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para la
Agricultura
y la
Alimentación

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Item 6 of the Draft Provisional Agenda

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FIRST SESSION OF THE GOVERNING BODY

Madrid, Spain, 12-16 June 2006

REPORT ON ACTIVITIES UNDERTAKEN BY THE INTERIM SECRETARIAT

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Appendix 1: Representation of the Treaty in the CBD; WIPO and its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore; WTO/TRIPS; and other relevant meetings

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REPORT ON ACTIVITIES UNDERTAKEN BY THE INTERIM SECRETARIAT

I. INTRODUCTION

1. This document provides background information to the Governing Body on the work undertaken by the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty, and the representation of the Treaty by the Secretariat of the Interim Committee in meetings of relevant international organizations. This supplements the document, *Report on the status of cooperation with other international organizations*,¹ and provides a historical account of contacts, during the period of the Interim Committee, with international organizations that have activities and programmes of relevance to the Treaty and its Multilateral System of Access and Benefit-sharing, on which the Governing Body may wish to build.
2. This document also provides information on the mobilization of extra-budgetary funds in support of the activities of the Interim Committee, and the current status of those funds.

II. ESTABLISHMENT OF THE INTERIM COMMITTEE

3. The Treaty was adopted by consensus at the Thirty-first Session of the FAO Conference, on 3 November 2001, through Resolution 3/2001.² The Resolution further:

Request[ed] the Director-General of the FAO to convene the first meeting of the Interim Committee in 2002, and at the request of the Interim Committee subsequent meetings as necessary, in the framework of meetings of the Commission on Genetic Resources for Food and Agriculture, subject to the availability of necessary resources,

The Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee shall:

- a) Adopt at its first session its Rules of Procedure,*
- b) Prepare, for consideration at the first Session of the Governing Body, draft Rules of Procedure, draft Financial Rules, and a proposal for a Budget of the International Treaty on Plant Genetic Resources for Food and Agriculture,*
- c) Also prepare, for consideration at the first Session of the Governing Body, taking into account, as appropriate, the recommendations of the Expert Group to be established pursuant to this Resolution, a draft standard Material Transfer Agreement (MTA) provided for in Article 12.4 for facilitated access, which shall include, inter alia, recommended terms for commercial benefit-sharing under Article 13.2d(ii) of the Treaty,*
- d) Prepare, for consideration at the first Session of the Governing Body, proposed procedures to promote compliance in accordance with Article 21,*
- e) Consult with the International Agricultural Research Centres and other relevant international institutions on the agreements to be signed with the Governing Body, in accordance with Article 15 of the International Treaty on Plant Genetic Resources for Food and Agriculture, and prepare draft agreements for the consideration of the Governing Body at its first Session,*

¹ Document IT/GB-1//06/Inf.4.

² Document C 2001/REP, *Report of the Thirty-First Session of the FAO Conference*, page 11-14. Resolution 3//2001 is available on the Internet at <ftp://ext-ftp.fao.org/ag/cgrfa/res/c3-01e.pdf>.

f) Perform such other functions as may be necessary to prepare for the effective implementation of the International Treaty.

III. MEETINGS OF THE INTERIM COMMITTEE AND ITS SUBSIDIARY BODIES

4. Resolution 3/2001 established the mandate and programme of work of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty. The Secretariat of the Commission on Genetic Resources for Food and Agriculture provided the Secretariat of the Interim Committee. By the Rules of Procedure adopted by the Interim Committee,³ the Secretary of the Commission acted as the Interim Secretary of the Treaty.⁴

5. The various tasks identified by clauses (a) to (f) of Resolution 3/2001 have been completed, with the results of this work being put before the Governing Body at this session. This was achieved through an extensive programme of meetings of the Interim Committee and the subsidiary bodies it established, as follows:⁵

- 9-11 October 2002 (Rome, Italy) 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.
- 4-8 October 2004 (Brussels, Belgium) First Meeting of the Expert Group on the Terms of the Standard Material Transfer Agreement.
- 15-19 November 2004 (Rome, Italy) 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.
- 18-22 July 2005 (Hammamet, Tunisia) First Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement.
- 14-17 December 2005 (Rome, Italy) First Meeting of the Open-Ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy.
- 24-28 April 2006 (Alnarp, Sweden) Second Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement.

IV. MOBILIZATION OF RESOURCES TO IMPLEMENT THE PROGRAMME OF WORK OF THE INTERIM COMMITTEE

6. The work programme of the Interim Committee required the mobilization of considerable extra-budgetary resources, either in cash, or through direct support, particularly for the holding of meetings.

7. At its First Meeting, the Interim Committee took note of a Consolidated Work Programme and Indicative Budget of US\$ 2,886,965, for meetings, incremental secretariat needs to implement the work programme, and support for the participation of developing countries in these meetings. The Interim Committee “recognized that substantial extra-budgetary resources

³ Appendix C of document CGRFA/MIC-1/02/REP, *Report 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*, available on the internet at <ftp://ext-ftp.fao.org/ag/cgrfa/mic1/ml1repe.pdf>.

⁴ Rule 3.

⁵ The documents of these meetings, and their reports, are available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

would be required, in the interim period, and in the initial phase of the implementation of the Treaty".⁶

8. 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 2003.⁷ The project provided for the implementation of the Consolidated Work Programme, up to and including the First Session of the Governing Body, with the budget foreseen in the First Meeting of the Interim Committee. On 9 July 2004, The Director-General wrote to donors, noting the inadequacy of the resources that had to date 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.

Table 1: Contributions to the Multi-donor Trust Fund in support of the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture

Donor	2003	2004	2005	2006	TOTAL RECEIVED
	US\$	US\$	US\$	US\$	US\$
JAPAN	15,174.49				15,174.49
SPAIN	7,298.25		52,229.52		59,527.77
USA	50,041.20				50,041.20
IRELAND	72,987.00	104,801.53			177,788.53
NORWAY	112,183.00	300,185.19	256,000.00		668,368.19
FINLAND		123,834.00			123,834.00
CANADA		40,000.00			40,000.00
THE NETHERLANDS		199,950.00			199,950.00
ITALY			1,386,725.12	1,242,803.20	2,629,528.32
European Commission			4,527.08		4,527.08
Interests Earned	388.19	3,629.73	46,653.47	3,385.19	54,056.58
Total	258,072.13	772,400.45	1,746,135.19	1,246,188.39	4,022,796.16

9. The convening of the Expert Group on the Terms of the Standard Material Transfer Agreement was then made possible by the generous offer of the European Commission to host the meeting in Brussels and to support the participation of developing countries.

⁶ 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.

⁷ MTP/GLO/117/MUL, *Trust Fund in support of the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture*.

10. Under the approved Programme of Work and Budget, 2004-05,⁸ US\$ 180,000 was provided for the Second Meeting of the Interim Committee, which was convened with these Regular Programme resources and the extra-budgetary resources that eventually became available from a number of donors.
11. The First Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement was convened with support provided by the United States of America, including for the participation of developing countries.
12. The First Meeting of the Open-Ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy drew upon the funds of the Multi-donor Project, including for the participation of developing countries.
13. Sweden hosted the Second Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement, and supported the participation of developing countries.
14. Spain is hosting the First Meeting of the Governing Body, and supporting the participation of developing countries.
15. Throughout the Interim Committee period, the United Kingdom has seconded a senior officer to the Interim Committee as direct support in kind, to work specifically on the Treaty. The Netherlands provided in-kind expert consultancies.
16. *Table 1* provides information on the funds contributed to the Multi-donor Trust Funds, as of March 2006. Under separate trust funds, Germany provided a total of \$187,000 for support to the participation of developing countries, and Switzerland provided \$100,000 for the preparation of meetings. Upon the completion of the Governing Body, and the winding up of accounts, the donors will be informed of the status of the Trust Fund, and their agreement sought to the use of remaining moneys.

V. REPRESENTATION OF THE TREATY IN MEETINGS OF RELEVANT INTERNATIONAL ORGANIZATIONS⁹

17. A further major task assumed by the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee for the Treaty was relations with other relevant international processes. During the Period of the Interim Committee, international discussions on questions matters of direct relevance to the Treaty, related to access and benefit-sharing for genetic resources, took place in the Convention on Biological Diversity (CBD) and its subsidiary bodies; the World Intellectual Property Organization (WIPO) and its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore; and the World Trade Organization (WTO) Council for Trade-related Aspects of Intellectual Property Rights (TRIPS). Staff members of the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty attended many of the relevant meetings, and provided, where appropriate, information on the provisions of the Treaty and the work of the Interim Committee. The Secretariat, and other FAO staff, notably the Seed and Plant Genetic Resources Service, also attended meetings in a wide range of other organizations, in order to provide information on the Treaty. A list of the major meetings attended is in *Appendix I*.

⁸ C2003/3. See also C 2003/INF/10, *International Treaty on Plant Genetic Resources for Food and Agriculture*.

⁹ As at the time of preparation of this document, May 2006.

**REPRESENTATION OF THE TREATY IN THE CBD; WIPO AND ITS
INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND
GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE;
WTO/TRIPS; AND OTHER RELEVANT MEETINGS**

CBD

- 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.
- 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.
- 14 - 18 February 2005 (Grenada, Spain) Third meeting of the *Ad Hoc* Open-ended Working Group on Access and Benefit-Sharing of the CBD

WIPO and WTO/TRIPS

- 10 to 14 December 2001 (Geneva, Switzerland), Second Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- 26 March 2002, WIPO (Geneva, Switzerland): Conference on the International Patent System.
- 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.
- 25-27 November 2003, WTO TRIPS Council (Geneva, Switzerland).
- March 15-19 2004 (Geneva, Switzerland): Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).
- 15 September 2004, WIPO (Geneva, Switzerland): Information Meeting on Genetic Resources.
- April 24 to 28, 2006 (Geneva, Switzerland) Ninth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

Presentation of the Treaty at other meetings

- 19 November 2001, Commission on Intellectual Property Rights (London, United Kingdom): Workshop on the Implications for Intellectual Property Rights in Developing Countries.
- 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.
- 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.
- 9-17 September 2004, First Regional Meeting of Heads of Agriculture and Forestry Services in the South Pacific (Suva, Fiji).

Presentation of the Treaty by the FAO at other meetings

- 25-31 May 2002, 53d Seed Trade Federation (FIS)/International Association of Plant Breeders (ASSINSEL) Congress, Chicago, USA.
- 1-4 July 2002. Pan-American Seed Seminar, Santa Cruz de la Sierra, Bolivia.
- 19-22 November 2002, III International Symposium on Genetic Resources for Latin America and the Caribbean (SIRGEALC), Londrina, Brazil.
- 19-21 March 2003, Management of IPR in Plant Science in the 21st Century organized by CropLife International, Geneva, Switzerland.
- 23-28 March 2003, Regional Seed Sector Workshop on harmonization of seed rules & regulations and 2d Congress of the African Seed Trade Association (AFSTA), Dakar, Senegal.
- 7-11 June 2003, World Seed Annual Congress of the International Seed Federation (ISF), Bangalore, India.
- 5-11 October 2003, Ministerial Round-Table on Innovation and Intellectual Property Rights in Africa, Rabat, Morocco.
- 21-26 October 2003, Ninth Meeting of the Steering Committee of the European Cooperative Programme for Crop Genetic Resources Networks (ECP/GR), Izmir, Turkey.
- 24-26 March 2004, fourth meeting of the African Seed Trade Association, Hamamet, Tunisia.
- 25 April – 5 May 2004, Genetic Resources Network for West and Central Africa (GRENEWCA/ROCAREG), Ibadan, Nigeria.
- 23-27 May 2004, Seed Congress organised by the International Seed Federation (ISF), Berlin, Germany.
- 9-17 July 2004, XIX *Seminario Panamericano de Semillas* organized by the Federación Latinoamericana de Asociaciones de Semilleristas (FELAS), Asunción, Paraguay.
- 19-24 July, 2004 Global Training of Trainers on Law and Policy of Relevance to the Management of Plant Genetic Resources Leipzig, Germany.
- 17-23 October 2004, Fiftieth Session of the UPOV Administrative and Legal Committee (CAJ) and 38th Session of the UPOV Council, Geneva, Switzerland.
- 1-2 February 2005, Expert Committee on Plant and Microbial Genetic Resources (ECPMGR), Ottawa, Canada.
- 5-7 February 2005, Technical Support to the International Treaty on Plant Genetic Resources for Food and Agriculture - Creating an "Intersectoral" Dialogue on Plant Genetic Resources Conservation, Breeding and Seeds for countries of West Asia and the Arabian Peninsula, Amman, Jordan.
- 25 Feb – 8 Mar, 2005, FAO-ISTA Seed Testing Training Course for the Greater Mekong Sub-region, Beijing, China. 17-21 June 2005, Technical Support to the International Treaty on Plant Genetic Resources for Food and Agriculture - Creating an "Intersectoral" Dialogue on Plant Genetic Resources Conservation, Breeding and Seeds for countries of North Africa and the Nile Valley, Cairo, Egypt.
- 7-13 May 2005, West and Central Asian Regional Workshop on Plant Variety Protection under the UPOV Convention and its Relationship with the International Treaty on Plant Genetic Resources for Food and Agriculture (PGRFA), Karaj, Iran.

- 27 May to 4 Jun 2005, Annual Congress of the International Seed Federation (ISF), Santiago, Chile; (2) regional meeting on Intellectual Property Rights, Buenos Aires, Argentina.
- 20 July 2005, First National Stakeholders Meeting on GPA Implementation and Monitoring in Tanzania. Tropical Pesticide Research Institute (TPRI), Arusha, Tanzania.
- 29-30 Aug 2005, Atelier National sur le Traité international pour les ressources phytogénétiques pour l'alimentation et l'agriculture, Antananarivo, Madagascar.
- 10-14 September 2005, First Conference of the National Gene Bank and Genetic Resources of Egypt, Cairo, Egypt.
- 14-17 September 2005, First International Conference on Crop Wild Relative Conservation and Use (Agrigento (Sicily), Italy).
- 10 October 2005, Seminar on the International Treaty on PGRFA. Ministry of Environment and Sustainable Development, La Paz, Bolivia.
- 17-19 October 2005, Meeting of national, regional and international stakeholders located in Africa, Nairobi, Kenya.
- 16-17 November 2005, First International workshop on PGRFA in Mexico, Universidad Autónoma de Chapingo, Mexico.
- 23-25 November 2005, V International Symposium on Genetic Resources for Latin America and the Caribbean (SIRGEALC), Montevideo, Uruguay.
- 7-8 Dec 2005, Taller nacional sobre el Tratado Internacional sobre Recursos Fitogénéticos para la Alimentación y la Agricultura, La Paz, Bolivia.
- 15 Dec 2005, National Workshop on legislation on plant genetic resources, Yerevan, Armenia.
- 20-21 Dec 2005, Workshop on the International Treaty on Plant Genetic Resources for Food and Agriculture, Colombo, Sri Lanka.
- 5-12 March 2006, CGIAR System-wide Genetic Resources Programme, Cali, Colombia
- 8 March 2006, Seminar on the Global Plan of Action and the New Approach for Monitoring its Implementation in Peru, Instituto Nacional de Investigación Extensión Agraria (INIEA), Lima, Peru.
- 20-21 March, 2006, Workshop on the Establishment of the National Information Sharing Mechanism on GPA and the Preparation of a Strategic Assessment on the State of PGRFA. National Agricultural and Forestry Research Institute (NAFRI), Vientiane, Laos.
- 28-31 May 2006, International Seed Federation (ISF) General Assembly, Copenhagen, Denmark.
- 7-8 June 2006, National Workshop on the International Treaty on Plant Genetic Resources for Food and Agriculture, Tashkent, Uzbekistan.