



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

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Item 2 of the Draft Provisional Agenda
<b>COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE ACTING AS INTERIM COMMITTEE FOR THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE</b>
<b>Open-Ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy</b>
Rome, 14 – 17 December 2005
<b>DRAFT PROVISIONAL ANNOTATED AGENDA AND TIME-TABLE</b>

### **Agenda Item 1. Election of Chair, Vice-Chairs and Rapporteur**

1. In accordance with the Rule IX.1 of its Rules of Procedure,<sup>1</sup> “*the Interim Committee for the Treaty may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions*”. Rule IX.6 provides that “*each subsidiary body shall elect its own officers, unless appointed by the Interim Committee for the Treaty*”. Since the Interim Committee did not appoint officers, the Open-Ended Working Group will need to elect its Chair, Vice-Chairs and Rapporteur.

### **Agenda Item 2. Adoption of the Agenda and Timetable**

2. In establishing the Open-ended Working Group, the Interim Committee decided that it should have “*four days of negotiations. A maximum of one day will be devoted to the first two issues (the Rules of Procedure of the Governing Body, and the Financial Rules of the Governing Body) and three days will be allocated for discussion on Compliance and the Funding Strategy.*” The proposed agenda and timetable has been drawn up on this basis.

3. The agenda for this meeting is very heavy. Provision has therefore been made for possible parallel sessions. Support is available for up to two delegates per developing country, in order to facilitate this. The draft time-table includes a proposed parallel session and capacity will be available to hold additional parallel sessions, if required.

### **Agenda Item 3. Preparation of Draft Rules of Procedure for the Governing Body**

4. At its Second Meeting, the Interim Committee considered and revised draft Rules of Procedure for the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture. These are contained in the document, *Draft Rules of Procedure of the Governing*

<sup>1</sup> 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*. Rome, 9 – 11 October 2002, available on the internet at <http://www.fao.org/ag/cgrfa/docsic1.htm>.

*Body of the International Treaty on Plant Genetic Resources for Food and Agriculture.*<sup>2</sup> The Open-Ended Working Group is invited to consider and finalize them for submission to the Governing Body, for consideration at its First Session.

#### **Agenda Item 4. Preparation of Draft Financial Rules for the Governing Body**

5. At its Second Meeting, the Interim Committee also considered and revised draft Financial Rules for the Governing Body of the International Treaty on Plant Genetic Resources. These are contained in the document, *Draft Financial Rules of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture.*<sup>3</sup> The Open-Ended Working Group is invited to consider and finalize them for submission to the Governing Body, for consideration at its First Session.

#### **Agenda Item 5. Preparation of Draft Procedures and Mechanisms to Promote Compliance and to Address Issues of Non-compliance**

6. The Treaty provides that “*The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Treaty and to address issues of non-compliance*”.<sup>4</sup>

7. A technical study on *Compliance Building under the International Treaty on Plant Genetic Resources for Food and Agriculture*<sup>5</sup> was commissioned in preparation for the Second Meeting of the Interim Committee. The views of countries on compliance were also sought, and the replies compiled and analysed<sup>6</sup> and presented to the Second Meeting of the Interim Committee. The Interim Committee agreed that countries could submit further views on compliance, and these are compiled and analysed in the document, *Compilation and Analysis of Governments’ Further Views on Compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture.*<sup>7</sup> This document should be read together with the earlier compilation and analysis of views.<sup>8</sup>

8. The Second Meeting of the Interim Committee also noted “*that the issue of compliance was both complex and important. It stressed that mechanisms and procedures established to promote compliance, and to address issues of non-compliance, should be positive, transparent, cooperative and non-adversarial*”. A range of views on how to address the issue of compliance were expressed by the Interim Committee<sup>9</sup> and it decided that the issue should be forwarded to the present meeting, prior to being submitted to the Governing Body, for consideration at its First Session.

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<sup>2</sup> Document CGRFA/IC/OWG-1/05/3, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

<sup>3</sup> Document CGRFA/IC/OWG-1/05/4, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

<sup>4</sup> Article 21.

<sup>5</sup> Background Study Paper 20, available on the internet at <http://wwwftp://ext-ftp.fao.org/ag/cgrfa/docs.htmBSP/bsp20e.pdf>. This document is again at the disposal of the Open-ended Working Group.

<sup>6</sup> Document CGRFA/MIC-2/04/3, *Compilation and Analysis of Government’s views on Compliance with the International Treaty on Plant Genetic Resources for Food and Agriculture*, available on the internet at <http://www.fao.org/ag/cgrfa/docsic2.htm>.

<sup>7</sup> CGRFA/IC/OWG-1/05/5, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>. The further submissions made were also posted, as requested, on the Commission’s website, <http://www.fao.org/ag/cgrfa/compliance.htm>.

<sup>8</sup> Document CGRFA/MIC-2/04/3.

<sup>9</sup> CGRFA/MIC-2/04/REP, para. 16, available on the internet at <ftp://ext-ftp.fao.org/ag/cgrfa/mic2/m2repe.pdf>.

9. The Open-ended Working Group is invited to consider and develop draft procedures and mechanisms to promote compliance and address the issue of non-compliance, to be submitted to the First Session of the Governing Body.

#### **Agenda Item 6. Preparation of a Draft Funding Strategy for the Treaty**

10. The Treaty provides that the Governing Body will “*adopt, at its first session, and periodically review the funding strategy for the implementation of this Treaty, in accordance with the provisions of Article 18*”.<sup>10</sup>

11. The Second Meeting of the Interim Committee considered the document, *Preparation for Consideration by the Governing Body of the Funding Strategy for the Treaty*.<sup>11</sup> It noted the need for further analysis and requested the Secretariat to conduct a study on the nature, criteria and possible contents of the Funding Strategy. The Secretariat was further requested, in the process of conducting the study, to consult Members, and receive and compile written comments from Members on their views on all issues related to the Funding Strategy.<sup>12</sup> A range of views were expressed by the Interim Committee about the issues and priorities to be considered in the Funding Strategy, including modalities for the mobilisation and utilisation of resources.<sup>13</sup> The Interim Committee also decided that the draft Funding Strategy should be forwarded to the present meeting prior to its submission to the Governing Body, for consideration at its First Session.

12. In order to gather the views of Members, as requested by the Interim Committee, the Secretariat prepared and distributed a questionnaire to all Members. The document, *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*,<sup>14</sup> compiles and analyses the replies to this questionnaire. Two technical studies were commissioned: *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*,<sup>15</sup> and *Options for Non-monetary Benefit-sharing: An Inventory*.<sup>16</sup>

13. The working documents for the current meeting are the earlier document, *Preparation for Consideration by the Governing Body of the Funding Strategy for the International Treaty on Plant Genetic Resources for Food and Agriculture*<sup>17</sup> and a new document entitled *Development of the Funding Strategy for the International Treaty on Plant Genetic Resources for Food and Agriculture*.<sup>18</sup> The second document includes draft elements for consideration of possible operative elements of the Funding Strategy, which might be adopted by the Governing Body. The Open-ended Working Group is invited to review these documents and provide guidance on the completion

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<sup>10</sup> Article 19.3c.

<sup>11</sup> Document CGRFA/MIC-2/04/4, available on the internet at <http://www.fao.org/ag/cgrfa/docsic2.htm>.

Document CGRFA/MIC-2/04/5, *Report on the Status of the Global Crop Diversity Trust*, is also relevant and available on the internet at <http://www.fao.org/ag/cgrfa/docsic2.htm>.

<sup>12</sup> CGRFA/MIC-2/04/REP, para. 17.

<sup>13</sup> CGRFA/MIC-2/04/REP.

<sup>14</sup> CGRFA/IC/OWG-1/05/6, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>. The completed questionnaires were posted, as requested, on the Commission’s website, <http://www.fao.org/ag/cgrfa/fs.htm>.

<sup>15</sup> Background Study Paper no. 29, available on the internet at <http://www.fao.org/ag/cgrfa/docs.htm>.

<sup>16</sup> Background Study Paper no. 30, available on the internet at <http://www.fao.org/ag/cgrfa/docs.htm>.

<sup>17</sup> CGRFA/MIC-2/04/4, available on the internet at <http://www.fao.org/ag/cgrfa/docsic2.htm>.

<sup>18</sup> CGRFA/IC/OWG-1/05/7, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

of the preparation of the draft Funding Strategy, to be submitted to the Governing Body, at its First Session. In considering these documents, the Open-ended Working Group is also invited to take into consideration the information document, *Facilitating Flows of Resources Using the Facilitating Mechanism for the Implementation of the Global Plan of Action*.<sup>19</sup>

14. The Interim Committee has welcomed the establishment of the Global Crop Diversity Trust as an essential element of the Treaty's Funding Strategy. The Trust has kept the Interim Committee informed of developments, and a further progress report is available to the Open-ended Working Group, for information,<sup>20</sup> including on matters that will need to be dealt with by the Governing Body at its First Session. At its Second Meeting, the Interim Committee "*recommended that the Governing Body of the International Treaty should, at its first meeting, formalise its relationship with the Trust, so that the Trust operates as an element of the Funding Strategy of the International Treaty*".<sup>21</sup> The *Draft Relationship Agreement between the Global Crop Diversity Trust and the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*, by which this will be effected, is available for information on the internet.<sup>22</sup>

#### **Agenda Item 7. Other business**

#### **Agenda Item 8. Adoption of the Report**

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<sup>19</sup> CGRFA/IC/OWG-1/Inf.3.

<sup>20</sup> CGRFA/IC/OWG-1/05/Inf. 2, *The Global Crop Diversity Trust: an Update on Developments and Proposals for Appointing the Executive Board*, available on the internet at <http://www.fao.org/ag/cgrfa/meetings.htm>.

<sup>21</sup> CGRFA/MIC-2/04/REP, paragraph 20.

<sup>22</sup> At <http://www.startwithaseed.org/items/governance.php?itemid=162>.

**NOTE**

**Provision has been made for regional consultations, in preparation for the meeting of the Open-Ended Working Group, on Monday 12 and Tuesday 13 December, 2005**

**Draft Provisional Time-Table**

*Including Parallel Sessions for Items 3 and 4*

<b><i>Plenary</i></b>				
<b>Time</b>	<b>Agenda Item</b>	<b>Title</b>	<b>Working Documents</b>	
<b>Wednesday, 14 December 2005</b>				
<b>morning</b>				
10.00-10.30	1	Election of Chair, Vice-Chairs and <i>Rapporteur</i>		
10.30-11.00	2	Adoption of the agenda and timetable, including election of Chairs for parallel sessions	CGRFA/IC/OWG-1/05/1 CGRFA/IC/OWG-1/05/2	
<b><i>Parallel Sessions</i></b>				
<b>Session on Rules of Procedure</b>			<b>Session on Financial Rules</b>	
<b>Time</b>	<b>Agenda Item</b>	<b>Title and working documents</b>	<b>Agenda Item</b>	<b>Title and working documents</b>
11.00-13.00	3	Preparation of draft Rules of Procedure for the Governing Body (CGRFA/IC/OWG-1/05/3)	4	Preparation of draft Financial Rules for the Governing Body (CGRFA/IC/OWG-1/05/4)

<b>Wednesday, 14 December 2005</b>				
<b>afternoon</b>				
15.00-17.00	3	<i>Continues</i>	4	<i>Continues</i>
<b><i>Plenary</i></b>				
<b>Time</b>	<b>Agenda Item</b>	<b>Title</b>	<b>Working Documents</b>	
17.00-18.00	3 & 4	Report of Parallel Sessions to Plenary		
<b>Thursday, 15 December 2005</b>				
<b>morning</b>				
10.00-13.00	5	Preparation of draft procedures and mechanisms to promote compliance and to address issues of non-compliance	CGRFA/MIC-1/02/7 CGRFA/MIC-2/04/3 CGRFA/IC/OWG-1/05/5 (See also, for information, Background Study Paper No. 20)	
<b>Thursday, 15 December 2005</b>				
<b>afternoon</b>				
15.00-18.00	5	<i>Continues</i>		
<b>Friday, 16 December 2005</b>				
<b>morning</b>				
10.00-13.00	6	Preparation of a draft Funding Strategy for the Treaty	CGRFA/MIC-2/04/4 CGRFA/IC/OWG-1/05/6 CGRFA/IC/OWG-1/05/7 (See also, for information, CGRFA/IC/OWG-1/05/Inf.2 CGRFA/IC/OWG-1/05/Inf.3 Background Study Paper No. 28 & Background Study Paper No. 29)	

<b>Friday, 16 December 2005</b>			
<b>afternoon</b>			
15.00- 17.00	6	<i>Continues</i>	
17.00- 18.00	7	Other business	
<b>Saturday, 17 December 2005</b>			
<b>morning</b>			
10.00- 13.00		Free	
<b>Saturday, 17 December 2005</b>			
<b>afternoon</b>			
15.00- 18.00	8	Adoption of the Report	