rome, Italy, 14 – 17 December 2005



Food and Agriculture Organization of the United Nations

CGRFA/IC/OWG-1/05/REP

**COMMISSION ON GENETIC RESOURCES
FOR FOOD AND AGRICULTURE
ACTING AS THE INTERIM COMMITTEE FOR
THE INTERNATIONAL TREATY
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

**Report of the
Open-ended Working Group on the Rules of Procedure and the Financial Rules of
the Governing Body, Compliance, and the Funding Strategy**

Rome, 14 – 17 December 2005

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2005**

The documents of the Open-ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy, of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, are to be found on the internet at <http://www.fao.org/ag/cgrfa/ico1.htm>.

They may also be obtained from:

The Secretary

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**REPORT OF THE OPEN-ENDED WORKING GROUP ON THE RULES OF
PROCEDURE AND FINANCIAL RULES OF THE GOVERNING BODY,
COMPLIANCE, AND THE FUNDING STRATEGY**

I. INTRODUCTION

1. The Open-ended Working Group on the Rules of Procedure and Financial Rules of the Governing Body, Compliance, and the Funding Strategy (Open-ended Working Group) met in Rome, Italy, from 14 to 17 December 2005. The list of delegates and observers is attached as *Appendix H*.

**II. OPENING OF THE MEETING AND ELECTION OF THE CHAIR AND VICE-
CHAIRS AND *RAPPORTEUR***

2. Mr Javad Mozafari (Iran), Vice-Chair of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture, opened the meeting, and welcomed delegates and observers. He noted the important work ahead of the Open-ended Working Group, in preparing for the first session of the Governing Body of the International Treaty.

3. Ms Louise O. Fresco, Assistant Director-General, Agriculture Department, noted that substantial progress was being made in preparation for the first session of the Governing Body of the International Treaty, which would be hosted by the Government of Spain, in Madrid, from 12 to 16 June 2006. The Open-ended Working Group had several important issues to consider. She stressed the importance of advancing the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy. The Open-ended Working Group would need to provide clear guidance on how the Treaty's Funding Strategy might be further developed, for consideration by the Governing Body.

4. Ms Fresco noted that a country only becomes a full member of the Treaty ninety days after depositing its instrument of ratification, acceptance, approval or accession. She therefore urged countries that had not yet ratified, accepted, approved or acceded to the Treaty to do so prior to March 14, 2006, in order to be able to participate as Contracting Parties at the first session of the Governing Body.

5. Ms Fresco thanked the Governments of Canada, Finland, Germany, Ireland, Italy, Japan, the Netherlands, Norway, Spain, and the United States of America, for having provided resources to support the work of the Open-ended Working Group, including for the participation of developing countries.

6. Mr Clive Stannard, Officer-in-Charge of the Interim Secretariat, announced that, while Ms Fresco was speaking, he had been informed that Australia and Kiribati had deposited their instruments and become Contracting Parties to the International Treaty, bringing the number of Contracting Parties to eighty-one, as given in *Appendix B*.

7. Mr Mozafari called for nominations for the Chair and Vice-Chairs of the Open-ended Working Group. Mr Modesto Fernández Díaz-Silveira (Cuba) was elected Chair. Six Vice-Chairs were elected: Ms Elizabeth Matos (Angola), Mr John Madden (Australia), Mr Wang Shumin (China), Mr Javad Mozafari (Iran), Mr Martyn J. Ibbotson (United Kingdom) and Mr Douglas Neumann (United States of America). Mr Hussain Faisal (Maldives) was elected *Rapporteur*.

8. In taking the Chair of the meeting, Mr Fernández Díaz-Silveira stressed the need for the Open-ended Working Group to make rapid progress on all matters under consideration, in order to ensure a productive first session of the Governing Body of the International Treaty, and the

achievement of the objectives of the Treaty. The Open-ended Working Group then adopted its agenda, as given in *Appendix A*. It established a Sub-Working Group for the preparation of the draft Financial Rules of the Governing Body; Mr John Madden (Australia) and Mr Mansour M. Al-Aqil (Yemen) were elected Co-Chairs of this Sub-Working Group. It also established a Sub-Working Group for the Preparation of the Draft Rules of Procedure of the Governing Body; Mr Didier Balma (Burkina Faso) and Mr René Lefeber (the Netherlands) were elected Co-Chairs of this Working Group. These Sub-Working Groups also discussed, respectively, the draft Funding Strategy, and draft procedures and mechanisms to promote compliance and to address issues of non-compliance.

III. PREPARATION OF THE DRAFT RULES OF PROCEDURE FOR THE GOVERNING BODY

9. The Open-ended Working Group reviewed and revised the document, *Draft Rules of Procedure of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*.¹ The Open-ended Working Group requested the Interim Secretariat, with the assistance of the Co-Chairs, to review these revised draft Rules of Procedure in detail, and prepare an annotated text. The task should be limited to structural and editorial improvements, without substantive modifications. It recommended that the Draft Rules of Procedure, as given in *Appendix C*, be submitted for consideration to the Governing Body at its first session.

IV. PREPARATION OF THE DRAFT FINANCIAL RULES FOR THE GOVERNING BODY

10. The Open-ended Working Group reviewed and revised the document, *Draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources*.² The revised Draft Financial Rules are attached, as *Appendix D*.

11. The Open-ended Working Group requested the Interim Secretariat, with the assistance of the relevant FAO administrative services, to review these revised Draft Financial Rules in detail, and prepare an annotated text, with suggestions as to how they might be harmonized with the administrative terms normally used in FAO and good accounting practice. FAO's practices with regard to managing different kinds of funding for such agreements, should also be clarified in such an annotated text, and FAO's administrative experience with Conventions and Agreements established under Article XIV of the FAO Constitution should be taken into account. This task should be limited to structural and editorial improvements without substantive modifications.

12. The Open-ended Working Group recommended that the Draft Financial Rules be submitted to the Governing Body for consideration.

13. It further recommended that the Governing Body request the Director-General to inform the Governing Body of the amount reserved for the Treaty's core administrative budget in the FAO Regular Programme, and of the services FAO would provide, on the understanding that the amount reserved for the Treaty in the FAO Regular Programme, subject to the approval by the Governing Bodies of FAO, should come from the overall Regular Programme, and not from the amount reserved for a specific department.

V. PREPARATION OF DRAFT PROCEDURES AND MECHANISMS TO PROMOTE COMPLIANCE AND TO ADDRESS ISSUES OF NON-COMPLIANCE

14. The Open-ended Working Group reviewed the documents: *Compilation and analysis of Governments' views on compliance with the International Treaty on Plant Genetic Resources for*

¹ CGRFA/IC/OWG-1/05/3

² CGRFA/IC/OWG-1/05/4.

Food and Agriculture;³ and *Compilation and analysis of Governments' further views on compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture*.⁴

15. During the meeting, countries and regions made comments and submissions. The Open-ended Working Group then consolidated the submissions into a text in the form of a draft resolution for the consideration of the Governing Body, which is attached as *Appendix E*. The Working Group, however, did not go into detail of the *Annex* to the Resolution, because of the limitation of time.

16. The Open-ended Working Group agreed that this text should be submitted for consideration by the Governing Body, and noted that, in addition to the text, the comments and submissions provided by delegations in the present meeting, and the written submissions in the documents mentioned above, should be taken into account. The Open-ended Working Group invited further submissions and comments by countries and regions, including on the text in *Appendix E* and its *Annex*, and requested the Interim Secretariat to post these on the Commission's web-site.

17. Countries were also urged to consider further consultations to address outstanding issues before the first session of the Governing Body.

VI. PREPARATION OF A DRAFT FUNDING STRATEGY FOR THE TREATY

18. The Open-ended Working Group considered the documents: *Development of the Funding Strategy for the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture*;⁵ and *Compilation and analysis of Governments' views on the Funding Strategy of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*;⁶ as well as the Background Study Papers: *Report on the types of funding and assistance and institutions with relevant mandates to the Funding Strategy of the International Treaty on Plant Genetic Resources for Food and Agriculture*;⁷ and *Options for non-monetary benefit-sharing: an inventory*.⁸

19. The Open-ended Working Group stressed the importance of the Funding Strategy for the implementation of the International Treaty, and noted it should be of an evolving nature, to accommodate changing future needs.

20. The Open-ended Working Group decided to base its discussions on the draft Resolution and draft Funding Strategy that had been prepared by the Interim Secretariat, which it reviewed and revised. The Working Group recommended that the revised draft Resolution in *Appendix F*, and the draft Funding Strategy in the *Annex* to *Appendix F*, be submitted to the Governing Body for consideration at its first session.

21. The Open-ended Working Group agreed that Members might provide the Interim Secretariat with further views on, and text for, the Funding Strategy, by 31 March 2006. It requested the Interim Secretariat to compile such views and suggested text, for consideration as a background document by the first session of the Governing Body.

22. The Open-ended Working Group further requested the Interim Secretariat to:

- provide information to the first session of the Governing Body on how it might set priorities for the use of resources under the Funding Strategy;

³ CGRFA/MIC-2/04/3.

⁴ CGRFA/IC/OWG-1/05/5 and CGRFA/IC/OWG-1/05/5 Add.1.

⁵ CGRFA/IC/OWG-1/05/7.

⁶ CGRFA/IC/OWG-1/05/6 and CGRFA/IC/OWG-1/05/6 Add.1.

⁷ Background Study Paper No. 29.

⁸ Background Study Paper No. 30.

- collect and make available to the first session of the Governing Body information on the practices of other relevant bodies regarding priority-setting, eligibility criteria and operational procedures; and
- establish contact with relevant organizations in order to promote the Funding Strategy, and to invite such organizations to participate in the first session of the Governing Body.

VII. OTHER BUSINESS

23. The Open-ended Working Group requested the Legal Counsel of FAO to review the documents that had been prepared during the meeting, relating to the Draft Rules of Procedure; the Draft Financial Rules; the Draft Procedures and Mechanisms to Promote Compliance and Address Issues of Non-compliance; and the Draft Funding Strategy, and prepare a document assessing their consistency with FAO's Administrative Rules and Procedures and the provisions of the Treaty, for the consideration of the Governing Body.

24. The Open-ended Working Group entrusted the Interim Secretariat to explore the possibility of convening a second, two-day meeting of the Open-ended Working Group before the first session of the Governing Body, to finalize the text regarding the four subjects it had addressed.

25. The Representative of Spain announced that preparations for the first session of the Governing Body were well-advanced, including provision for regional consultations on the 9 and 10 June 2006. He noted that the Government of Spain would host a Ministerial segment during the first session, and requested that delegates make their governments aware of this event.

VIII. CLOSING STATEMENT

26. As the Chair of the meeting, Mr Fernández Díaz-Silveira thanked all delegates and observers for their efforts to advance preparations for the first session of the Governing Body, and acknowledged the importance of the regional consultations prior to the meeting. He thanked the Vice-Chairs for their advice and support, and congratulated the Co-Chairs for their excellent work. Mr Fernández Díaz-Silveira also thanked the Interim Secretariat for its outstanding contribution in supporting the Open-ended Working Group, and in doing so, acknowledged the excellent work of the interpreters and translators.

APPENDIX A

**AGENDA OF THE OPEN-ENDED WORKING GROUP ON RULES OF PROCEDURE
AND THE FINANCIAL RULES OF THE GOVERNING BODY, COMPLIANCE,
AND THE FUNDING STRATEGY**

1. Election of Chair and Vice-Chairs.
2. Adoption of the agenda.
3. Preparation of the draft Rules of Procedure for the Governing Body.
4. Preparation of the draft Financial Rules for the Governing Body.
5. Preparation of draft procedures and mechanisms to promote compliance and to address issues of non-compliance.
6. Preparation of a draft Funding Strategy for the Treaty.
7. Other business.
8. Adoption of the Report.

APPENDIX B

**STATUS OF SIGNATURE/RATIFICATION OF THE INTERNATIONAL TREATY ON
PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE,
as of 17 December 2005**

Note: Up-to-date information on the status of signature and ratification at any time is available on the internet at <http://www.fao.org/Legal/TREATIES/033s-e.htm>.

Participant	Signature	Ratification	Acceptance	Approval	Accession
Algeria					13/12/2002
Angola	10/10/2002				
Argentina	10/06/2002				
Australia	10/06/2002	12/12/2005			
Austria	06/06/2002	04/11/2005			
Bangladesh	17/10/2002	14/11/2003			
Belgium	06/06/2002				
Bhutan	10/06/2002	02/09/2003			
Brazil	10/06/2002				
Bulgaria					29/12/04
Burkina Faso	09/11/2001				
Burundi	10/06/2002				
Cambodia	11/06/2002		11/06/2002		
Cameroon	03/09/2002				
Canada	10/06/2002	10/06/2002			
Cape Verde	16/10/2002				
Central African Republic	09/11/2001	04/08/2003			
Chad	11/06/2002				
Chile	04/11/2002				
Colombia	30/10/2002				
Congo, Republic of					14/09/2004
Cook Islands					02/12/2004
Costa Rica	10/06/2002				
Côte d'Ivoire	09/11/2001	25/06/2003			
Cuba	11/10/2002	16/09/2004			
Cyprus	12/06/2002	15/09/2003			
Czech Republic					31/03/2004
Democratic People's Republic of Korea					16/07/2003
Democratic Republic of the Congo					05/06/2003

Participant	Signature	Ratification	Acceptance	Approval	Accession
Dominican Republic	11/06/2002				
Denmark	06/06/2002	31/03/2004			
Ecuador					07/05/2004
Egypt	29/08/2002	31/03/2004			
El Salvador	10/06/2002	09/07/2003			
Eritrea	10/06/2002	10/06/2002			
Estonia					31/03/2004
Ethiopia	12/06/2002	18/06/2003			
European Community	06/06/2002			31/03/2004	
Finland	06/06/2002	31/03/2004			
France	06/06/2002			11/07/2005	
Gabon	10/06/2002				
Ghana	28/10/2002	28/10/2002			
Germany	06/06/2002	31/03/2004			
Greece	06/06/2002	31/03/2004			
Guatemala	13/06/2002				
Guinea	11/06/2002			11/06/2002	
Haiti	09/11/2001				
Honduras					14/01/2004
Hungary					04/03/2004
India	10/06/2002	10/06/2002			
Iran, Islamic Republic of	04/11/2002				
Ireland	06/06/2002	31/03/2004			
Italy	06/06/2002	18/05/2004			
Jordan	09/11/2001	30/05/2002			
Kenya					27/05/2003
Kiribati					13/12/2005
Kuwait					02/09/2003
Latvia					27/05/2004
Lebanon	04/11/2002	06/05/2004			
Lesotho					21/11/2005
Liberia					25/11/2005
Libyan Arab Jamahiriya					12/04/2005
Lithuania					21/06/2005
Luxembourg	06/06/2002	31/03/2004			
Madagascar	30/10/2002				
Malawi	10/06/2002	04/07/2002			
Malaysia					05/05/2003
Mali	09/11/2001	05/05/2005			
Malta	10/06/2002				
Marshall Islands	13/06/2002				

Participant	Signature	Ratification	Acceptance	Approval	Accession
Mauritania					11/02/2003
Mauritius					27/03/2003
Morocco	27/03/2002				
Myanmar					04/12/2002
Namibia	09/11/2001	07/10/2004			
Netherlands	06/06/2002		18/11/2005		
Nicaragua					22/11/2002
Niger	11/06/2002	27/10/2004			
Nigeria	10/06/2002				
Norway	12/06/2002	03/08/2004			
Oman					14/07/2004
Pakistan					02/09/2003
Paraguay	24/10/2002		03/01/2003		
Peru	08/10/2002	05/06/2003			
Poland					07/02/2005
Portugal	06/06/2002			07/11/2005	
Romania					31/05/2005
Saint Lucia					16/07/2003
Saudi Arabia					17/10/2005
Senegal	09/11/2001				
Serbia and Montenegro	01/10/2002				
Sierra Leone					20/11/2002
Spain	06/06/2002	31/03/2004			
Sudan	10/06/2002	10/06/2002			
Swaziland	10/06/2002				
Sweden	06/06/2002	31/03/2004			
Switzerland	28/10/2002	22/11/2004			
Syrian Arab Republic	13/06/2002	26/08/2003			
Thailand	04/11/2002				
The Former Yugoslav Republic of Macedonia	10/06/2002				
Togo	04/11/2002				
Trinidad and Tobago					27/10/2004
Tunisia	10/06/2002	08/06/2004			
Turkey	04/11/2002				
United Arab Emirates					16/02/2004
United Kingdom	06/06/2002	31/03/2004			
United Republic of Tanzania					30/04/2004
United States of America	01/11/2002				

Participant	Signature	Ratification	Acceptance	Approval	Accession
Uganda					25/03/2003
Uruguay	10/06/2002				
Venezuela	11/02/2002	17/05/2005			
Zambia	04/11/2002				
Zimbabwe	30/10/2002	05/07/2005			

APPENDIX C

**[GOVERNING BODY FOR THE INTERNATIONAL TREATY ON PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE****DRAFT RULES OF PROCEDURE****Rule I
Scope**

1.1 These rules of procedure shall apply to all sessions of the Governing Body and the activities of its Secretary. They shall also apply, *mutatis mutandis*, to subsidiary bodies of the Governing Body unless the Governing Body should decide otherwise, in accordance with Rule 9.2.

**Rule II
Bureau**

2.1 The Governing Body shall elect a Chairperson and one Vice-Chairperson per FAO region other than the region of the Chairperson (hereinafter collectively referred to as “the Bureau”) and in addition a *Rapporteur* from among the representatives, alternates, experts and advisers (hereinafter referred to as “delegates”) of the Contracting Parties. In electing the Bureau, the Governing Body shall have due regard to the principle of equitable geographical representation and the principle of rotation. No member of the Bureau may be re-elected for a third consecutive term. [Notwithstanding Rule 2.3, if a Bureau member resigns from his or her position or finds him or herself unable to exercise his or her functions, the Contracting Party of that Bureau member shall designate another representative from the same delegation so that he or she may replace the said member during the remainder of the term.]

2.2 The terms of office of the Chairperson and Vice-Chairpersons shall commence with immediate effect upon the closure of the session at which they are elected. They shall serve as the Bureau of any Special Session held during their terms of office, and provide guidance to the Secretary with regard to the preparations for, and conduct of, sessions of the Governing Body.

2.3 The Chairperson shall preside at all sessions of the Governing Body and shall exercise such other functions as may be required to facilitate the work of the Governing Body. [The Chairperson, if temporarily absent from a session or any part thereof or temporarily unable to fulfill his or her intersessional duties, shall designate a Vice-Chairperson to act as Chairperson. If the Chairperson is permanently unable to fulfill his or her intersessional duties, the Bureau shall designate another member of the Bureau to act as Chairperson.] A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

**Rule III
Secretary**

3.1 In accordance with Article 20.1 of the Treaty, the Director General of the FAO shall appoint, with the approval of the Governing Body, a Secretary of the Governing Body to perform the functions included in Articles 20.2 to 20.5 of the Treaty. The Secretary shall be assisted by such staff as may be required.

Rule IV Sessions

4.1 In accordance with Article 19.9 of the Treaty, 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.

4.2 In accordance with Article 19.10 of the Treaty, 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.

4.3 Sessions of the Governing Body shall be convened by the Chairperson of the Governing Body with the agreement of the Bureau and after consultation with the Director-General of the FAO and the Secretary.

4.4 Notice of the date and place of each Session of the Governing Body shall be communicated to all Contracting Parties at least eight weeks before the Session.

4.5 Each Contracting Party shall communicate to the Secretary of the Treaty the name of its representative on the Governing Body before the opening of each Session of the Governing Body. Where possible the names of other members of its delegation shall also be provided to the Secretary of the Treaty before the opening of each session of the Governing Body.

4.6 Meetings of the Governing Body shall be held in public unless the Governing Body decides otherwise.

4.7 In accordance with Article 19.8, 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.

Rule V Agenda and documents

5.1 The Secretary shall prepare the provisional agenda on the request of the Chairperson and under the guidance of the Bureau of the Governing Body.

5.2 Any Contracting Party may request the Secretary to include specific items in the Provisional Agenda before it is dispatched.

5.3 The Provisional Agenda shall be circulated by the Secretary at least eight weeks in advance of the Session to all Contracting Parties and observers invited to attend the Session.

5.4 Any Contracting Party may, after the despatch of the Provisional Agenda, propose the inclusion of specific items on the Agenda with respect to matters of an urgent or unforeseen nature, if possible not later than two weeks prior to the Session. These items should be placed on a supplementary list, which, if time permits before the opening of the Session, shall be despatched by the Secretary to all Contracting Parties, failing which the supplementary list shall be communicated to the Chairperson for submission to the Governing Body. Any Contracting Party may propose to include, before the adoption of the Agenda, any other item that it considers to be of relevance.

5.5 After the Agenda has been adopted, the Governing Body may, by consensus amend the Agenda by the deletion, addition or modification of any item.

5.6 Documents to be submitted to the Governing Body at any Session shall be furnished by the Secretary to the Contracting Parties at the time the Agenda is despatched or as soon as possible thereafter, but always at least six weeks prior to the beginning of the session.

5.7 Formal proposals relating to items on the Agenda and amendments thereto introduced during a Session of the Governing Body shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Contracting Parties.

Rule VI
Decision-making [and voting procedures]

Option 1

[6.1 Decisions of the Governing Body on matters of procedure shall be taken by a majority of the Contracting Parties present and voting.

6.1bis Without prejudice to Article 19.2 of the Treaty, decisions on matters of substance shall be taken by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall only be taken as a last resort by a two-thirds majority of the Contracting Parties present and voting on the matters dealt in Articles 12.3h, 15.1b(i), 15.5, 18.4f, 19.3a, 19.3b, 19.3f, 19.3g, 19.3j, 19.3l, 19.3m, 19.10, 19.11 and 20.1.

6.1ter If the question arises whether a matter is one of procedural or substantive nature, the Chairperson, in consultation with the Secretary's legal counsel, shall rule on the question. [If the ruling is that the issue is procedural, then any Contracting Party is entitled to oppose the ruling. Upon the voicing of the concern, the issue shall be deemed substantive and thereafter treated as such.] [An appeal against this ruling shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled by a two-thirds majority of the Parties present and voting.]]

Option 2

[6.1 All decisions of the Governing Body shall be taken by consensus unless by consensus another method of arriving at a decision on certain measures is reached, except that consensus shall always be required in relation to Articles 23 and 24 of the Treaty.]

Option 3

[6.1 Decisions of the Governing Body shall be taken on all matters by consensus[, with the exception of procedural matters, on which decisions may, when all efforts to reach consensus have been exhausted and no agreement has been reached, as the last resort be taken by a two-thirds majority of the Contracting Parties present and voting. If the question arises whether a matter is one of procedural or substantive nature, the Chairperson, in consultation with the Secretary's legal counsel, shall rule on the question].]

[6.2 For the purpose of these Rules, the phrase, "Contracting Parties present and voting", means Members casting an affirmative or negative vote. [Contracting Parties who abstain from voting or cast a defective ballot are considered as not voting.]]

[6.3 Upon the request of any Contracting Party, voting shall be by roll-call vote, in which case the vote of each Contracting Party shall be recorded.]

[6.4 When the Governing Body so decides, voting shall be by secret ballot.]

Rule VII Observers

7.1 The Secretary shall notify the United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Contracting Party to the Treaty, of sessions of the Governing Body so that they may be represented as observers, at least eight weeks before the Session.

7.2 Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body.

7.3 The Secretary shall notify any other body or agency, whether governmental or non-governmental, qualified in fields relating to the subject-matter of the Treaty, which has informed the Secretary of its wish to be represented, of the sessions of the Governing Body so that they may be represented as observers unless at least one third of the Contracting Parties present at the session object.

7.4 Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body on matters of direct concern to the body or agency they represent unless at least one third of the Contracting Parties present at the session object.

7.5 International institutions that have signed agreements with the Governing Body under Article 15 of the Treaty shall be invited to attend all Sessions of the Governing Body as observers. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body on matters of direct concern to the international institutions they represent.

7.6 Before the beginning of a session of the Governing Body the Secretary will circulate a list of observers who have requested approval to be represented at the session.

Rule VIII Records and Reports

8.1 At each Session, the Governing Body shall approve a report embodying its decisions, views, recommendations and conclusions. Such other records, for its own use, as the Governing Body may on occasion decide, shall also be maintained.

8.2 The report of the Governing Body shall be circulated by the Secretary to all Contracting Parties, to other nations and international organizations that were represented at the Session, for their information, and, upon request, to other Members and Associate Members of the FAO. It shall also be transmitted at the close of each Session, by the Secretary, to the Director-General of the FAO.

8.3 Recommendations and decisions of the Governing Body having policy, programme or financial implications for the FAO shall be brought by the Secretary, through the Director-General of the FAO, to the attention of the Conference or Council of the FAO for appropriate action.

8.4 Subject to the provisions of the preceding paragraph the Secretary may request Contracting Parties to supply the Governing Body with information on action taken on the basis of recommendations made by the Governing Body.

Rule IX Subsidiary Bodies

9.1 The Governing Body may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions.

9.2 The membership, terms of reference and procedures of the subsidiary bodies shall be determined by the Governing Body.

9.3 The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Treaty. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Governing Body shall have before it a report from the Secretary on the administrative and financial implications thereof.

9.4 Each subsidiary body shall elect its own officers, unless appointed by the Governing Body.

Rule X Expenses

10.1 Expenses incurred by representatives of Contracting Parties and by their alternates and their advisers, when attending Sessions of the Governing Body or subsidiary bodies, as well as the expenses incurred by observers at Sessions, shall be borne by their respective governments or organizations. [Nevertheless, the expenses of Contracting Parties who are developing countries, especially least developed countries, and countries with economies in transition, and their advisers, alternates and observers, invited to attend sessions of the Governing Body and its subsidiary bodies, shall be met by the core administrative budget of the Treaty.]

[10.1bis Should experts be invited by the Secretary to attend Sessions of the Governing Body and its subsidiary bodies in their individual capacity, their expenses, unless otherwise determined by the Governing Body, shall be borne by the budget of the Treaty or by extra-budgetary funds.]

10.2 Any financial operations of the Governing Body and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Rules of the Treaty.

Rule XI Languages

11.1 The languages of the Governing Body shall be the official languages of the Treaty.

11.2 Any representative using a language other than one of the languages of the Treaty shall provide for interpretation into one of the languages of the Treaty.

Rule XII Amendment of the Rules

12.1 Amendment of or additions to these Rules may be adopted by consensus. Consideration of proposals of amendments of these rules shall be subject to Rule 5 and documents on the proposals shall be circulated in accordance with Rule 5.7 [, as far as possible,] and in no case less than [24 hours] prior to their consideration by the Governing Body.

[12.1bis Amendments of the rules may only be proposed by one quarter of Contracting Parties acting together.]

Rule XIII Application of the General Rules of FAO

13.1 The provisions of the General Rules of the FAO shall apply *mutatis mutandis* to all matters not specifically dealt with under the present rules, provided that this does not conflict with the provisions of the Treaty.

Rule XIV
Over-riding Authority of the Treaty

14.1 In the event of any conflict between any provision of these rules and any provision of the Treaty, the Treaty shall prevail.

Rule XV
Entry into Force

15.1 These Rules and any amendments thereto shall come into force upon their approval by consensus by the Governing Body unless, by consensus, the Governing Body decides otherwise.]

APPENDIX D

**[GOVERNING BODY FOR THE INTERNATIONAL TREATY ON PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE****DRAFT FINANCIAL RULES****Rule I
Applicability**

- 1.1 These rules shall govern the financial administration of the Treaty.
- 1.2 The Financial Regulations of the FAO shall apply *mutatis mutandis* to all matters not specifically dealt with under the present rules [, unless these contradict the provisions of the Treaty].

**Rule II
The Financial Period**

- 2.1 The financial period shall be two calendar years, coinciding with the financial period of FAO.

**Rule III
The Budget**

- 3.1 The Budget shall cover income and expenditures for the financial period to which it relates, and shall be presented in United States dollars.
- 3.2 The Budget shall include the programme of work for the financial period, and such information, annexes or explanatory statements as may be requested by the Governing Body.
- 3.3 The Budget shall comprise:
- a) [The Core Administrative Budget, relating to the contributions of Contracting Parties under Rule V.1(a) and other contributions made to the Core Administrative Budget under Rule V.1 (b) and (c), as well as contributions from FAO under Rule V.1 (f)];

OR

[The Core Administrative Budget, relating to the amount reserved for the Treaty under Rule V.1(a) and contributions made to the Core Administrative Budget under Rule V.1 (b) and (c)];

- b) Support to the Core Administrative Budget, relating to other funds made available during the financial period from contributions paid under Rule V.1.
- 3.4 The draft Budget shall be prepared by the Secretary and shall be circulated to Contracting Parties not less than six weeks before a regular session of the Governing Body.
- 3.5 The Administrative Budget for the financial period shall consist of:
- a) Provisions for Administrative Expenditures under the Treaty including expenses of the Secretariat; and

- b) Contingencies.

3.6 The Secretary may make transfers within each of the main appropriation lines of the approved Administrative Budget. The Secretary may also make transfers between such appropriation lines up to limits that the Governing Body may set as appropriate.

3.7 The Core Administrative Budget shall be disbursed for the purposes specified in the contributions made under Rule V.1 (c) and (d);

Rule IV Appropriations

4.1 After the Administrative Budget has been adopted, the appropriations therein will be the authority for the Secretary to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted, provided that commitments shall be covered by related income.

4.2 Any unliquidated prior year obligation relating to voluntary contributions shall at the end of the financial period be cancelled or where an obligation remains a valid charge, retained for future disbursement.

Rule V Provision of Funds

[5.1 The resources of the Treaty shall comprise:

- a) Upon approval by the Governing Bodies of FAO, the amount reserved for the Treaty in the Regular Programme of the FAO;
- b) [Voluntary contributions from Contracting Parties based on such indicative scale of contributions as shall be adopted by the Governing Body by consensus, based on the scale of contributions adopted from time to time by the United Nations , adjusted so as to ensure [that no developing country Contracting Party shall be required to pay more than any developed country Contracting Party ensuring] that no Contracting Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 25 per cent of the total and that no contribution from a least developed country Contracting Party exceeds 0.01 per cent of the total];

OR

- [Voluntary contributions from Contracting Parties for the purposes of administration and implementation of the Treaty in general;]
- c) Voluntary contributions made by the Contracting Parties in addition to those under (b) above [for the purposes specified by agreement between the contributor and the Secretary] [, in accordance with guidelines established by the Governing Body], including contributions to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;
- d) Other voluntary contributions made by States that are not Contracting Parties, [non-governmental organizations] [international organizations or other entities] [for the purposes specified by agreement between the contributor and the Secretary] [, in accordance with guidelines established by the Governing Body] including contributions to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;

- e) The uncommitted balance of voluntary contributions from previous financial periods carried forward;
- f) Miscellaneous income derived from voluntary contributions;
- [g) Mandatory and voluntary contributions pursuant to Article 13.2d;], and
- [h) Predictable and agreed contributions from relevant international mechanisms, funds and bodies for the implementation of the plans and programmes of the Treaty, pursuant to Article 18.4.]

[5.2 In respect of contributions made pursuant to Rule V.1 (b):

- a) Contributions for each calendar year are expected on or before 1 January of that year;
- b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the Secretary of the contribution it intends to make and of the projected timing of that contribution.]

[5.3 Contracting Parties that are not Members of FAO [may] [shall] [are expected to] contribute towards the amount reserved for the Treaty in the budget FAO in a proportionate amount to be determined by the Governing Body.]

[5.4 Pending receipt of annual contributions, the Secretary is authorized to finance budgeted expenditures from the uncommitted balance of the General Fund.]

[5.5 For determining the indicative annual contributions of each Contracting Party, the assessed contribution for such Contracting Party for the financial period pursuant to paragraph 1(a) above, shall be divided into two equal instalments, one of which is payable in the first calendar year and the other in the second calendar year of the financial period.]

[5.6 At the beginning of each calendar year the Secretary shall inform Contracting Parties of their indicative annual contributions to the budget.]

5.7 All contributions to the Administrative Budget shall be paid in United States dollars or its equivalent in a convertible currency. Where a contribution is paid in a convertible currency other than United States dollars, the applicable rate shall be the bank currency conversion rate in effect on the day the payment is made.

5.8 Contributions not immediately required shall be invested at the discretion of the Director-General of FAO. The resulting income shall be credited to the relevant fund or funds referred to in Rule 6.2.

Rule VI Funds

6.1 All contributions and other receipts shall be placed in a Trust Fund administered by FAO.

[6.2 With respect to the Trust Fund referred to in paragraph 6.1, FAO shall maintain the following Funds:

- a) A General Fund to which shall be credited receipts of all contributions paid under Rule V.1 (a), along with any additional contributions to offset administrative

budget expenditures that are made by Contracting Parties, non-Contracting Parties, non-governmental organizations and other entities pursuant to Rule V.1 (b) and (c), and other moneys accruing in respect of the General Fund under Rule V.1 (d) and (e), from which shall be met all expenditure chargeable against the annual Administrative Budget;

- b) A Special Fund to which shall be credited other contributions paid under Rule V.1 (b) and (c) and other moneys accruing in respect of the Special Fund under Rule V.1 (d) and (e);
- c) [A Trust Account, as provided for in Article 19.3f of the Treaty, to receive and use the funds foreseen in Article 13.2d of the Treaty, in the framework of the Multilateral System.]

6.3 Within the General Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Governing Body by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

Rule VII Reimbursement

7.1 The Trust Fund referred to in Rule VI.1 shall make provision for Project Servicing Costs to reimburse FAO for the administrative and operational support services provided to the Governing Body, its subsidiary bodies, and the Treaty Secretariat, under such terms as may, from time to time, be established by the Governing Bodies of the FAO.

Rule VIII Accounts and Audit

8.1 The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external audit process of FAO.

8.2 During the second year of the financial period FAO shall provide the Contracting Parties with an interim statement of accounts for the first year of the financial period. FAO shall also, as soon as practicable, provide to the Contracting Parties a final certified statement of accounts for the full financial period.

Rule IX Amendments

9.1 These Rules may be amended by the Governing Body [by consensus [. The review of amendments will be governed by Article V of the Rules of Procedure, and the documents relevant to these proposals will be circulated in conformity with Article V.6 of the Rules of Procedure]] [in accordance of Rule XII of the Rules of Procedure {pending decision on the Rule of Procedure}].

**[Rule X
Entry into force**

10.1 These rules and any amendments thereto shall come into force upon their approval by the Governing Body.]

**[Rule XI
Over-riding Authority of the Treaty**

11.1 In the event of any conflict between any provision of these rules and any provision of the Treaty, the Treaty shall prevail.]]

APPENDIX E

DRAFT RESOLUTION FOR THE CONSIDERATION OF THE GOVERNING BODY**[RESOLUTION */2006 OF THE GOVERNING BODY****COMPLIANCE****The Governing Body,**

[1. **Hereby** [*establishes* a Compliance Committee,] / [*resolves* to progressively establish compliance procedures and mechanisms,] pursuant to Articles 19 and 21 of the Treaty [on the basis of the *annex* hereto and the submissions made by countries and regions, for further consideration and possible finalization] [, which shall commence its work following the approval of cooperative and effective procedures and operational mechanisms on compliance]];

[2. **Decides** to [consider such procedures and operational mechanisms, with a view to their approval at its [*] Session, on the basis of the *annex* hereto [and the submissions made by countries and regions, for further consideration and possible finalization]; and] / [**Decides** to adopt the procedures and operational mechanisms included in the *Annex* hereto];

[3. **Decides**, so as to provide for provisional procedures and operational mechanisms on compliance, that a Party may, in advance of a Session of the Governing Body, raise any matter concerning its compliance with the Treaty, including potential non-compliance with the Treaty. The Governing Body shall consider the matter, and shall decide on an appropriate approach for addressing the matter raised by the Party, which may include, *inter alia*, designating a Party or Parties to meet intersessionally with the Party raising the matter, in order to offer advice or assistance, including legal advice or legal assistance, where needed.]

[3bis. **Decides** to consider such additional procedures and operational mechanisms, with a view to their approval at its [*] Session.]]

[ANNEX TO THE DRAFT RESOLUTION ON COMPLIANCE]

**DRAFT PROCEDURES AND MECHANISMS ON COMPLIANCE
UNDER THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR
FOOD AND AGRICULTURE**

The following procedures and mechanisms are developed in accordance with Article 21 of the International Treaty on Plant Genetic Resources and are separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 22 of the International Treaty on Plant Genetic Resources:

I. OBJECTIVES

1. The objective of the compliance procedures and mechanisms shall be to promote compliance with the provisions of this Treaty, to address issues of non-compliance by Parties, to monitor activities under the treaty, and provide advice or assistance, where appropriate.

II. PRINCIPLES

1. The compliance procedures and mechanisms shall be simple, facilitative, non-adversarial, and cooperative in nature.
2. The operation of the compliance procedures and mechanisms shall be guided by the principles of transparency, fairness, expedition, predictability.
3. The operation of the compliance procedures and mechanisms shall take into account and adequate balance between developed and developing countries.

III. INSTITUTIONAL MECHANISMS

1. A Compliance Committee, hereinafter referred to as “the Committee”, is hereby established pursuant to Articles 19 and 21 of the Treaty Protocol to carry out the functions specified herein.
2. The Committee shall consist of 14 members nominated by Parties and elected by the Governing Body to the Treaty on the basis of two from each of the seven regional groups of the United Nations.
3. Members of the Committee shall have recognized competence in the field of Genetic resources or other relevant fields for the treaty, including legal or technical expertise, and they shall serve in their individual capacity.
4. Members shall be elected by the Governing Body to the Treaty for a period of four years, this being a full term. At its first meeting, Governing Body to the Treaty shall elect seven members, one from each region, for half a term, and seven members for a full term. Each time thereafter, the Governing Body to the Treaty shall elect for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.
5. The Committee shall meet twice a year, unless it decides otherwise. The Secretariat shall service the meetings of the Committee.

6. The Committee shall submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the Governing Body to the Treaty for consideration and appropriate action.

7. The Committee shall develop and submit its rules of procedure to the Governing Body for its consideration and approval.

8. The Committee shall elect its Chair and a Vice-Chair, who will rotate among the FAO regions.

IV. FUNCTIONS OF THE COMMITTEE

1. The Committee shall, with a view to promoting compliance and addressing cases of non-compliance, and under the overall guidance of the Governing Body to the Treaty, have the following functions:

- a) Address individual issues of non-compliance and identify the specific circumstances and possible causes of referred to it;
- b) Consider information submitted to it regarding matters relating to compliance and cases of non-compliance;
- c) Provide advice and/or assistance, as appropriate, to the concerned Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the Treaty;
- d) Review general issues of compliance by Parties with their obligations under the Treaty, taking into account the information submitted by the Parties and following the guidance of the Committee;
- e) Take measures, as defined in VII below, or make recommendations, as appropriate, to the Governing Body;
- f) Monitor the activities of the Treaty supported by the Secretariat and information supplied by the Parties;
- g) Carry out any other functions as may be assigned to it by the Governing Body of the Treaty;
- h) Report to Governing Body on its activities.

V. PROCEDURES

1. The Committee shall receive, through the Secretariat, any submissions relating to compliance from:

- a) Any Party with respect to itself;
- b) Any Party with respect to another Party; or
- c) The Governing Body.

2. Upon reception of submissions on possible non-compliance, the Secretariat will initiate a process of dialogue with the Party or Parties involved in order to overcome the situation. Such dialogue will be especially implemented in cases where developing countries are concerned.

3. In the event that such dialogue process will not reach its aim within thirty days, the Secretariat shall, within fifteen days of receipt of submissions make the submissions available to the Party concerned, and will publish it, encouraging the submission of any information from other sources, about it. The Party concerned and any other source interested will have sixty days to submit responses and related information to the secretariat. The Secretariat, within fifteen days of receipt of these responses and related information, shall transmit the submission, the response and information to the Committee. The Committee will have ninety days to analyse and produce the recommendation or to adopt any measure, as proceeds, to ensure compliance in order to address the issue.

4. A Party that has received a submission regarding its compliance with the provision(s) of the Treaty should respond and, with recourse to the Committee for assistance if required, provide the necessary information preferably within three months and in any event not later than six months. This period of time shall commence on the date of the receipt of the submission as certified by the Secretariat. In the case where the Secretariat has not received any response or information from the concerned Party within the six months as referred to above, it shall transmit the submission to the Committee.

5. A Party, in respect of which a submission is made or which makes a submission, is entitled to attend the deliberations of the Committee. However, this Party shall not participate in the elaboration and adoption of a recommendation of the Committee.

6. The confidentiality will be an essential requirement of the process.

VI. INFORMATION AND CONSULTATION

1. The Committee shall consider relevant information from:

- a) The Party concerned;
- b) The Party that has made a submission with respect to another Party.

2. The Committee may seek or receive and consider relevant information, including from:

- a) Non-governmental organizations, the private sector and other civil-society organizations and relevant intergovernmental organizations;
- b) The Secretariat.

3. The Committee may seek expert advice.

4. The Committee, in undertaking all of its functions and activities, shall maintain the confidentiality of any information that is confidential under Article XXX of the Treaty.

VII. MEASURES TO PROMOTE COMPLIANCE AND ADDRESS CASES OF NON-COMPLIANCE

1. The Committee may take one or more of the following measures with a view to promoting compliance and addressing cases of non-compliance:

- a) Provide advice or assistance to the Party concerned, as appropriate;

- b) Make recommendations to the Governing Body to the Treaty regarding the provision of financial and technical assistance, technology transfer, training and other capacity-building measures;
- c) Request or assist, as appropriate, the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Treaty within a timeframe to be agreed upon between the Committee and the Party concerned, [taking into account its existing capacity to comply]; and
- d) Invite the Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its obligations under the Protocol.

2. The Governing Body to the Treaty may, upon the recommendations of the Committee, and taking into account such factors as the cause, type, degree and frequency of non-compliance, and the capacity of the Party concerned, in particular of developing country Parties in complying with the Treaty, also decide upon one or more of the following measures:

- a) Provide financial and technical assistance, technology transfer, training and other capacity-building measures;
- b) Issue a caution to the concerned Party; or
- c) Publish cases of non-compliance.

VIII. REVIEW OF THE PROCEDURES AND MECHANISMS

The Governing Body to the Treaty shall, in line with Article 21, review the effectiveness of these procedures and mechanisms and take appropriate action.

IX. REPORTING

The Governing Body may, from time to time, seek reports from the Parties regarding compliance with the Treaty.]

APPENDIX F

DRAFT RESOLUTION FOR THE CONSIDERATION OF THE GOVERNING BODY**[RESOLUTION */2006 OF THE GOVERNING BODY****ADOPTION OF THE FUNDING STRATEGY FOR THE IMPLEMENTATION OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE****The Governing Body,**

Recalling that the objectives of the International Treaty are the 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, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security;

Recalling that under Article 18.1 of the Treaty “*The Contracting Parties undertake to implement a funding strategy for the implementation of this Treaty*” in accordance with the provisions of Article 18;

Recognizing that an effective Funding Strategy is critical to the implementation of the Treaty;

Noting that the Funding Strategy should enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty;¹

Noting that the Funding Strategy should seek to attract financial resources from all possible sources as indicated in Article 18.4 of the International Treaty;

Recognizing that the extent to which Contracting Parties that are developing countries and Contracting Parties with economies in transition will effectively implement their commitments under the Treaty will depend on the effective allocation, particularly by developed country Parties, of the resources referred to in Article 18 of the Treaty. Contracting Parties that are developing countries and Contracting Parties with economies in transition will accord due priority in their own plans and programmes to build capacity in plant genetic resources for food and agriculture;²

Recognizing the importance of cooperation with relevant international mechanisms, funds and bodies to the successful implementation of the Funding Strategy;

Recalling that, under Article 18.4a of the Treaty, “*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 Treaty*”;

Noting that the Global Crop Diversity Trust is an [important supporting component in the implementation] [essential element] of the Funding Strategy in relation to the *ex situ* conservation of plant genetic resources for food and agriculture;

¹ Article 18.2.

² Article 18.4b.

Noting that voluntary contributions may also be provided by Contracting Parties, the private sector, taking into account the provisions of Article 13 of the Treaty, non-governmental organisations and other sources. The Governing Body shall consider modalities of a strategy to promote such contributions;

[**Noting** that the priority for the Funding Strategy will be the implementation of agreed plans and programmes in developing countries, especially least developing countries, and in countries in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture;]

[**Noting** the importance of taking into account the rolling Global Plan of Action when establishing further priorities for the Funding Strategy and when establishing a target for funding, considering also the need for regular up-dating of the Global Plan of Action;³]

Recognizing that the Governing Body and Contracting Parties will need to take a number of other actions to support the implementation of the Funding Strategy;

1. **Adopts** the Funding Strategy contained in Appendix I to this Resolution;
- [1bis. **Requests** the Secretariat of the Treaty to take the necessary steps to ensure that developed country Contracting Parties provide adequate resources for the implementation of the Treaty in Contracting Parties that are developing countries and countries in transition;]
2. **Invites** Contracting Parties to undertake, as appropriate, the following actions in support of the implementation of the Funding Strategy:
 - [a. Within the Governing Bodies of relevant international mechanisms, funds and bodies [such as [the Convention on Biological Diversity,] the Global Environment Facility, the World Bank, the regional development banks, the Global Crop Diversity Trust and the Common Fund on Commodities [and any other relevant international mechanisms, funds and bodies];] to take the necessary and appropriate measures to ensure due priority and attention to the effective allocation of predictable and agreed resources for the implementation of plans and programmes under the Treaty;⁴]
 - [b. To provide information to the Secretariat on the provision of bilateral funding relevant to the Funding Strategy from sources within their country, so that this information can be made available to potential recipients of such funding;]
 - [c. To actively support the implementation of the strategy to promote voluntary contributions (Provisional Annex 4 of the Funding Strategy) within their country;]
 - d. To report to the Governing Body on the actions they have taken in line with items a. to c. above;
 - [e. To report on bilateral and other assistance provided in line with the reporting provisions of Provisional Annex 5 of the Funding Strategy;]
- [2bis. **Invites** Contracting Parties that are developed countries to provide information to the Secretariat of the Treaty on the provision of bilateral funding relevant to the Funding Strategy from sources within their country.];

³ Article 18.3.

⁴ Article 18.4a.

- [2ter. **Requests** the Global Crop Diversity Trust to operate in accordance with the overall policy guidance to be provided by the Governing Body, in order to contribute to the implementation of the International Treaty; and proposes to the Governing Body to urgently enter into a relationship agreement, confirming the authority of the Governing Body of the International Treaty to provide such overall policy guidance on all matters within the purview of the International Treaty, as well as the reporting obligations of the Trust to the Governing Body;]
- [2quater. **Requests** the CGIAR to provide, through its activities, support to the implementation of the Funding Strategy;]
- [2quinquies. **Requests** the Global Environment Facility to take steps to ensure that their support for agricultural biodiversity contributes towards the objectives of the Treaty;]
3. **Invites** the governing bodies of all 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 the International Treaty [through the Funding Strategy];
4. **Invites** the governing bodies of all relevant international mechanisms, funds and bodies to provide information on their mandates, priorities, eligibility criteria and procedures relevant to the support of actions for the implementation of the Treaty;
5. **Requests** the Secretariat of the Treaty to positively pursue with the secretariats of relevant international mechanisms, funds and bodies means by which they might contribute to the implementation of the Funding Strategy of the Treaty, and the possibility of establishing memoranda of understanding with the Governing Body in this regard;
6. **Invites** Contracting Parties, the private sector, including the food processing industries, non-governmental organizations, and all other interested parties to make voluntary contributions to the Funding Strategy;
7. **Invites** Contracting Parties, relevant international mechanisms, funds and bodies, and providers of relevant services, to propose initiatives to address priorities established for the Funding Strategy;
- [7bis. **Invites** Contracting Parties [that are developing countries and Contracting Parties with economies in transition] to report to the Governing Body on the due priority accorded in their own plans and programmes to building capacity in plant genetic resources for food and agriculture;]
- [7ter. **Decides** to establish a permanent technical committee that will be composed of seven representatives of the Contracting Parties taking into consideration equitable geographical representation;]
- [7quater. **Requests** the permanent technical committee to administer such a fund in [order to achieve compliance relating to] [in line with the] priorities, eligibility criteria and operational procedures as provided for in the Provisional annexes of the Funding Strategy;]
- [8. **Decides** to establish a Trust Account for receiving and utilizing financial resources that will accrue to the Governing Body for the purposes of implementing the Treaty;]

9. **Requests** the Commission on Genetic Resources for Food and Agriculture to support the development of the Funding Strategy in the context of its work in relation to the supporting components of the Treaty [, including] [and with priority to] its work on the *Global Plan of Action* and its *Facilitating Mechanism*;
10. **Requests** the Secretariat to undertake such actions as are necessary to facilitate the implementation of this Resolution and of the Funding Strategy.]

[ANNEX TO THE DRAFT RESOLUTION ON THE FUNDING STRATEGY]

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FUNDING STRATEGY

I. OBJECTIVE

1. The objective of the Funding Strategy is to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty.¹

II. AIMS

2. The aims of the Funding Strategy are:

2.1 To [ensure that] / [develop ways and means by which] / [facilitate the provision of] adequate resources are available for the implementation of the Treaty [, in accordance with Article 18 of the Treaty]. Such resources shall include:

- a. Financial resources provided by developed country Contracting Parties, which Contracting Parties that are developing countries and countries with economies in transition avail themselves of;²
- b. Financial resources for priority activities, plans and programmes relevant to the implementation of the Treaty provided by relevant international mechanisms, funds and bodies³ [and through bilateral and regional and multilateral channels];⁴
- c. Financial resources for national activities for the conservation and sustainable use of plant genetic resources for food and agriculture;⁵
- d. Financial resources resulting from the sharing of monetary benefits from the commercialization of plant genetic resources for food and agriculture under Article 13.2d(ii) of the Treaty;⁶
- e. Voluntary contributions from Contracting Parties; the private sector, including the food processing industries; non-governmental organizations; and other sources;⁷

[f. Financial resources provided through the Regular Programme of FAO.]

2.2 To [ensure] / [facilitate] / [guarantee] the transparent, efficient and effective utilization of all resources made available under the Funding Strategy. [Noting that the financial resources provided shall not be used to ends inconsistent with this Treaty, in particular in areas related to international trade in commodities.]

¹ Article 18.2.

² Article 18.4c.

³ Article 18.4a.

⁴ Article 18.4c.

⁵ Article 18.4d.

⁶ Article 18.4e.

⁷ Article 18.4f.

III. PRIORITIES

3. Priorities for support under the Funding Strategy are established to ensure a balanced approach to the implementation of the Treaty [, in particular the conservation and sustainable use of plant genetic resources for food and agriculture]. The priorities are at *Provisional Annex 1*.

IV. TARGET FOR FUNDING⁸

- [4. Mobilization of funds according to the list of objectives contained in *Provisional Annex 6* of this document to finance projects and programmes necessary to achieve the aims of the Funding Strategy.]

V. RESOURCES UNDER THE DIRECT CONTROL OF THE GOVERNING BODY

5. Resources under the direct control of the Governing Body include those resulting from the sharing of monetary benefits from the commercialization of plant genetic resources for food and agriculture under Article 13.2d(ii) of the Treaty, and voluntary contributions.
6. Disbursements from these resources will be granted by [the Permanent Technical Committee]. Subject to the availability of funds, disbursements will be granted annually.
7. To be eligible for a disbursement, applicants and proposals must meet the criteria set out in *Provisional Annex 2* of this document.
8. Operational procedures regarding the receipt and management of these resources, and regarding the receipt of applications for disbursements, the selection of projects for funding, the granting of disbursements and the monitoring of projects funded, are at *Provisional Annex 3* of this document.
9. [*Name of body responsible for granting awards*] [The Permanent Technical Committee] will report on the granting of disbursements at each session of the Governing Body.
10. Voluntary contributions to the Funding Strategy are encouraged from all sources, including from Contracting Parties and countries that are not Contracting Parties, the private sector and non-governmental organizations.⁹ Modalities of a strategy to promote voluntary contributions are at *Provisional Annex 4* of this document.

VI. RESOURCES NOT UNDER THE DIRECT CONTROL OF THE GOVERNING BODY

11. Developed country Contracting Parties provide financial resources [through bilateral] [regional] and multilateral channels, which Contracting Parties that are developing countries or countries with economies in transition avail themselves of, in accordance with Article 18.4c of the Treaty.
12. A number of international mechanisms, funds and bodies, [including the Global Crop Diversity Trust] [and developed countries] provide resources [through bilateral [regional]] and multilateral channels in support of activities of relevance to the implementation of the International Treaty. All such funding bodies are encouraged to ensure that due priority and attention is given to the effective allocation of predictable and agreed resources in support of the implementation of the International Treaty. They are invited to use, as appropriate, the priorities identified at *Provisional Annex 1* of this document when

⁸ Article 18.3.

⁹ Articles 13.2d(ii), 13.6 and 18.3f.

allocating resources in support of the Implementation of the Treaty, within the context of their mandates.

13. Information on the mandates, policies, eligibility criteria and procedures of such funding bodies will be collected and maintained by the Secretariat of the International Treaty and made available to Contracting Parties through the [FAO website dedicated to the Treaty] / [Treaty website].

VII. MONITORING

14. [The Governing Body shall monitor [, through a separate mechanism from that established in Articles 6 and 9 of this document,] the implementation of the Funding Strategy and assess its efficacy through the information and reporting requirements identified at *Provisional Annex 5* of this document.

VIII. REVIEW

15. The Governing Body shall review this Funding Strategy, including the annexes thereto, at least once every [second] Regular Session.]

[LIST OF PROVISIONAL ANNEXES TO THE FUNDING STRATEGY**PROVISIONAL ANNEX 1: Priorities for the Use of Resources under the Funding Strategy****[A. INSTITUTIONS AND CAPACITY-BUILDING**

1. Building strong National Programmes.
2. Creating or improving existing facilities.
3. Promoting networks for plant genetic resources for food and agriculture.
4. Constructing and improving comprehensive information systems.
5. Developing, monitoring and early warning systems for the loss of plant genetic resources for food and agriculture.
6. Expanding and improving education and training.
7. Promoting public awareness of the value of the conservation and use of plant genetic resources for food and agriculture.

B. IN SITU CONSERVATION AND DEVELOPMENT

8. Surveying and inventorying plant genetic resources for food and agriculture.
9. Supporting on-farm management and improvement of plant genetic resources for food and agriculture.
10. Assisting farming in disaster situations to restore agricultural systems.
11. Promoting *in situ* conservation of wild crop relatives and wild plants for food production.
12. Integrating the strategies used for the conservation of biodiversity with the conservation of plant genetic resources for food and agriculture.
13. Promoting territorial/endogenous development.
14. Promoting the conservation of associated local knowledge.

C. EX SITU CONSERVATION

15. Guaranteeing the conservation of *ex situ* collections, particularly of endangered plant species.
16. Regenerating threatened *ex situ* accessions.
17. Supporting collection activities of valuable or threatened plant genetic resources for food and agriculture.
18. Expanding *ex situ* conservation activities.

D. SUSTAINABLE UTILIZATION OF PLANT GENETIC RESOURCES

19. Expanding characterization and evaluation, as well as core collections to facilitate use.
20. Increasing genetic enhancement and base-broadening efforts.
21. Promoting sustainable agriculture through diversification of crop production and broader diversity in crops.
22. Promoting development and commercialization of under-utilized crops and species.
23. Supporting seed production and distribution.
24. Developing new markets for species and local varieties used at local and regional levels.

E. FUNDING STRATEGY AND COMPLIANCE

25. Enhancing awareness on the International Treaty on Plant Genetic Resources for Food and Agriculture.

26. Getting support for the take-off of the Multilateral System.]*^{*}

PROVISIONAL ANNEX 2: Use of Resources under the Direct Control of the Governing Body – Eligibility Criteria

PROVISIONAL ANNEX 3: Use of Resources under the Direct Control of the Governing Body – Operational Procedures

PROVISIONAL ANNEX 4: Use of Resources under the Direct Control of the Governing Body – Modalities of a Strategy to Promote Voluntary Contributions

PROVISIONAL ANNEX 5: Information and Reporting Requirements under the Funding Strategy

[PROVISIONAL ANNEX 6: Targets for funding]

Note: the Governing Body may wish to establish a schedule for the preparation and adoption of these annexes.]

* This option does not preclude the possibility of other options.

APPENDIX G

LIST OF DOCUMENTS
Working Documents

CGRFA/IC/OWG-1/05/1	Draft provisional agenda
CGRFA/IC/OWG-1/05/2	Draft provisional annotated agenda and time-table
CGRFA/IC/OWG-1/05/3	Draft Rules of Procedure of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/OWG-1/05/4	Draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/OWG-1/05/5	Compilation and analysis of Governments' further views on compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/OWG-1/05/5 Add.1 (English only)	Compilation and analysis of Governments' further views on compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture: additional submission
CGRFA/MIC-2/04/3	Compilation and analysis of Governments' views on compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/OWG-1/05/6	Compilation and analysis of Governments' views on the Funding Strategy of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/OWG-1/05/6 Add.1 (English only)	Compilation and analysis of Governments' views on the Funding Strategy of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture: additional submission
CGRFA/IC/OWG-1/05/7	Development of the Funding Strategy for the International Treaty on Plant Genetic Resources for Food and Agriculture

Information Documents

CGRFA/IC/OWG-1/05/Inf.1	List of documents
CGRFA/IC/OWG-1/05/Inf.2	The Global Crop Diversity Trust: an update on developments and proposals for appointing the Executive Board
CGRFA/IC/OWG-1/05/Inf.3	Facilitating flows of resources using the Facilitating Mechanism for the Implementation of the Global Plan of Action
CGRFA/IC/OWG-1/05/Inf.4 (English, French and Spanish only)	Statement of competence and voting rights submitted by the European Community (EC) and its Member States

CGRFA/IC/OWG-1/05/Inf.5 List of delegates and observers

Other documents

Background Study Paper No. 29
(English only) Report on the types of funding and assistance and institutions with relevant mandates to the Funding Strategy of the International Treaty on Plant Genetic Resources for Food and Agriculture

Background Study Paper No. 30
(English only) Options for non-monetary benefit-sharing: an inventory

Earlier documents at the disposal of the Open-Ended Working Group

CGRFA/MIC-2/04/4 Preparation for consideration by the Governing Body of the Funding Strategy for the International Treaty on Plant Genetic Resources for Food and Agriculture

CGRFA/MIC-2/04/REP Report of the Second Meeting of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture

CGRFA/IC/Inf.1 Vienna Convention on the Law of Treaties: Section 3: Interpretation of Treaties

Background Study Paper No. 20 Compliance Building under the International Treaty on Plant Genetic Resources for Food and Agriculture

APPENDIX H - ANNEXE H - ANEXO H

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