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INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

FIRST SESSION OF THE GOVERNING BODY

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IMPLEMENTATION OF ARTICLE 6 OF THE INTERNATIONAL TREATY: SUSTAINABLE USE OF PLANT GENETIC RESOURCES

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IMPLEMENTATION OF ARTICLE 6 OF THE INTERNATIONAL TREATY: SUSTAINABLE USE OF PLANT GENETIC RESOURCES

I. INTRODUCTION

1. The Second Meeting of the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (the Interim Committee) decided that the priority issues for consideration by the first session of the Governing Body should include the implementation of Article 6 of the Treaty, *Sustainable Use of Plant Genetic Resources*.¹
2. Article 6.1 provides that:
“*The Contracting Parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of plant genetic resources for food and agriculture*”.
3. The Treaty anticipates a variety of actions on the part of Contracting Parties, in order to give effect to its objective of the sustainable use of plant genetic resources. Article 6.2, therefore, provides an indicative list of possible measures that include a range of possible actions and initiatives geared towards effective fulfilment of this objective. Many of these actions must be taken at national and local level.
4. This document briefly examines the role of Article 6 within the Treaty and its relationship with other articles, as well as the range of actors that will need to be involved in implementing Article 6, and seeks the guidance as to how the Governing Body may wish to go about establishing a process to support the implementation of Article 6.

II. THE RELATIONSHIP OF ARTICLE 6 TO OTHER ARTICLES OF THE TREATY

5. A review of the Treaty shows that the concept of sustainable use covered by Article 6 is fundamental to the implementation of the Treaty as a whole.
6. The second objective of the Treaty is “the sustainable use of plant genetic resources for food and agriculture”.² This objective is also essential for the achievement of its first and third objectives, namely the conservation of plant genetic resources for food and agriculture, and the fair and equitable sharing of the benefits arising from their use, in that plant genetic resources for food and agriculture are primarily conserved for sustainable use, and that such use generates benefits to be shared.
7. Article 6 is closely linked with most of the substantive provisions of the Treaty, especially Article 5, *Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture*; Article 7, *National Commitments and International Cooperation*; Article 9, *Farmers’ Rights*; and Article 18, in relation to the Funding Strategy. Moreover, in practical terms, the implementation of Article 6 will depend upon the successful development of the provisions of Part V of the Treaty, *Supporting Components*.

¹ Document 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*, paragraph 26.

² Article 1.1.

8. Although Article 5.1 particularly addresses conservation, it specifically links this to sustainable use, within an integrated approach, and the chain of activities needed to realize the Treaty's first and second objectives:

Each Contracting Party shall, subject to national legislation, and in cooperation with other Contracting Parties where appropriate, promote an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture [...].

9. Article 7.1 reinforces the provisions of Articles 5 and 6, by providing that:
Each Contracting Party shall, as appropriate, integrate into its agriculture and rural development policies and programmes, activities referred to in Articles 5 and 6, and cooperate with other Contracting Parties, directly or through FAO and other relevant international organizations, in the conservation and sustainable use of plant genetic resources for food and agriculture.

10. Article 7.2 provides for international cooperation, which shall, in particular, be directed to: strengthening the capabilities of developing countries and countries with economies in transition, including with respect to sustainable use; enhancing international activities to promote, *inter alia*, aspects of sustainable use, such as genetic enhancement, plant breeding, and seed multiplication; and sharing, providing access to, and exchanging, in conformity to Part IV, plant genetic resources for food and agriculture and the appropriate information and technology needed for their use; strengthening the institutional arrangements of Part V; and the implementation the Treaty's funding strategy.

11. Article 9 provides for the recognition and protection of Farmers' Rights through national action, and in this context, various measures for the sustainable use of genetic resources incorporated in Article 6.2 may be relevant, including *strengthening research which enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers,*³ and *promoting, as appropriate, plant breeding efforts which, with the participation of farmers, particularly in developing countries, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas.*⁴

12. The Contracting Parties also undertake, under Article 18, to implement a Funding Strategy, to enhance the availability, transparency, efficiency and effectiveness of financial resources to implement activities under the Treaty. Within the funding strategy, the importance of sustainable utilization is recognized: *priority will be given to the implementation of agreed plans and programmes for farmers in developing countries, especially in least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture.*⁵ The successful development of the Funding Strategy will therefore allow resources to be directed at assisting farmers to use plant genetic resources for food and agriculture to achieve social and economic development.

13. Part V of the Treaty deals with the Supporting Components of the Treaty, namely Article 14 - *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*; Article 15 - *Ex situ* collections held by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR) and other international institutions; Article 16 - International Plant Genetic

³ Article 6.2b.

⁴ Article 6.2c.

⁵ Article 18.5.

Resources Networks; and Article 17 – The Global Information System on Plant Genetic Resources for Food and Agriculture.

14. In general the supporting components for the Treaty are activities that are not governed by the Treaty or its Governing Body, but which are necessary for the proper implementation of the Treaty and its objectives. They require cooperation with other actors for their successful implementation, in particular the Commission on Genetic Resources for Food and Agriculture.⁶ Article 14, *Global Plan of Action*, provides that:

Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation to provide a coherent framework, inter alia, for capacity-building, technology transfer and exchange of information...

15. The rolling *Global Plan of Action*⁷, which was adopted by the Fourth International Conference on Plant Genetic Resources held in Leipzig, Germany in 1996, sets a framework for the conservation and sustainable utilization of plant genetic resources for food and agriculture. The list of possible measures outlined in Article 6 largely reflects the Priority Activity Areas 9 to 14 of the *Global Plan of Action*.⁸ A further set of priority activity areas relate to institutions and capacity-building, and as such are complementary to and supportive of sustainable utilization. Consequently, implementation of the *Global Plan of Action* contributes to activities under Article 6 of the Treaty. Document IT/GB-1/06/Inf.6, *Implementation of the Global Plan of Action*, presents further information on the Global Plan of Action and on the on-going and planned programme of work of the Commission on Genetic Resources for Food and Agriculture in relation to its monitoring and facilitation.⁹

16. The second *Report on the State of the World's Plant Genetic Resources* will provide objective information and analysis and identify priorities, as a basis for updating the rolling Global Plan of Action. The Commission on Genetic Resources for Food and Agriculture has targeted 2008 for completion of the second Report. In this context, the Treaty requires Contracting Parties to cooperate with the Commission “*in its periodic reassessment of the state of the world's plant genetic resources for food and agriculture in order to facilitate the updating of the rolling Global Plan of Action referred to in Article 14*”.¹⁰

17. The *ex situ* collections held by the International Agricultural Research Centres (IARCs) and other international institutions, which, by Article 15, are to be brought into the Treaty's Multilateral System of Access and Benefit-sharing, are crucial to sustainable utilization: access to

⁶ See document IT/GB-1/06/15, *Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture*.

⁷ The *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture* is available at <http://www.fao.org/WAICENT/FAOINFO/AGRICULT/AGP/AGPS/Pgrfa/gpaeng.htm>

⁸ Priority activity 9: Expanding the characterization, evaluation and number of core collections to facilitate use;
Priority activity 10: Increasing genetic enhancement and base-broadening efforts;
Priority activity 11: Promoting sustainable agriculture through diversification of crop production and broader diversity in crops;
Priority activity 12: Promoting development and commercialization of under-utilised crops and species;
Priority activity 13: Supporting seed production and distribution;
Priority activity 14: Developing new markets for local varieties and "diversity-rich" products.

⁹ FAO will hold a side event on the implementation of the Global Plan of Action, focusing on its monitoring, the Facilitating Mechanism for its implementation, and their contribution to the *Second Report on the State's of the Worlds Plant Genetic Resources*.

¹⁰ Article 17.3.

the genetic resources they hold, by farmers, breeders and national agricultural research systems throughout the world, and the scientific research they undertake, is one of the major pillars on which present and future world food security rests. These institutions will therefore be major partners of the Governing Body in implementing Article 6.

18. Article 16 recognizes the particular importance of International Plant Genetic Resources Networks. They are key institutions in linking conservation activities to use. Article 17 underlines the importance of information systems, with the expectation that exchange of information will contribute to the sharing of benefits by making information available on plant genetic resources available to all Contracting Parties, including enhanced sustainable use. The Global Information System on Plant Genetic Resources for Food and Agriculture will have to be based on existing systems, including those established by the Commission on Genetic Resources for Food and Agriculture.¹¹

III. THE ROLE OF OTHER INSTITUTIONS

19. The Treaty places the primary responsibility for implementing Article 6 upon Contracting Parties, with activities at both the national and international levels. However, the inter-relationship of Article 6 with other articles, particularly those in Part V of the Treaty, *Supporting Components*, assumes a wide set of actors, including FAO and in particular its Commission on Genetic Resources for Food and Agriculture, the IARCs and other international institutions holding *ex situ* germplasm collections, as well as international plant genetic resources networks.

20. The Treaty also provides that its objectives are to be attained in harmony with the Convention on Biological Diversity (CBD). The implementation of all activities related to the objectives, including sustainable use, should therefore be carried out in a mutually supportive manner with the CBD. There are currently many cooperative activities between the Secretariat of the CBD and FAO and its Commission on Genetic Resources for Food and Agriculture, particularly in the context of the Programme of Work on Agricultural Biological Diversity. The Governing Body may wish to seek complementarity and synergy with the various actors involved.

21. A further range of partners will of necessity be governments and international organizations that undertake activities and provide resources within the context of the Treaty's Funding Strategy,¹² many of which, taking into account the *Global Plan of Action*, will aim to enhance sustainable utilization. In this context, Contracting Parties have a further role to play, as foreseen in Article 18, by themselves making resources available and by taking "*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*".

22. In addition, many non-governmental organizations, including from civil society and the private sector, also use plant genetic resources for food and agriculture. The Governing Body may wish to envisage enhancing their awareness of Article 6.

¹¹ The Commission is already looking at ways to cooperate with the Governing Body in this field. Some of the recommendations provided to the Commission by its subsidiary Inter-governmental Working Group on Plant Genetic Resources may be relevant, see CGRFA/WG-PGR-3/05/ Report, para. 16-18.
<http://www.fao.org/waicent/FaoInfo/Agricult/AGP/AGPS/pgr/ITWG3rd/docsp1.htm>

¹² See document IT/GB-1/06/5, *Draft Funding Strategy of the International Treaty*.

IV. POSSIBLE APPROACHES

23. The Interim Committee identified the implementation of Article 6 as one of the priority issues for the consideration of the Governing Body at its first session.

24. The Governing Body will, under Agenda Item 11, consider the possibility of setting up a Permanent Technical Advisory Committee.¹³ The establishment of a Permanent Technical Advisory Committee could provide an opportunity for the Governing Body to receive useful technical advice in order to facilitate further discussions and inform the Governing Body's decisions on the issue. The Governing Body may, therefore, consider referring the matter to the Permanent Technical Advisory Committee, if it is established. If not, it may wish to establish an *ad hoc* process to help it address the implementation of Article 6.

25. In this regard, the Governing Body may consider directing its Secretariat to undertake studies and other preliminary work to assist consideration by the Permanent Technical Advisory Committee, if it is established and the matter is referred to it, and by the Governing Body itself.

26. The Governing Body may also wish to encourage Contracting Parties and other relevant organisations and bodies to support the further examination and elaboration of the issues and/or undertake other practical measures that could contribute to the implementation of Article 6 and related provisions, including through capacity-building and organising or hosting consultations, workshops and related studies.^{14,15}

V. GUIDANCE SOUGHT FROM THE GOVERNING BODY

27. The guidance of the Governing Body is sought as to how it wishes to proceed in relation to Article 6. The Governing Body may wish to refer the matter to its Permanent Technical Advisory Committee, if established, or otherwise decide an *ad hoc* process to prepare its work on Article 6. The Governing Body is invited to outline the scope of such a task, which might include:

- an examination of options and procedures for the implementation of Article 6, including the respective roles of the Governing Body and Contracting Parties;
- cooperation with the Commission on Genetic Resources for Food and Agriculture, in relation to the rolling *Global Plan of Action*, the *Report on the State of the World's Plant Genetic Resources for Food and Agriculture* and the *Global Information System*. The Governing Body may wish to request the Commission to give renewed emphasis to the utilization of plant genetic resources in the further development of these supporting components of the Treaty; and
- cooperation with other relevant international organisations and processes.

28. The Governing Body may wish to request its Secretariat to undertake specific background studies, or assemble relevant technical information, and, if so, to specify what studies and information it would wish to see prepared.

¹³ See document IT/GB-1/06/8, *Possible Establishment of a Permanent Technical Advisory Committee*.

¹⁴ In this context, the Government of Switzerland convened an expert workshop in Rome from 10-11 December 2005, in which experts on plant genetic resources for food and agriculture from all parts of the world discussed the implementation of Article 6. It also developed a paper, which it requested the Interim Secretariat to bring to the attention of the Governing Body. This is circulated as document IT/GB-1/06/Circ.1, *Implementation of Article 6 of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture: Swiss Input Paper*. Switzerland will hold a side event on sustainable use during the First Meeting of the Governing Body.

¹⁵ FAO and a stakeholder group of like-minded institutions will be considering, in parallel to the Governing Body, how to structure and launch a new initiative, in support of the Treaty's Funding Strategy, on capacity-building for plant breeding, as one of the fundamental basis for sustainable use, as foreseen in Article 6. A side event will be held to discuss this with delegations.

29. The Governing Body may also wish to invite Contracting Parties to prepare and submit documents that may help it in this task.