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Organización  
de las  
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Unidas  
para la  
Agricultura  
y la  
Alimentación

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### Item 3 of the Draft Provisional Agenda

#### COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Second meeting 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

Rome, 15 - 19 November 2004

#### REPORT ON PROGRESS AND ACTIVITIES SINCE THE FIRST MEETING OF THE INTERIM COMMITTEE, INCLUDING COOPERATION WITH RELEVANT INTERNATIONAL BODIES

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## I. INTRODUCTION

1. This document provides information to the Commission on the many activities that have been taken to promote ratification of and public awareness of the International Treaty on Plant Genetic Resources for Food and Agriculture, by the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty, and by FAO generally.
2. It also reports on contacts with other international organization during this period, relevant to the work of the Interim Committee and the Treaty itself. The Secretariat has presented the treaty on many occasions, and in many forums. A draft Memorandum of Understanding between the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty and the Secretariat of the Convention on Biological Diversity is also attached, for information.

## II. MEDIA AND PUBLIC AWARENESS ACTIVITIES

3. A series of pamphlets promoting public awareness and the ratification of the Treaty as well as posters in the official languages of FAO were prepared, and many thousands have been distributed on suitable occasions. The target audiences were both relevant national policy-makers and decision-takers, and the general public. A 10-minute video on the Treaty, in English, French and Spanish, with versions adapted to the regions, was produced and widely circulated. The secretariat has also given a large number of interviews to media from many countries. The FAO press service has prepared a number of press releases on key occasions in the ratification process, and the Treaty which were picked up in media around the world. At the same time, a variety of non-governmental organizations have been active in promoting public awareness of the Treaty and its objectives. The Treaty has also been the subject of a number of independently prepared articles in journals and in other media, with very wide diffusion.
4. These continuous information activities have contributed to the rapid ratification of the Treaty. It remains important to promote an understanding of the Treaty at all levels, in both developed and developing countries.
5. On 1 July 2004, to celebrate the entry into force of the Treaty, the Italian Government held a ceremony for Permanent Representatives to the Food Agencies in Rome, with the participation of the Director-General of FAO and the Italian Academy of Science. A number of other national governments issued press statements on the entry into force.

## III. REPRESENTATION IN MEETINGS OF RELEVANT INTERNATIONAL ORGANIZATIONS, AND PRESENTATIONS OF THE TREATY<sup>1</sup>

6. The Secretariat has attended a number of meetings in two major international forums in which matters of relevance to the Treaty are under discussion: the CBD and its subsidiary bodies, and WIPO and its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, as follows:

### *CBD Meetings*

- 8 to 12 December 2003 (Montreal, Canada): Third Meeting of the *Ad Hoc* Open-ended Inter-Sessional Working Group on Article 8j and Related Provisions of the Convention of Biological Diversity.

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<sup>1</sup> As at the time of preparation of this document, 21 September 2004.

- 1-5 December 2003 (Montreal, Canada): Second Meeting of the *Ad Hoc* Open-ended Working Group on Access and Benefit Sharing of the Convention on Biological Diversity.
- 9-20 February 2004 (Kuala Lumpur, Malaysia), Seventh Conference of the Parties to the Convention on Biological Diversity.

*WIPO Meetings*

- 9 to 11 December 2001 (Geneva, Switzerland), Second Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), 10-14 December 2001.
- 13-14 June 2002 (Geneva, Switzerland): Third Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), 13-14 June 2002.
- 12-13 December 2002 (Geneva, Switzerland): Fourth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- 7-15 July 2003 (Geneva, Switzerland); Fifth Session Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- 24-26 September 2003 (Geneva, Switzerland), Thirtieth (16th Ordinary) General Assembly of WIPO.
- March 15-19 2004 (Geneva, Switzerland): Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

7. In addition to many interventions in the above meetings, formal presentations on the Treaty were made at the following meetings:

- 19 November 2001, Commission on Intellectual Property Rights (London, United Kingdom): Workshop on the Implications for Intellectual Property Rights in Developing Countries.
- 26 March 2002, WIPO (Geneva, Switzerland): Conference on the International Patent System.
- 17-18 May 2002, Quaker UN Office (Geneva, Switzerland): Seminar on Promoting Participation for Negotiating Food and Biodiversity in the Post-Doha TRIPS Work Programme.
- 11 September 2002, UNCTAD (Geneva, Switzerland): Briefing Meeting for Delegations to Geneva-based delegations on the International Treaty on Plant Genetic Resources for Food and Agriculture: Implications for Geneva-based Negotiations and National Legislation.
- 28 January 2003, Government of the Generalitat of Catalonia, 2003 Award Ceremony to Technological Agrarian Innovation (Barcelona, Spain): Conference on the International Treaty on Plant Genetic Resources for Food and Agriculture: an Important Contribution for the Construction of a Sustainable Planet without Hunger.
- 31 January 2003, Slow Food Movement (Turin, Italy): Seminar on International Cooperation on Genetic Resources.
- 21-22 March 2003 European Society for Agriculture and Food Ethics (Eursafe) (Toulouse, France): Fourth Conference.

- 16-17 May, 2003, Universidad Internacional de Andalucía, Baeza (Jaén, Spain): Training Course for Policy-makers from Developing Countries on Development and the Environment.
- 22-24 May 2003, Global Forum on Agricultural Research (GFAR) (Dakar, Senegal): Triennial Meeting.
- 28-30 May 2002 (Egypt, Cairo): Inter-governmental Workshop for the Near East Region on the Implications of Biodiversity-related Global Agreements on the Development of National Policies and Legislations.
- 17-19 June 2002, African “SuperPrepCom” of African Ministers of Agriculture for the World Summit on Sustainable Development (Abuja, Nigeria).
- 15-20 July 2003 (Lima, Peru): Andean Regional Workshop on the Treaty and on Policy Questions concerning Access to Genetic Resources in the Region.
- 17 October 2003, Istituto Agronomico per l’Oltremare and the Italian Ministry of Foreign Affairs (Florence, Italy): Round Table on Agrobiodiversity in the International Alliance against Hunger, to celebrate World Food Day, 17 October 2003.
- 25-27 November 2003, WTO TRIPS Council (Geneva, Switzerland).
- 9-20 February 2004, Seventh Conference of the Parties to the CBD (Kuala Lumpur, Malaysia).
- 20 February 2004, Italian Senate (Rome): Meeting of the National Academy of Science on Biodiversity and Agriculture: the Need for International Cooperation.
- 19-23 April 2004, (Buenos Aires, Argentina): presentations to members of the Argentine Parliament and Government.
- 25 September 2002, Department for Environment, Food and Rural Affairs (DEFRA) (Birmingham, United Kingdom): National Policy Conference on “Harvesting Diversity”.
- 24-26 March 2004, UNEP (Nairobi, Kenya): First Meeting of the UNEP Informal Advisory Group of Experts on Access and Benefit Sharing of Genetic Resources.
- March 15-19 2004, WIPO (Geneva, Switzerland): Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- 9-17 September 2004, First Regional Meeting of Heads of Agriculture and Forestry Services in the South Pacific (Suva, Fiji).
- 15 September 2004, WIPO (Geneva, Switzerland): Information Meeting on Genetic Resources.

#### **IV. MOBILIZATION OF RESOURCES TO IMPLEMENT THE PROGRAMME OF WORK OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE ACTING AS INTERIM COMMITTEE FOR THE TREATY**

8. A major task for the Secretariat, in the period since the First Meeting of the Interim Committee, has been liaison with donors in order to seek the extra-budgetary necessary for the implementation of agreed activities. This proved to be difficult, time-consuming, and lack of such funds in a timely fashion has limited the realization of the proposed programme of meetings.

9. At its First Meeting, the Interim Committee noted the Consolidated Work Programme and Indicative Budget of US\$ 2,886,965, which covered the meetings that had it had decided upon,<sup>2</sup> incremental secretariat needs to implement the work programme, and support for the participation of developing countries in these meetings.<sup>3</sup> The Interim Committee “recognized that substantial extra-budgetary resources would be required in the interim period, and in the initial phase of the implementation of the Treaty”.<sup>4</sup>

10. Following a series of individual contacts with donors, a formal FAO/Government Cooperative Programme Multi-donor Project was accordingly prepared and submitted to donors in April 2003.<sup>5</sup> The project provided for the implementation of the Consolidated Work Programme, with the budget foreseen in the First Meeting of the Interim Committee. The Secretariat followed this by regular contacts with donors in an individual basis, by briefings during FAO/donor liaison meetings, and by the regular circulation to donors of updated situation notes. A presentation of the financial situation was made to a meeting of the European Region on 17 February 2004.

11. Extra-budgetary resources were not, however, forthcoming in a timely manner, calling into question the ability to hold the meetings foreseen, and to strengthen the Commission Secretariat. The Director-General accordingly wrote to donors on 9 July 2004, noting the inadequacy of the resources that had been obtained, and the need to maintain the momentum that had been apparent during the negotiation of the Treaty, in order to ensure its rapid implementation.

12. The convening of the Expert Group on the Terms of the Standard Material Transfer Agreement was made possible by the generous offer of the European Commission to host the meeting in Brussels (4-8 October 2004) and to support the participation of developing countries.

13. The Director-General’s Programme of Work and Budget, 2004-05,<sup>6</sup> proposed a Regular Programme allocation of US\$ 360,000 for the convening and running of the Second Meeting of the Interim Committee for the Treaty, but the Programme of Work and Budget, as adopted, provided only US\$ 180,000 for this purpose. The Second Meeting of the Interim Committee has been convened with these Regular Programme resources and the extra-budgetary resources that eventually became available from a number of donors.<sup>7</sup>

14. There are currently no financial resources available for any activities after this, the Second Session of the Interim Committee, including for the preparation and holding of the First Meeting of the Governing Body, and to engage the necessary staff.

15. *Table 1* provides information on the extra-budgetary resources that have been made available.<sup>8</sup>

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<sup>2</sup> A meeting of the Expert Group on the Terms of the Standard Material Transfer Agreement; a meeting of the Open-Ended Expert Working Group on the Rules of Procedure, the Draft Financial Rules, and Compliance; and the Second Meeting of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the Treaty.

<sup>3</sup> CGRFA/MIC-1/02/REP, *Report of the First 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*, Appendix E.

<sup>4</sup> CGRFA/MIC-1/02/REP, *Report of the First 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*, para. 23.

<sup>5</sup> MTP/GLO/117/MUL, *Trust Fund in support of the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture*.

<sup>6</sup> C2003/3. See also C 2003/INF/10, *International Treaty on Plant Genetic Resources for Food and Agriculture*.

<sup>7</sup> Canada, Finland, Germany, Ireland, Japan, Norway, Spain, United Kingdom and the United States of America.

<sup>8</sup> As at 21 September 2004.

**Table 1: Extra-Budgetary Resources Made Available During 2003/2004**

<b>COUNTRY</b>	<b>AMOUNT \$</b>	<b>WHEN MADE AVAILABLE</b>
Canada	22,000	Utilised in 2003
Japan	15,174	Carried over from 2003
Spain	7,298	Carried over from 2003
USA	50,041	October 2003
Norway	112,183	December 2003
Ireland	72,987	December 2003
<b>TOTAL</b>	<b>257,683</b>	

Notes: Additional sums have been promised by Canada, Finland, Germany, Norway and Spain, but not yet received.

The United Kingdom has seconded a senior officer to work specifically on the Treaty

**V. DRAFT MEMORADUM OF COOPERATION BETWEEN THE SECRETARIAT OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE ACTING AS INTERIM COMMITTEE FOR THE TREATY AND THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

16. The FAO and the CBD Secretariats have been preparing a revised Memorandum of Cooperation between the two organizations. This is, *inter alia*, discussed in the document *Cooperation with the Convention on Biological Diversity*,<sup>9</sup> that will be before the Tenth Regular Session of the Commission.

17. A separate Draft Memorandum of Cooperation between the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty and the Secretariat of the Convention on Biological Diversity has been prepared, and it is envisaged that it will be signed at the same time as the general revised Memorandum of Cooperation between the two organizations is signed. It is attached (in the language in which it was prepared, English) as *Appendix 1*.

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<sup>9</sup> CGRFA/10/04/12.

*Appendix 1***DRAFT MEMORANDUM OF COOPERATION**

This Memorandum of Cooperation (hereinafter referred to as the Memorandum) is concluded between:

**The Secretariat of the Convention on Biological Diversity (SCBD)**

393 St.- Jacques, Suite 300  
Montreal, Quebec, H2Y 1N9, Canada

and

**The Secretariat of the Commission on Plant Genetic Resources for Food and Agriculture**

Acting as **Interim Committee** for the  
**International Treaty on Plant Genetic Resources for Food and Agriculture**  
Food and Agriculture Organization of the United Nations (FAO)  
Viale delle Terme di Caracalla, 00100, Rome, Italy

The Secretariat of the Convention on Biological Diversity (hereinafter “the CBD Secretariat”) and the Secretariat 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 (hereinafter “the Secretariat of the Commission”),

*Recalling* Article 1 of the Convention on Biological Diversity (hereinafter called “the Convention”), which states that the objectives of the Convention are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources,

*Recalling* Article 1 of the International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter called “the Treaty”) which states that the objectives of the Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention, for sustainable agriculture and food security, and that the objectives will be attained by closely linking the Treaty and the Convention,

*Recalling* Article 19 of the Treaty which provides for the Governing Body of the Treaty to establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention, on matters covered by the Treaty, including their participation in the Treaty’s funding strategy; to take note of relevant decisions of their Conferences of the Parties; and to inform them as appropriate, of matters regarding the implementation of the Treaty.

*Recalling* paragraphs 12 and 13 of Resolution 3/2001, by which the Conference of the Food and Agriculture Organization of the United Nations adopted the Treaty, which, respectively, requested the Commission to initiate the establishment of cooperation with the Conference of the Parties to the Convention, and invited the Conference of the Parties to the Convention to establish and maintain cooperation with the Commission,

*Recalling* decision VI/6 of the Conference of the Parties to the Convention by which, *inter alia*, it recognized the important role that the Treaty will have, in harmony with the Convention, for the conservation and sustainable utilization of this important component of agricultural biological diversity, for facilitated access to plant genetic resources for food and agriculture, and for the fair and equitable sharing of the benefits arising out of their utilization; decided to establish and maintain cooperation with the Commission; and requested the Executive Secretary to develop cooperation with the Secretariat of the Commission,

Have agreed as follows:

### **Objective**

The objective of this Memorandum is to promote cooperation in relevant areas of work between the Secretariat of the Convention on Biological Diversity and the Secretariat of the Commission on Genetic Resources acting as Interim Committee of the International Treaty on Plant Genetic Resources for Food and Agriculture, in order to promote synergy, avoid duplication, and thus serve better the Parties to each agreement.

### **Areas of Cooperation**

The Secretariat of the Convention and the Secretariat of the Commission acting as Interim Committee for the Treaty will:

1. Cooperate through:
  - a. Regular exchange of information on relevant issues and activities;
  - b. Participation of staff of each secretariat in relevant meetings organized under each agreement, as required; and
  - c. Collaboration as appropriate, in the preparation of documents for meetings organized by either secretariat;
  - d. Any other actions or activities designed to achieve the objective of this memorandum.
2. Ensure that relevant decisions of the Conference of the Parties to the Convention, and of the Commission, and other relevant information, are brought to the attention of the other governing body;
3. Develop and promote complementarity between information activities undertaken by the interim Committee for the Treaty and the clearing house mechanism of the Convention;
4. Encourage cooperation and exchange of information, in order to promote synergy in the implementation of the two agreements at national level, and cooperation at the international level;
5. Promote and facilitate cooperation between the Parties and wider constituencies of the Convention and the Treaty, *inter alia*, to promote mutual technical support and capacity-building at national and regional levels;
6. Facilitate, as appropriate the provision of technical expertise relevant to the work of the agreement;
7. Facilitate synergy between the work under the Convention and the Interim Committee for the Treaty, including, as appropriate, the development of guidelines and other tools that relate to common interests of the two agreements; and
8. From time to time, as appropriate, develop joint programmes of work, which shall be appended to this Memorandum in the form of annexures, for the implementation of this Memorandum.

### **Reporting and Further Guidance**

The CBD Secretariat and the Secretariat of the Commission will report to their respective governing bodies and subsidiary bodies, as appropriate, on progress made in the implementation of this Memorandum and, as appropriate, seek further guidance regarding new areas of cooperation.

### **Entry into Force, Review and Termination**

This Memorandum will enter into force upon signature by the Executive Secretary of the Convention on Biological Diversity and the Secretary of the Commission on Plant Genetic

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

The Secretariats of the Convention and of the Commission may, by mutual agreement, review and amend this Memorandum.

This Memorandum may be terminated by either Party giving a one-year written notice.

Signed this .....day of.....

For and on behalf of the Secretariat of the  
Convention on Biological Diversity

On behalf of the Secretariat of the  
Commission on Genetic Resources  
for Food and Agriculture

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