



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
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of
the
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des
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Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

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Item 17 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 THE STATUS OF COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

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REPORT ON THE STATUS OF COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

I. INTRODUCTION

1. At its second meeting, the Interim Committee decided on a draft agenda for the first session of the Governing Body that included a report on the status of cooperation with other international organizations.¹
2. This document reviews the provisions of the Treaty that either directly or indirectly require the Governing Body to cooperate with other international organizations, and the types of cooperation that may be involved. It identifies ongoing international processes of direct relevance to the Treaty and its Multilateral System of Access and Benefit-sharing, in order that the Governing Body may consider its positions in this regard. It reports on recent agreements between FAO and the Convention on Biological Diversity (CBD), and between FAO and the World Intellectual Property Organization (WIPO), which the Governing Body may wish to take into account in developing cooperation with these Organizations.
3. The Treaty recognizes, in Article 15,
the importance to this Treaty of the ex situ collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR).
4. The IARCs will have a major role to play, in consultation with the Governing Body, in supporting the implementation of the Treaty. Relations with the CGIAR Centres, which are invited to sign agreements with the Governing Body, and bring their *ex situ* collections under the Treaty, are dealt with in the document, *Draft Agreements between the Governing Body and the IARCs of the CGIAR, and other relevant international institutions.*² They are therefore not considered in this document.
5. The present document deals with intergovernmental organizations. The Governing Body may also wish to consider relations with international non-governmental organizations. Contacts made with them, during the Interim Committee process, are described in the document, *Report on contacts made by the Interim Secretariat with relevant organizations, in order to promote the Funding Strategy,*³ and in the document, *Report on activities undertaken by the Interim Secretariat.*⁴

II. COOPERATION REQUIRED BY THE TREATY

6. The Treaty directly requires cooperation between the Governing Body and a variety of international organizations. This is reflected in Article 19.3g, where one of the functions of the Governing Body is stated to be to:

¹ Document CGRFA/MIC-2/04/REP, *Report of the Second Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture*, para. 26.

² Document IT/GB-1/06/9.

³ Document IT/GB-1/06/Inf.9.

⁴ Document IT/GB-1/06/Inf.3.

establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Treaty, including their participation in the funding strategy.

7. This is reflected in the functions of the Secretary of the Governing Body, in Article 20.5:

The Secretary shall cooperate with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of this Treaty.

8. The need for such cooperation can be grouped under the following headings:

- Cooperation with the CBD; and
- Cooperation with other organizations in relation to the Funding Strategy.

Cooperation with the CBD

9. Throughout the negotiations of the Treaty, the Conference of the Parties to the CBD supported the process, and

*“Recognize[d] the important role that the International Treaty on Plant Genetic Resources for Food and Agriculture will have, in harmony with the Convention on Biological Diversity, 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”.*⁵

10. In turn, the objectives of the Treaty were composed to be in harmony with the CBD. Article 1.1 of the Treaty provides that its objectives “*will be attained by closely linking this Treaty to the Food and Agriculture Organization of the United Nations and to the Convention on Biological Diversity*”. In Article 19.3, specific provision is made for the Governing Body of the Treaty to cooperate with the Conference of the Parties to the CBD. The Governing Body shall:

(l) take note of relevant decisions of the Conference of the Parties to the CBD and other relevant international organizations and treaty bodies;

(m) inform, as appropriate, the Conference of the Parties to the CBD and other relevant international organizations and treaty bodies of matters regarding the implementation of this Treaty;

11. Finally, Article 17.1 provides that “*in developing the Global Information System, cooperation will be sought with the Clearing House Mechanism of the Convention on Biological Diversity*”.

12. There is also considerable ongoing policy and technical cooperation between FAO and its Commission on Genetic Resources for Food and Agriculture and the CBD, as described in the document, *Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture*.⁶

⁵ Decision VI/6.

⁶ Document IT/GB-1/06/15.

13. In the case of the CBD, the prime focus is the work of the *Ad Hoc* Open-ended Working Group on Access and Benefit-sharing, charged with the elaboration and negotiation of an international regime on access and benefit-sharing. The Eighth Conference of the Parties to the CBD (Curitiba, Brazil, 20 - 31 March 2006) took a number of decisions of relevance to the Governing Body and the Treaty. These are excerpted in *Appendix 1* to the present document.⁷ (The more general references to FAO are not excerpted.) For ease of reference, the elements of those decisions directly addressing the Governing Body, and to which it may wish to respond at the present meeting, are underlined. These are:

- VIII/4. *Access and benefit-sharing*, para. 3 and 8.
- VIII/16. *Cooperation with other conventions and international organizations and initiative*, para. 15.
- VIII/23, *Agricultural biodiversity*
 - A. Cross-cutting initiative on biodiversity for food and nutrition, para. 10.
 - C. Genetic use restriction technologies, para. 3.

14. In May 2005, FAO signed a general Memorandum of Cooperation with the Secretariat of the CBD (reproduced in *Appendix 2* to the present document), which provides a framework in which to develop and strengthen the cooperation between the two institutions. The attention of the Governing Body is drawn to the third recital of the preamble, which describes FAO's role in providing a framework of binding international legal agreements (under Article XIV of the Constitution of FAO), including the Treaty, and a number of internationally agreed policy instruments and processes, including the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*.

Cooperation with other organizations in relation to the Funding Strategy

15. The Treaty's Funding Strategy⁸ foresees a variety of activities, undertaken both with resources under its direct control, and resources not under its direct control. In particular, by Article 18.4a:

The 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.

16. 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) accordingly requested the Interim Secretariat to “*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*”. The document, *Report on contacts made by the Interim*

⁷ At the time of preparing this document, only an “advance version—subject to final editing and clearance” of the decisions adopted by the Conference of the Parties, was available on the internet, at <http://www.biodiv.org/doc/meetings/cop/cop-08/cop-08-decision-advance-en.pdf>. The on-line text is in English only, for which reason, the English text is given in *Appendix 1* in all language versions of this document.

⁸ Document IT/GB-1/06/5, *Draft Funding Strategy of the International Treaty*.

Secretariat with relevant organisations, in order to promote the Funding Strategy,⁹ provides the Governing Body with information on these contacts.¹⁰

III. RELEVANT ONGOING PROCESSES IN OTHER INTERNATIONAL FORUMS

17. Major international discussions on matters of direct relevance to the Treaty, related to access and benefit-sharing for genetic resources, continued throughout the period of the Interim Committee, particularly in three forums: 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). The Interim Secretariat attended a large number of meetings in these organizations, and provided, where appropriate, information on the provisions of the Treaty and the work of the Interim Committee.

18. The document, *Report on activities undertaken by the Interim Secretariat*,¹¹ provides a picture of the many interactions between the Interim Secretariat and, in particular, the CBD and its various bodies, and the WIPO and its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) during the interim period, of direct relevance to the Treaty.

WIPO and its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

19. In the case of WIPO, the prime focus is the work of its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. In this context, and in WIPO and the WTO more generally, a variety of matters are being discussed of direct relevance to the Treaty, including the possible role of a certificate of origin/source/legal provenance of genetic resources, in the context of applications for the grant of patents. The Interim Secretariat has in this forum noted that, in the event of such an instrument being agreed, materials from the Treaty's Multilateral System of Access and Benefit-sharing should declare their origin as being the Multilateral System, with the Standard Material Transfer Agreement playing the role of such a certificate.

20. The Governing Body may also wish to note that an Agreement between the Food and Agriculture Organization of the United Nations (FAO) and the World Intellectual Property Organization (WIPO) has been approved and will soon be signed.¹² This provides, *inter alia*, for cooperation on a number of matter relevant to the Treaty, including Farmers' Rights and traditional knowledge; agricultural biotechnology; genetic resources for food and agriculture; and access to, and transfer of, technology in the food and agriculture sector. It further provides for technical cooperation, as appropriate, on issues relevant to international instruments under the aegis of the two organizations, including the International Treaty on Plant Genetic Resources for Food and Agriculture. The Governing Body may wish to consider whether it wishes to consider cooperation with WIPO, at this or a subsequent meeting.

⁹ Document IT/GB-1/06/Inf. 9.

¹⁰ See also Background Study Paper No. 29, *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*.

¹¹ Document IT/GB-1/06/Inf.3.

¹² This is available on the internet, in document C 2005/LIM/6, at [ftp://ftp.fao.org/unfao/bodies/conf/c2005/J6675E.doc](http://ftp.fao.org/unfao/bodies/conf/c2005/J6675E.doc).

RELEVANT MENTIONS OF THE TREATY IN THE DECISIONS OF THE EIGHTH CONFERENCE OF THE PARTIES TO THE CBD, CURITIBA, BRAZIL (20 - 31 MARCH 2006)

More general mentions of FAO are not excerpted.

Direct requests to the Governing Body are underlined.

Decision VIII/1, Island Biodiversity

The Conference of the Parties

1. *Adopts* the programme of work on island biodiversity annexed to the present decision, as a set of actions addressing characteristics and problems that are specific to islands; [...]

Annex: PROGRAMME OF WORK ON ISLAND BIODIVERSITY [...]

GOAL 4: ACCESS AND BENEFIT-SHARING OF ISLAND GENETIC RESOURCES

All access to genetic resources from islands is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture and other applicable agreements (target 10.1 of the 2010 framework)

* * *

VIII/2. Biological diversity of dry and sub-humid lands

The Conference of the Parties, [...]

12. *Adopts* the goals and targets for the programme of work on the biological diversity of dry and sub-humid lands contained in the annex to this decision.

Annex: PROVISIONAL GOALS AND TARGETS FOR THE PROGRAMME OF WORK ON BIOLOGICAL DIVERSITY OF DRY AND SUB-HUMID LANDS

All access to genetic resources derived from dry and sub-humid lands is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture.

* * *

VIII/4. Access and benefit-sharing

The Conference of the Parties, [...]

Recalling its decision VII/19, on access and benefit-sharing, [...]

A. International regime on access and benefit-sharing [...]

2. *Decides* to transmit the annex to the present decision to the fifth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing for the purposes of continuing to elaborate and negotiate the international regime in accordance with decision VII/19 D, as well as, *inter alia*, the following inputs for the elaboration and negotiation of an international regime:

(a) The outcomes of the group of technical experts on the certificate of origin/source/legal provenance;

(b) A progress report on the gap analysis, and the matrix, and;

(c) Other inputs submitted by Parties relating to access and benefit-sharing.

The annex reflects the range of views held by Parties at the fourth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing; [...]

3. Invites Parties, Governments, indigenous and local communities, international organizations and all relevant stakeholders to provide information regarding the inputs on an analysis of existing legal and other instruments at national, regional and international levels relating to access and benefit-sharing to the Secretariat of the Convention four months prior to the fifth meeting of the Working Group on Access and Benefit-sharing; [...]

6. *Requests* the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to continue the elaboration and negotiation of the international regime in accordance with its terms of reference in decision VII/19D and *instructs* the Ad Hoc Open-ended Working Group to complete its work at the earliest possible time before the tenth meeting of the Conference of the Parties; [...]

8. Invites Parties, Governments, indigenous and local communities, international organisations and all relevant stakeholders to submit to the Secretariat further information relevant to the gap analysis;

9. *Requests* the Executive Secretary to prepare, for the fifth meeting of the Working Group on Access and Benefit-sharing, the final version of the gap analysis referred to in decision VII/19 D, annex, paragraph (a) (i), bearing in mind that this work will proceed in parallel and not hold up the work relating to the elaboration and negotiation of the international regime; [...]

Annex [...]

Scope [...]

3. [The international regime will not apply to the plant genetic resources [of those plant species] that are considered by [under annex 1 of] the International Treaty on Plant Genetic Resources for Food and Agriculture [or by the Commission on Genetic Resources for Food and Agriculture], [when those resources are used for the purposes of that Treaty].

4. [The international regime is without prejudice to the FAO International Treaty on Plant Genetic Resources for Food and Agriculture and will take into account the work of the WIPO/IGC on the intellectual property aspects of *sui generis* systems for the protection of traditional knowledge and folklore against misappropriation and misuse].

* * *

VIII/15. Framework for monitoring implementation of the achievement of the 2010 target and integration of targets into the thematic programmes of work

The Conference of the Parties [...]

9. *Endorses* the goals and global outcome-oriented targets integrated into the programmes of work on the biodiversity of dry and sub-humid lands, marine and coastal biodiversity, biodiversity of inland water ecosystems, mountain biological diversity and island biodiversity, and into the expanded programme of work on forest biological diversity, as contained in annex IV to the present decision, noting the relationship between these targets and those of the Johannesburg Plan of Implementation of the World Summit on Sustainable Development, the Millennium Development Goals, and the joint work programme on dry and sub-humid lands between the Convention on Biological Diversity and the United Nations Convention to Combat Desertification; [...]

Annex IV: APPLICATION OF THE PROVISIONAL FRAMEWORK OF GOALS AND TARGETS FOR 2010 TO THE THEMATIC PROGRAMMES OF WORK OF THE CONVENTION [...]

Goal 10. Ensure the fair and equitable sharing of benefits arising out of the use of genetic resources

Target 10.1: All access to genetic resources is in line with the Convention on Biological Diversity and its relevant provisions

- All access to genetic resources derived from forest biological diversity is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture.
- All access to genetic resources derived from mountain ecosystems is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture.
- All access to genetic resources derived from dry and sub-humid lands is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture.
- All access to genetic resources from islands is in line with the Convention on Biological Diversity and its relevant provisions and, as appropriate and wherever possible, with the International Treaty on Plant Genetic Resources for Food and Agriculture and other applicable agreements.

* * *

VIII/16. Cooperation with other conventions and international organizations and initiatives

The Conference of the Parties [...]

9. Welcomes ongoing cooperation with the Food and Agriculture Organization of the United Nations, particularly the Commission on Genetic Resources for Food and Agriculture, the International Treaty on Plant Genetic Resources for Food and Agriculture, the International Plant Protection Convention, as well as other FAO processes, on issues related to agriculture, fisheries, forests and other matters; [...]

15. Invites the secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture to join the liaison group of the biodiversity-related conventions;

* * *

VIII/23. Agricultural biodiversity [...]

A. Cross-cutting initiative on biodiversity for food and nutrition [...]

3. Adopts the framework for a cross-cutting initiative on biodiversity for food and nutrition, as contained in the annex to the present decision, which builds upon existing national activities; [...]

10. Invites the governing body of the International Treaty on Plant Genetic Resources for Food and Agriculture to take note, at its first meeting, of the cross-cutting initiative and to collaborate in its implementation; [...]

C. Genetic use restriction technologies [...]

2. Encourages Parties, other Governments, relevant organizations, and interested stakeholders to:

(a) Respect traditional knowledge and Farmers' Rights to the preservation of seeds under traditional cultivation;

(b) Continue to undertake further research, within the mandate of decision V/5 section III, on the impacts of genetic use restriction technologies, including their ecological, social, economic and cultural impacts, particularly on indigenous and local communities; and

(c) Continue to disseminate the results of studies on the potential environmental (e.g., risk assessment), socio-economic and cultural impacts of genetic use restriction technologies on

smallholder farmers, indigenous and local communities, and make these studies available in a transparent manner through, *inter alia*, the clearing-house mechanism;

3. Invites the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture to examine, within the context of its work, priorities and available resources, the potential impacts of genetic use restriction technologies with special consideration to the impacts on indigenous and local communities and associated traditional knowledge, smallholder farmers and breeders and Farmers' Rights.

MEMORANDUM OF COOPERATION

BETWEEN

**THE FOOD AND AGRICULTURE ORGANIZATION
OF THE UNITED NATIONS (FAO)**

AND

THE SECRETARIAT OF THE CONVENTION ON BIOLOGICAL DIVERSITY

This Memorandum of Cooperation is entered into between the **Food and Agriculture Organization of the United Nations**, hereinafter referred to as "FAO", of the one part; and the **Secretariat of the Convention on Biological Diversity**, hereinafter referred to as "the CBD Secretariat" of the other part.

PREAMBLE

Whereas the constitutional mandate of FAO is to collect, analyse, interpret and disseminate information relating to nutrition, food and agriculture, to promote and, where appropriate, recommend national and international action with respect to various aspects of nutrition, food and agriculture, and to furnish such technical assistance as Governments may request;

Whereas the Convention on Biological Diversity is a binding international agreement, the objectives of which 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, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding;

Recognizing that FAO provides a framework within which a number of binding international legal agreements have been adopted in the field of nutrition, food and agriculture, including: the International Treaty on Plant Genetic Resources for Food and Agriculture and the International Plant Protection Convention, as well as a number of internationally agreed policy instruments and processes in all fields of food, agriculture, forestry and fisheries, including the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture, the Global Strategy for the Management of Farm Animal Genetic Resources, the Code of Conduct for Germplasm Collecting and Transfer and the Code of Conduct on Responsible Fisheries;

Recognizing that the CBD provides a framework for the adoption of protocols, which include the Cartagena Protocol on Biosafety, and for the adoption of a number of thematic work programmes addressing specific aspects of biological diversity, including, the programmes of work on forest biological diversity; inland water biological diversity; agricultural biological diversity; marine and coastal biological diversity; biodiversity of dry and sub-humid lands; island biodiversity; as well as on protected areas, technology transfer and incentive measures, and guidelines, guiding principles and other normative tools and guidance;

Recognizing that the FAO Commission on Genetic Resources for Food and Agriculture is the international forum where Governments specifically address all components of biological diversity of relevance to food and agriculture, including their conservation and sustainable use and the fair and equitable sharing of benefits derived from their utilization; negotiate and oversee the development of international agreements, undertakings, codes of conduct or instruments relating to genetic resources of relevance to food and agriculture; and facilitate and oversee cooperation between FAO and other international governmental and non-governmental bodies dealing with the conservation and sustainable use of genetic resources, in particular with the Conference of the Parties to the CBD;

Recognizing that FAO is the Task Manager of Agenda 21 Chapters 10, Integrated approach to planning and management of land resources; 11, Combating deforestation; 13, Managing fragile ecosystems; sustainable mountain development; 14, Sustainable agriculture and rural development; and that it plays a leadership role in other international agreements, initiatives and processes, such as the Collaborative Partnership on Forests;

Recognizing that the CBD is the key international instrument for the conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising from the use of genetic resources;

Whereas as the Conference of FAO and the Conference of Parties of the CBD have recognized the importance of cooperation between FAO and the CBD, and have called for the development of mutually supportive activities;

Noting that **FAO and the CBD Secretariat** have successfully cooperated in a joint programme of work on agricultural biological diversity under the Memorandum of Cooperation agreed on 1 September 1997;

Aware of the need to provide an effective framework which takes into account the increasing volume and importance of the work of both FAO and the CBD on biological diversity, as it relates to their respective mandates, and the various aspects of the cooperation between FAO and the CBD, and desiring to ensure harmony and synergy in the work of the two secretariats, to better serve their respective Members;

Resolved to act in close cooperation, on matters of mutual interest, with a view to harmonizing their efforts towards greater effectiveness, as far as possible, having due regard to their respective objectives, mandates and functions, as described below;

Now therefore, FAO and the CBD Secretariat, hereinafter jointly referred to as the Parties, have decided to replace the above mentioned memorandum of cooperation and agreed as follows:

ARTICLE I

Purpose

The purpose of this revised Memorandum of Cooperation is to establish a framework for cooperation between FAO and the CBD in the area of biological diversity of relevance to food and agriculture, with a view to promoting synergy between the Parties, ensuring complementarity and mutual support in their work, and better serving the Members of FAO and the Contracting Parties to the CBD.

ARTICLE II

Representation

Each Party shall invite the other Party to participate, without the right to vote, in the deliberations of its governing bodies and of other bodies where matters of particular concern to the other Party are considered, and in which it has indicated that it has an interest. Representatives of the Party so invited shall be afforded full opportunity to present its views on matters within the scope of its activities and mandate.

ARTICLE III

Exchange of Information

1. The Parties shall regularly exchange information regarding their relevant activities and positions.
2. Each Party shall inform its Member States or Contracting Parties as the case may be of relevant activities of the other Party, or, as appropriate, provide an opportunity for the other Party to do so.
3. The Parties shall keep each other informed of their relevant activities and positions in other organizations and forums, and, as far as possible, coordinate their positions.
4. In this context, and subject to such arrangements as may be necessary to safeguard confidential matters, the Parties shall cooperate in the preparation of official documents, by making available drafts of the relevant documents, and providing technical advice and input, where appropriate and feasible.

ARTICLE IV

Cooperation

Cooperation under this Memorandum of Cooperation shall include:

1. Ensuring the regular exchange of information, as provided for in Article III, on relevant issues and activities between relevant bodies of the Parties, including relevant decisions of the Conference of the Parties to the CBD, of FAO governing bodies and its Commission on Genetic Resources for Food and Agriculture, and of the governing bodies of relevant international instruments within the framework of either Party.
2. The establishment of specific Memoranda of Cooperation covering specific areas of work or joint work programmes. Such Memoranda of Cooperation will be appended to the present Memorandum of Cooperation, for information.
3. Cooperation between the Parties at the secretariat level in the implementation of agreed joint activities and joint programmes of work, as provided for in Article V.
4. Cooperation, where appropriate and possible, between the Parties at the secretariat level in activities undertaken within their separate programmes of work, with a view to seeking harmony, synergy and coherence, and to reducing the reporting burden on Members of FAO and Contracting Parties of the CBD as the case may be.
5. Participation of the FAO secretariat in the CBD's Liaison Group on Agricultural Biological Diversity, and other relevant liaison groups.
6. To enhance cooperation, either Party may assign staff to the other Party, and make other relevant administrative arrangements. Any agreement to this effect will be annexed to this Memorandum. The current FAO arrangement is in Annex 1.

ARTICLE V

Joint activities and joint programmes of work

1. In order to promote cooperation within the context of this Memorandum of Cooperation, and in order to develop joint activities to address issues of mutual relevance, either of the Parties may propose joint activities or joint programmes of work aimed at specific objects of cooperation. Such joint activities or joint programmes of work shall specify the objectives, areas of work, planned outputs, timetable, responsibilities and financial obligations of the Parties, and specify any other sources of funds, as well as staffing responsibilities. In implementing such joint activities and joint programmes of work, the Parties may jointly agree on cooperation with other organizations and agencies, including funding agencies.

2. If agreed between the Parties, such joint activities and joint programmes of work will be dated and numbered serially, signed by both Parties, and regarded as annexes to this Memorandum of Understanding.

3. Such joint activities and joint programmes of work may be modified by the written mutual consent of the Parties.

4. Where necessary within the context of agreed joint activities or programmes of work, either Party may second staff to the other Party, and make other relevant administrative arrangements.

ARTICLE VI

Financial implications

1. Any minor and ordinary expenditure relating to the implementation of this Memorandum of Cooperation shall be borne by the respective Party.

2. If the cooperation proposed by one of the Parties to the other in accordance with this Memorandum of Understanding entails expenditure beyond minor and ordinary expenditures, the two Parties shall consult to determine the availability of the resources required, the most equitable way of meeting such expenditure and, if resources are not available, the most appropriate ways to obtain the necessary resources. If necessary and if agreed by the two Parties, they may jointly seek in kind and financial resources from other organizations and agencies, including funding agencies, for their joint activities and joint programmes of work.

ARTICLE VII

Implementation of this agreement

1. The Director-General of the FAO and the Executive Secretary of the CBD may make the arrangements necessary for ensuring satisfactory implementation of this Memorandum of Cooperation.

2. Both Parties will report, as appropriate, to their Governing Bodies and subsidiary bodies, on progress made in the implementation of this Memorandum and, where necessary, seek further guidance and endorsement regarding new areas of cooperation.

ARTICLE VIII

Focal Points

3. The Assistant Director-General, Sustainable Development Department and the Executive Secretary of the CBD shall be the focal points for the purposes of this Memorandum of Cooperation, in particular for official communications and the exchange of information. The Parties may, however, designate separate focal points in the case of joint activities and programmes of work, and in relation to specific legal and policy instruments.

ARTICLE IX

Agreements with other organizations

This Memorandum of Cooperation is without prejudice to agreements concluded by either Party with other organizations, or programmes within the United Nations System.

ARTICLE X

Modification of this Memorandum of Cooperation

This Memorandum of Cooperation may be modified by written mutual consent of the Parties.

ARTICLE XI

Termination

Either Party may terminate this Memorandum, subject to six months' written notice. Termination shall not affect obligations previously entered into specifically for the conduct of joint activities and joint programmes of work implemented under Article IV of this Memorandum.

ARTICLE XII

Entry into Force

1. This Memorandum of Cooperation, which replaces the Memorandum of Cooperation agreed by the Parties on 1 September 1997, shall enter into force upon signature by the Director-General of FAO and the Executive Secretary of the CBD.
2. This Memorandum of Cooperation replaces the Memorandum of Cooperation agreed by the Parties on 1 September 1997.

On behalf of the Food and Agriculture
Organization of the United Nations



Hosny El Lakany
Assistant Director-General
Officer-in-charge
Sustainable Development Department

Date: 13-5-05

On behalf of the Secretariat of the
Convention on Biological Diversity



Hamdallah Zedan
Executive Secretary

Date: 26/5/2005