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Food
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Nations
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pour
l'alimentation
et
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Organización
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para la
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y la
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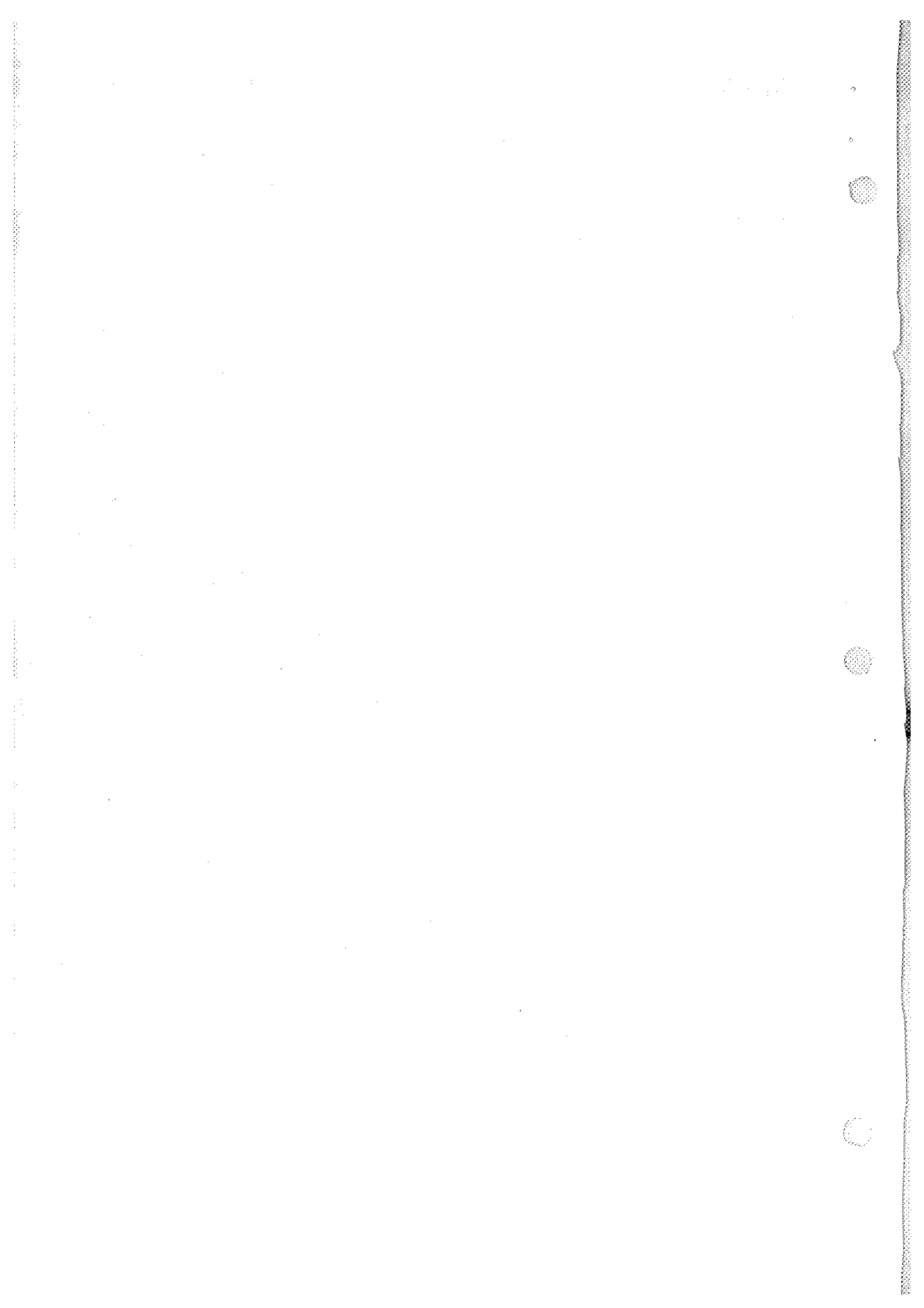
Item 8 of the Provisional Agenda

COMMISSION ON PLANT GENETIC RESOURCES

Sixth Session

Rome, 19 - 30 June 1995

**REVISION OF THE INTERNATIONAL UNDERTAKING: SECOND
NEGOTIATING DRAFT**



REVISION OF THE INTERNATIONAL UNDERTAKING:

SECOND NEGOTIATING DRAFT

1. INTRODUCTION

At its First Extraordinary Session in November 1994, The Commission on Plant Genetic Resources considered a first draft for the revision of the International Undertaking, incorporating the three interpretative annexes into the Undertaking, adopting a more rational structure and taking the first step to bring the Undertaking into harmony with the Convention on Biological Diversity. The draft was reviewed in detail and extensive comments made by Members of the Commission. This document presents, in a composite form, the International Undertaking, based on the first draft contained in document CPGR-Ex1/94/4 Alt. (i.e. incorporating the three annexes and presented in the new structure accepted by the Commission as a basis for further negotiation), and also including the comments made and alternative wordings presented during the First Extraordinary Session some of which were confirmed in writing after the Session, together with relevant extracts from the Convention on Biological Diversity.

In the attached composite text, for the sake of clarity, the opportunity has been taken to tidy up the presentation adopted in the documents presented to the First Extraordinary Session: the new text no longer shows the old numbering of articles or the minor editorial modifications shown in document CPGR-Ex1/94/4 Alt., nor does it distinguish between wordings derived from the original International Undertaking and the three annexes. Nor, indeed does it include the comments by the Secretariat or by the Working Group of the Commission. For these, the reader is referred back to document CPGR-Ex1/94/4 Alt., which has been reproduced as a reference document for this session.

In the present composite text, the text of the International Undertaking, incorporating the three annexes and the preambles to the various Conference Resolutions are indicated in **bold characters**. Smaller changes to the text, proposed by Member Nations during and after the First Extraordinary Session of the Commission, are set out in *italics* in the text of the Undertaking. Proposed new wordings of individual articles which cannot easily be incorporated in the text of the Undertaking, or proposed restructuring of articles, are presented in boxes, again in *italics*. All deletions and additions proposed to the text are shown in [square brackets]. Relevant extracts from the text of the Convention on Biological Diversity, as requested by the Commission, are presented on interleaved pages, with the correspondence indicated by means of arrows in the margins, thus → and ←.

INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

PREAMBLE¹

THE CONFERENCE

Recognizing that

- (a) Plant genetic resources are a common heritage of mankind to be preserved, and to be freely available for use, for the benefit of present and future generations;
- (b) The concept of mankind's heritage, as applied in the International Undertaking on Plant Genetic Resources, is subject to the sovereignty of the States over their plant genetic resources; →
- (c) Full advantage can be derived from plant genetic resources through an effective programme of plant breeding, and that, while most such resources, in the form of wild plants and old land races, are to be found in developing countries, training and facilities for plant survey and identification, and plant breeding, are insufficient, or even not available in many of those countries;
- (d) Plant genetic resources are indispensable for the genetic improvement of cultivated plants, but have been insufficiently explored, and in danger of erosion and loss;
- (e) The availability of plant genetic resources and the information, technologies and funds necessary to conserve and utilize them, are complementary and of equal importance;
- (f) All nations can be contributors and beneficiaries of plant genetic resources, information, technologies and funds;
- (g) The best way to guarantee the maintenance of plant genetic resources is to ensure their effective and beneficial utilization in all countries;
- (h) The farmers of the world have, over the millennia, domesticated, conserved, nurtured, improved and made available plant genetic resources, and continue to do so today;
- (i) Advanced technologies and local rural technologies are both important and complementary in the conservation and utilization of plant genetic resources;
- (j) *In situ* and *ex situ* conservation are important and complementary strategies for maintaining genetic diversity;

¹ The Preamble was not discussed during the First Extraordinary Session of the Commission.

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PREAMBLE, Paragraph 4

← Reaffirming that States have sovereign rights over their own biological resources

States have sovereign rights over their own biological resources and the right to determine the appropriate measures to conserve those resources, including regulation of exports and imports of biological resources, subject to their obligations to other States under international law, and in accordance with the provisions of this Convention.

States have the right to establish a system of protected areas and to manage those areas in a way consistent with the Convention, and to take measures to protect and conserve those areas, including the regulation of access to those areas and the control of activities within those areas.

States have the right to regulate the collection, export and import of biological resources, and to take measures to protect and conserve those resources, including the regulation of access to those resources and the control of activities within those resources.

States have the right to regulate the use of biological resources, and to take measures to protect and conserve those resources, including the regulation of access to those resources and the control of activities within those resources.

States have the right to regulate the trade in biological resources, and to take measures to protect and conserve those resources, including the regulation of access to those resources and the control of activities within those resources.

States have the right to regulate the use of biological resources, and to take measures to protect and conserve those resources, including the regulation of access to those resources and the control of activities within those resources.

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Considering that

- (k) The international community should adopt a concrete set of principles designed to promote the exploration, preservation, documentation, availability and full use of relevant plant genetic resources essential to agricultural development;
- (l) It is the responsibility of governments to undertake such activities as are needed to ensure the exploitation, collection, conservation, maintenance, evaluation, documentation and exchange of plant genetic resources in the interest of all mankind; to provide financial and technological support to institutions engaged in such activities; and to ensure the equitable and unrestricted distribution of the benefits of plant breeding;
- (m) Progress in plant breeding is essential to the present and future development of agriculture; and the establishment or strengthening of plant breeding and seed production capabilities, at the national, sub-regional and regional levels, is a prerequisite to making efficient use of international cooperation in the exploration, collection, conservation, maintenance, evaluation, documentation and exchange of plant genetic resources;
- (n) The majority of these plant genetic resources come from developing countries, the contribution of whose farmers has not been sufficiently recognized or rewarded;
- (o) The farmers, especially those in developing countries, should benefit fully from the improved and increased use of the natural resources they have preserved;
- (p) There is a need to continue the conservation (*in situ* and *ex situ*), development and use of the plant genetic resources in all countries, and to strengthen the capabilities of developing countries in these areas;
- (q) This International Undertaking on Plant Genetic Resources constitutes a formal framework aimed at ensuring conservation, use and availability of plant genetic resources, and that it is intended to lay the basis for an equitable and, therefore solid and lasting, global system;
- (r) Conditions of access to plant genetic resources need further clarification;

Has agreed as follows:

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PREAMBLE, Paragraph 5

← Reaffirming also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner

PREAMBLE, paragraph 12

← Recognizing the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components

PREAMBLE, paragraph 7

↑ Aware of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures

INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

CHAPTER I. INTRODUCTION

Article 1 - Objective

[The objective of this [Undertaking] is to ensure that plant genetic resources of economic and/or social interest, particularly for agriculture, will be explored, preserved, evaluated and made available for plant breeding and scientific purposes. This Undertaking is based on the universally accepted principle that plant genetic resources are a heritage of mankind and consequently should be available without restriction.] →

PROPOSALS FOR NEW WORDING:

1.1 The objectives of this [Undertaking] to be pursued in accordance with the Convention on Biological Diversity, are the conservation and sustainable use of plant genetic resources for food and agriculture, and the fair and equitable sharing of the benefits arising out of their utilization, including by appropriate access to genetic resources, relevant information and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

1.2 Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other contracting Parties and not to impose restrictions that run counter to the objectives of this [Undertaking]. →

NOTE:

A wish was expressed to see the concept of "common heritage of humankind" or a derivative there. This could perhaps be achieved by a reference to the conservation and sustainable use of plant genetic resources being a common concern of humankind in the Preamble, as in the Convention on Biological Diversity. →

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ARTICLE 1 - OBJECTIVES

← The objectives of this Convention, to be pursued in accordance with its relevant provisions, 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.

ARTICLE 15 - Access to Genetic Resources

← 2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

PREAMBLE, paragraph 3

← *Affirming* that the conservation of biological diversity is a common concern of mankind,

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Article 2 - Definitions

2.1 In this [Undertaking]:

- (a) "active collection" means a collection which complements a base collection, and is a collection from which [seed samples] [samples of seeds and/or vegetative propagating material] are drawn for distribution, exchange and other purposes such as multiplication and evaluation;

NOTE:

A suggestion was made to define "plant genetic resources material" or "genetic resources material" and to refer to this concept here and in the definition of base collection.

- (b) "base collection [of plant genetic resources]" means a collection of seed stock [or genetic resources material] [or vegetative propagating material (ranging from [cells and] tissue cultures to whole plants)] [in any form] held for long-term security [in order to preserve the genetic variation for scientific purposes and as a basis for plant breeding];
- (c) "centre" means an institution holding a base and/or active collection of plant genetic resources, as described in Article 9.
- [(d) "Farmers' Rights" mean rights arising from the past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the centres of origin/diversity.]

NOTE:

This definition was specifically identified for further discussion.

PROPOSALS FOR NEW WORDING:

"Farmers' Rights" mean the rights of farmers and traditional communities to dispose of their plant genetic resources and to [fully benefit from them] [receive equitable and appropriate compensation for them]. These rights arise from the past, present and future contributions of farmers in conserving, improving, and making available plant genetic resources, particularly those in the [centres of origin/diversity] [country of origin].

"Farmers' Rights" mean the rights of farmers and farming communities, which are vested in their national Governments, to equitable and appropriate recompense for their contributions by their knowledge, innovations and practices to the conservation, improvement and availability of plant genetic resources.

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ARTICLE 2 - USE OF TERMS

Genetic material means any material of plant, animal, microbial or other origin containing functional units of heredity.

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- (e) "institution" means an entity established at the international[, regional] or national level, with or without legal personality, for purposes related to the exploration, collection, conservation, maintenance, [documentation,] [establishment of passport data, characterization,] evaluation or exchange of plant genetic resources;
- (f) "plant genetic resources" means the reproductive or vegetative propagating material of the following categories of plants:
- i. cultivated varieties (cultivars) in current use and newly developed varieties;
 - ii. [obsolete] [heritage] [unused] cultivars;
 - iii. [primitive] [traditional] [farmers'] cultivars (land races);
 - iv. wild and weed species, near relatives of cultivated varieties;
 - v. special genetic stocks (including elite and current breeders' lines and mutants);
 - [vi. Plant DNA stocks.]

PROPOSALS FOR NEW WORDING:

The following reformulation was suggested for paragraph 2.1.f.:

"Plant genetic resources" means the seeds or vegetative propagating material or the following categories of plants:

- i. wild species and weed species, which are near relatives of cultivated species;*
- ii. traditional cultivars; unused old or recent cultivars;*
- iii. cultivars in current use on a commercial scale, either created recently or not;*
- iv. special genetic stocks (including elite and current breeders lines, and mutants).*

PROPOSALS FOR ADDITIONAL DEFINITIONS:

"plant genetic resources for food and agriculture" means all reproductive or vegetative propagating material of plants of actual or potential value for uses in food and agriculture, including traditional cultivars, wild relatives of cultivated plants and special genetic stocks.

"ex situ conservation of plant genetic resources" means the conservation of plant genetic resources outside their natural habitat.

"in situ conservation of plant genetic resources" means the conservation of plant genetic resources in the areas which they have naturally evolved and, in the case of

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ARTICLE 2 - USE OF TERMS

← "*Genetic resources*" means genetic material of actual or potential value.

← "*ex-situ conservation*" means the conservation of components of biological diversity outside their natural habitats.

← "*in-situ conservation*" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and,

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cultivated species or varieties, in the surroundings where they have developed their distinctive properties.

"in situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Breeder's Right" means the right provided for in the International Convention for the protection of new varieties of plants (UPOV Convention) to the person or institution who bred or discovered and developed a new variety.

"Plant Breeder" means a natural or legal entity who, through natural processes or through genetic work, has discovered and, as a result, obtained a new variety.

"Plant Breeders' Rights" consists in submitting to the exclusive authorization of the Breeder:

- a) The production of the multiplication material of such variety;*
- b) The sale, offer or exposing for sale of such material;*
- c) The marketing, import or export of the material;*
- d) The repeated use of the new variety for commercial production of another variety;*
- e) The utilization of ornamental plants or of parts thereof which are, usually, marketed for purposes other than propagation, with a view to producing ornamental plants or cut flowers.*

"Breeders' Right" means the right provided for in the UPOV Convention to the person or institution who bred, or discovered and developed, a new variety.

"Intellectual property rights" means breeders' rights and other rights provided by a Party or a Granting Authority with respect to intellectual property, consistent with definitions found in the Agreement on Trade Related Aspect of Intellectual Property, including Trade in Counterfeit Goods, of the Uruguay Round Agreement.

"Breeders' rights" means sui generis protection for plant varieties as provided for in the International Convention for the Protection of New Varieties of Plants (UPOV).

[2.2 It is understood that the term "free access" does not mean free of charge.]

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in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

← "*in situ conditions*" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"*Habitat*" means the place or type of site where an organism or population naturally occurs.

SEE

ARTICLE 15 - ACCESS TO GENETIC RESOURCES

(which provides that the authority to determine access rests with national governments and is subject to national legislation, and that access, where granted, shall be on mutually agreed terms).

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Article 3 - Scope

3.1 This [Undertaking] relates to the plant genetic resources described in para. 2.1 (f), of all species of economic and/or social interest, particularly for agriculture at present or in the future, and has particular reference to food crops.

PROPOSALS FOR NEW WORDING:

3.1 This [Undertaking] relates to plant genetic resources for food and agriculture, excluding forest genetic resources, as a basis for meeting present and future needs for adequate food and feed supplies, raw materials and renewable energy for the growing world population.

PROPOSALS FOR NEW WORDING:

3.1. This [Undertaking] relates to Farmers' Rights and to ex-situ collections of plant genetic resources for food and agriculture not acquired in accordance with the Convention on Biological Diversity.

Article 4 - Nature of the [Undertaking] and Relationship with other Legal Instruments

4.1 At the time of adhering, Parties will advise [the Director-General of FAO] of the extent to which they are in a position to give effect to the principles contained in the [Undertaking]. At [yearly] intervals, they will [provide] [present to] [the Director-General of FAO] [the Governing Body of the [Undertaking]] with [information] [reports] on the measures that they have taken or propose to take to achieve the objectives of this [Undertaking] [measures which they have taken for the implementation of the provisions of this [Undertaking] and their effectiveness in meeting the objectives of this [Undertaking]].

[4.2 The benefits to be derived under this International [Undertaking] are part of a reciprocal system, [and should be limited to [countries] [the Parties] adhering to the International [Undertaking]].]

4.3 This [Undertaking] is to be implemented in harmony with the Convention on Biological Diversity and [, as appropriate,] other legal instruments protecting biological diversity or parts thereof [for the conservation and sustainable use of plant genetic resources for food and agriculture].

PROPOSALS FOR NEW WORDING:

4.3 This [Undertaking] is to be implemented in harmony with national, regional and international legal instruments in force promoting the achievement of the objectives of the [Undertaking].

4.4 This [Undertaking] is without prejudice to any measures taken by Governments -in line with the provisions of the International Plant Protection Convention, adopted in Rome on 6 December 1951 - to regulate the entry of plant genetic resources with the aim of preventing the introduction or spread of plant pests.

4.5 Plant Breeders' Rights, as [exemplified by those] provided for under the International Convention for the Protection of New Varieties of Plants (the UPOV Convention)-are [not incompatible with] [an essential element of] this International [Undertaking];

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ARTICLE 26 - REPORTS

← Each Contracting Party shall, at intervals to be determined by the Conference of Parties, present to the Conference of Parties, report on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

ARTICLE 22 - RELATIONSHIP WITH OTHER INTERNATIONAL CONVENTIONS

- ←
1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.
 2. Contracting Parties shall implement this Convention with respect to the maritime environment consistently with the rights and obligations of States under the law of the sea.

ARTICLE 16 - ACCESS TO AND TRANSFER OF TECHNOLOGY

← 5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

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PROPOSALS FOR NEW WORDING:

Paragraphs 4.4 and 4.5 could be merged into the following text:

"The provisions of this [Undertaking] shall not affect the rights and obligations of any Party deriving from any existing international agreement."

PROPOSALS FOR NEW WORDING:

A new paragraph (Arts. 4.4 /4.5) should be added referring to Breeders Rights as follows:

"While Farmers Rights will be implemented under this [Undertaking], the contributions of plant breeders to the conservation and sustainable utilization of Plant Genetic Resources for Food and Agriculture are recognized by adhering Parties, taking due account of other related international conventions, ratified or negotiated, such as the UPOV Convention".

PROPOSALS FOR NEW WORDING:

Paragraphs 4.3-4.5 should be transferred to a new Article on relationship with other legal instruments, including the revised UPOV Convention and Art. 27 of TRIPs/GATT. The new Article would state that the objectives of the [Undertaking] are to be pursued in accordance with the Convention on Biological Diversity.

So far as references to other legal instruments are concerned, three alternatives could be considered:

- 1. Not to make any reference to any agreement;*
- 2. Make reference to some relevant agreements;*
- 3. Make reference to all relevant agreements, perhaps enumerating them in an Annex.*

The following new structure was proposed, including a text for Article 4, and the revision of Article 9 and other Articles:

"Art. 4.- This [Undertaking] is to be implemented in harmony with the CBD and in accordance with the provisions of Articles 2 to 20, 22 and 26 of that Convention.

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Articles 5, 6, 7 and 8 should be deleted. The rest of present Article 4 and all definitions of Article 2 that are already in the Convention should also be deleted. Articles 1, 3, 9, 10, 11, 12, 13 and 14 should be revised and adjusted as appropriate."

CHAPTER II: EXPLORATION, CONSERVATION AND SUSTAINABLE USE OF GENETIC RESOURCES

PROPOSALS FOR NEW STRUCTURE:

One delegation suggested that this Chapter should be restructured to reflect full Articles on:

- a) in situ conservation;*
- b) ex situ conservation, and*
- c) Sustainable use of plant genetic resources for food and agriculture.*

Article 5 - Exploration and Collection of Plant Genetic Resources

5.1 [Governments adhering][Parties] to this [Undertaking] will [, where appropriate,] [organize [or arrange for] [, arrange for or facilitate] missions of exploration, conducted in accordance with recognized scientific standards, to] identify potentially valuable plant genetic resources [for food and sustainable agriculture] that are in danger of becoming extinct in the country concerned, [as well as other plant genetic resources in the country which may be useful for development but whose existence or essential characteristics are at present unknown][in order to promote their conservation and sustainable use, in accordance with recognized scientific standards], [whenever their cultivation, possession or utilization are not prohibited on the grounds of human or animal health or plant protection]] in particular:

- (a) known land races or cultivars in danger of becoming extinct due to their abandonment in favour of the cultivation of new cultivars;
- (b) the wild relatives of cultivated plants in areas identified as centres of genetic diversity or natural distribution;
- [(c) species which are not actually cultivated [or are neglected or underused] but may be used for the benefit of mankind as a source of food or raw materials][such as fibres, chemical compounds, medicine or timber.]

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- ←
ARTICLE 8 - IN-SITU CONSERVATION
ARTICLE 9 - EX-SITU CONSERVATION
ARTICLE 10 - SUSTAINABLE USE OF COMPONENTS OF
BIOLOGICAL DIVERSITY

←
ARTICLE 7 - IDENTIFICATION AND MONITORING

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

- (a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;
- (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;
- (c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and
- (d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

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5.2 Special efforts will be made [, in the context of Article 3.1,] where the danger of extinction of plant species is certain, or is likely, having regard to circumstances [such as the clearance of vegetation from tropical rain forests and semi-arid lands with a view to the expansion of cultivated areas].

Article 6 - Conservation, [Characterization,] Evaluation and Documentation of Plant Genetic Resources

6.1 Appropriate legislative and other measures will be maintained and, where necessary, developed and adopted to [protect and preserve] [*conserve and sustainably manage*] the plant genetic resources of plants growing [in areas of their natural habitat] [*in situ*] [*in in situ conditions*] [in the major centres of genetic diversity].

6.2 Appropriate measures will also be taken with respect to plant genetic resources held [, outside their natural habitats, in gene banks or living collections of plants][*ex situ*]. [Governments and institutions adhering to this [Undertaking]][*Parties*] will, in particular, ensure that the said resources are conserved and maintained in such a way as to preserve their valuable characteristics for use in [*agriculture,*] scientific research and plant breeding, and are also evaluated and fully documented. [*Such documentation should be regularly reviewed.*]

PROPOSALS FOR NEW WORDING:

Articles 5 and 6 could be merged in one Article, with a common chapeau. The Article should read as follows:

Each Party shall, where appropriate and if possible in cooperation with other Parties:

- (a) *promote explorations conducted in accordance with recognized scientific standards, to identify potentially valuable plant genetic resources for food and agriculture that are in danger of becoming extinct in the country concerned, as well as other plant genetic resources for food and agriculture in the country which may be useful but whose existence or essential characteristics are presently unknown.*
- (b) *determine the status of maintenance and the degree of variation in existing populations and collections of the relevant plant genetic resources and assess current measures, strategies and programmes for their appropriate conservation;*

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← **ARTICLE 6 - GENERAL MEASURES FOR CONSERVATION AND SUSTAINABLE USE**

← **ARTICLE 8 - IN-SITU CONSERVATION**

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity; ...

← **ARTICLE 9 - EX-SITU CONSERVATION**

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures:

- (a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components; ...

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- (c) *develop and maintain appropriate legislative and other measures to protect and preserve the plant genetic resources for food and agriculture, in particular in areas of their natural habitat and in the major centres of genetic diversity;*
- (d) *develop and maintain appropriate measures with respect to plant genetic resources for food and agriculture held outside their natural habitat, in gene banks or living collections and ensure that the said resources are conserved and maintained in such a way as to preserve their valuable characters;*
- (e) *monitor the status of maintenance, degree of variation within populations and collections and the effectiveness of conservation practices;*
- (f) *promote the characterization and evaluation of plant genetic resources for food and agriculture with a view to improving their utilization in scientific research and plant breeding;*
- (g) *promote and secure the full documentation of passport, characterization and evaluation data as well as the provision of information on these for conservation management, scientific and breeding purposes.*

NOTE:

A proposal was made to move Article 10.3 into Article 6.

PROPOSALS FOR NEW WORDING:

A proposal was made to add a new Article (Article 7?), referring to the utilization and sustainable use of plant genetic resources, along the following lines:

"The sustainable use of Plant Genetic Resources for Food and Agriculture, will be developed by, in particular:

- a) *promoting plant breeding efforts, especially in developing countries, including the widening of plant breeding activities, with increased farmer participation;*
- b) *encouraging new approaches in plant breeding, especially for broadening the genetic base of the various crops;*

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- c) *creating stronger links between plant breeding and agricultural development in order i) to develop varieties adapted to the various social economic and ecological conditions, particularly those of farmers in marginal areas and promote the multiplication and distribution of seeds of these varieties, ii) to reduce genetic erosion, and iii) to ensure increased world food production compatible with sustainable development;*
- d) *promoting the expanded use of local crop species, many of which are being abandoned;*
- e) *encouraging improved links between ex situ collections, plant breeders, associations and individuals active in area of plant genetic resources and farmers, in developing as well as in developed countries, in order to attain a fuller utilization of plant genetic resources."*

CHAPTER III. INTERNATIONAL COOPERATION

Article 7 - General International Cooperation [and Technology [Transfer] [Sharing]]

7.1. International cooperation will, in particular, be directed to:

- (a) **establishing or strengthening the capabilities of developing countries, where appropriate on a national or sub-regional basis, with respect to plant genetic resources activities, including plant survey and identification, plant breeding and [seed] multiplication [conservation] and distribution [of seed and/or vegetative propagating material], with the aim of enabling all countries to make full use of plant genetic resources [with due recognition of Plant Breeders' Rights], for the benefit of their agricultural development;**
- (b) **intensifying international activities in [exploration,] preservation, [establishment of passport data, characterization,] evaluation, documentation, exchange of plant genetic resources, plant breeding, germplasm maintenance, and [seed] multiplication [of seeds and/or vegetative propagating material] [with due recognition of Plant Breeders' Rights]. This would include activities carried out by FAO and other concerned [agencies in the UN system,] [organizations at the national, regional or international level,] [it would also include activities of other institutions,] including those supported by the CGIAR. The aim would be to progressively cover all plant species that are important for [food and] agriculture and other sectors of the economy, in the present and for the future;**

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- (c) supporting the arrangements outlined in Article 9, including the participation in such arrangements of governments and institutions, where appropriate and feasible;
- (d) considering measures, such as the strengthening or establishment of funding mechanisms, to finance activities relating to plant genetic resources.

PROPOSALS FOR NEW WORDING:

- (e) *strengthening legal incentives, particularly in developing countries, that promote and reward innovation in plant breeding and technology creation and development.*

PROPOSALS FOR NEW WORDING:

- (e)/(a) *providing and/or facilitating access to and transfer of technology, including biotechnology, to developing countries under fair and most favourable terms, including on concessional and preferential terms where mutually agreed. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.*

PROPOSALS FOR NEW WORDING:

Addition of a new paragraph (f) in Article 7 regarding access to and technology transfer, to ensure that the [Undertaking] will remain consistent with the relevant provisions of the Convention on Biological Diversity, particularly Article 16 of that Convention.

- "(f) *Parties shall ensure that any technology transfer that occurs which involves plant varieties or technology subject to intellectual property rights in any Party occurs on terms that recognize and are consistent with the adequate and effective protection of the intellectual property rights in those varieties or that technology.*"

Article 7 could be divided into 2 paragraphs. Paragraph 7.1 would contain a general provision on international cooperation drawing upon Art. 5 of the Convention on Biological Diversity. Paragraph 7.2 would contain the text of present Art. 7. The new paragraphs would read as follows:

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2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

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"7.1 Each Party shall, as far as appropriate, cooperate with other Parties, directly or through FAO and other competent international organizations, on matters of mutual interest, for the conservation and sustainable use of plant genetic resources for food and agriculture.

7.2 International cooperation shall, in particular, be directed to:

- (a) establishing or strengthening the capabilities of developing countries, where appropriate on a national or sub-regional basis, with respect to conservation and sustainable use of plant genetic resources for food and agriculture;
- (b) intensifying international activities to promote conservation, evaluation, documentation, access for and exchange of plant genetic resources for food and agriculture and relevant information, plant breeding and seed multiplication;
- (c) supporting the arrangements outlined in Article 9, including the participation in such arrangements of national, regional and international institutes;
- (d) considering measures, such as the strengthening or establishment of funding mechanisms, to finance activities relating to the conservation and sustainable use of plant genetic resources for food and agriculture."

Article 8 - Role of [and cooperation with] International Organizations

8.1 The present international arrangements, being carried out [under the auspices of FAO and other organizations in the United Nations System, by national and regional institutions and institutions supported by the CGIAR, in particular the IPGRI,] for the exploration, collection, conservation, maintenance, [establishment of passport data,] [characterization,] evaluation, documentation, exchange and use of plant genetic resources will be further developed and, where necessary, complemented in order to develop a global system.

8.2 The activities of the centres that are related to the exploration, collection, conservation, maintenance, [rejuvenation,] [regeneration,] [establishment of passport data,] [characterization,] evaluation [, training] and exchange of plant genetic resources will be carried out with due account being taken of scientific standards.

[8.3 Sufficient support in funds and facilities will be provided, at the national, [regional] and international levels, to enable the centres to carry out their tasks.]

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ARTICLE 5 - COOPERATION

← Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

ARTICLE 9 - EX SITU CONSERVATION

- ← (e) Cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

SEE ALSO ARTICLE 20 - FINANCIAL RESOURCES

[8.4 The IPGRI will pursue and develop its present activities, within its terms of reference, in liaison [*in association*] with [FAO].]

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8.5 The general expansion and improvement of related professional and institutional capability within developing countries, including training [*of farmers, researchers and extension staff*] within appropriate institutions [*structures*] in both developed and developing countries, [will] [*shall*] be [adequately funded] [*expanded and improved*] [*promoted*].

NOTE:

A suggestion was made that all references to funding be brought together in Article 14.

8.6 The overall activity within the [Undertaking] [will] [*shall promote mechanisms which*] ultimately ensure a significant improvement in the capacity [of] [*within*] developing countries for the production and distribution of improved crop varieties, as required to support major increases in agricultural production, especially in developing countries.

Article 9 - The International Network of Genebank Collections

[not acquired in accordance with the Convention on Biological Diversity]

9.1 An internationally coordinated network of national, regional and international centres, [-] including an international network of base collections in gene banks, [under the auspices or the jurisdiction of FAO,][-] that have assumed the responsibility to hold, for the benefit of the international community [and on the principle of unrestricted exchange,] [*in accordance with the Convention on Biological Diversity,*] base or active collections of the plant genetic resources of particular plant species, will be developed [*with possibly entire collections being duplicated for safety reasons*].

NOTE:

A suggestion was made to refer discussion on unrestricted exchange of materials held in genebanks in the international network to Stage II.

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ARTICLE 12 - RESEARCH AND TRAINING

The Contracting Parties, taking into account the special needs of developing countries, shall:

- (a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries; ...

ARTICLE 9 - EX-SITU CONSERVATION

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures:

- (a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components;
- (b) Establish and maintain facilities for ex-situ conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;
- (c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;
- (d) Regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species, except where special temporary ex-situ measures are required under subparagraph (c) above; and
- (e) Cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

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9.2 The [number] [and] [scope] of such centres will be progressively increased so as to achieve as complete a coverage as necessary, in terms of species [, genetic diversity] and geographical distribution, account also being taken of the need for [safety] duplication [and regeneration, preferably in the country of origin], of the resources to be safeguarded and preserved.

9.3 Within the context of the global system any [Governments or institutions][Parties] that agree to participate in the [Undertaking], may [should], furthermore, [notify the Director-General of FAO] that they wish the base collection or collections for which they are responsible to be recognized as part of [or in association with] the international network of base collections in gene banks[, under the auspices or the jurisdiction of FAO]. The centre concerned will, whenever requested by FAO, make material in the base collection available [, directly or through FAO,] to participants in the [Undertaking], for purposes of scientific research, plant breeding or genetic resource conservation, [free of charge, on the basis of mutual exchange or on mutually agreed terms].

Article 10 - The World Information and Early Warning System on Plant Genetic Resources

10.1 A global information system, under the coordination of [FAO], relating to plant genetic resources maintained in the aforementioned collections, and linked to systems established at the national, sub-regional and regional levels, will be developed on the basis of relevant arrangements that already exist.

NOTE:

A suggestion was made that this paragraph should refer in a more precise way to different types of information. The opinion was also expressed that it should apply to collections referred to in Article 9. Concern was expressed not to duplicate information services of other organizations.

10.2 Early warning will be given to [FAO], or to any institution designated by [FAO], of any hazards that threaten the efficient maintenance and operation of a centre, with a view to prompt international action to safeguard the material maintained by the centre.

10.3 Measures will be taken, if necessary through international cooperation, to ensure the scientific collection and safeguarding of material in areas where important plant genetic resources are in danger of becoming extinct on account of agricultural or other development.

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ARTICLE 7 - IDENTIFICATION AND MONITORING

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

- (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;
- (c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and
- (d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

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NOTE:

A proposal was made to transfer this paragraph to the Preamble.

12.2 Farmers' Rights are vested in [the International Community], as trustee for present and future generations of farmers, for the purpose of ensuring full benefits to farmers, and supporting the continuation of their contributions, as well as the attainment of the overall purposes of this [Undertaking] in order to:

NOTE:

The suggestion was made that the Global Plan of Action should define more precisely the way to implement Farmers' Rights.

- (a) [ensure] that the need for conservation is globally recognized and that sufficient funds for these purposes will be [made] available;
- (b) assist farmers and farming communities, in all regions of the world, but especially in the areas of origin/diversity of plant genetic resources, in the [protection and] conservation [and sustainable use] of their plant genetic resources, and [the protection] of the natural biosphere;
- (c) allow farmers, their communities, and countries in all regions, to participate fully in the benefits derived, at present and in the future, from the improved use of plant genetic resources, through plant breeding and other scientific methods.

PROPOSALS FOR NEW WORDING:

The Parties, for the purpose of implementing the concept of Farmers' Rights and ensuring full benefits to farmers, and supporting the continuation of their contributions, as well as the attainment of the overall purposes of this [Undertaking], shall:

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ARTICLE 8 - IN-SITU CONSERVATION

← Each Contracting Party shall, as far as possible and as appropriate:

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- a) *respect, preserve and maintain knowledge, innovations and practices of farmers and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of plant genetic resources and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of those plant genetic resources provided by these farmers and traditional communities as well as from the utilization of such knowledge, innovations and practices;*
- b) *assist farmers and traditional communities, in all regions of the world, but especially in the areas of origin/diversity of plant genetic resources, in the protection and conservation of their plant genetic resources and of the natural biosphere;*
- c) *promote the development and establishment of an international "sui generis" intellectual system for the protection of plant genetic resources provided by farmers and traditional communities as well as of their knowledge, innovations and practices;*
- d) *recognize and ensure the rights of farmers, their communities, and countries in all regions, to fully share the benefits, including through transfer of technology, participation in the research and access to its results, derived, at present and in the future, from the improved use of plant genetic resources, through plant breeding and other scientific methods, as well as from their commercial use.*

12.3 The [adhering States]/[Parties] consider that the [best way] [one of the ways] to implement the concept of Farmers' Rights is to ensure the conservation, management and [sustainable] use of plant genetic resources [and access to new technologies by the concerned communities],[and benefit from the products derived from them] [for the benefit of present and future generations of farmers]. This could be achieved through appropriate means, monitored by the Commission on Plant Genetic Resources.

NOTE:

The suggestion was made that this was not an operative provision and should be transferred to Preamble.

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← (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

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PROPOSALS FOR NEW WORDING

A suggestion was made to include a new Article (Article 12bis) as follows:

"The Parties to this Undertaking, in recognition of the contributions of plant breeders to world agriculture, shall make available adequate and effective protection for intellectual property in new plants, plant varieties and plant-related technology, through the provision of Plant Breeders' Rights."

CHAPTER V. INSTITUTIONAL AND FINANCIAL ARRANGEMENT

Article 13 - [Intergovernmental Body.] Monitoring of Activities and Related Action by [FAO]

NOTE:

A proposal was made for a possible structure of the institutional and financial arrangements including a governing body, a scientific and technical advisory committee, a financial mechanism and a secretariat with clear mandates. A multilateral agreement on access to plant genetic resources for food and agriculture could be introduced in a time-limited annex to the agreement. The financial resources committed, and the genetic resources available for access to the Parties of the agreement, as well as the programme of action agreed upon to be financed from the financial resources, could be introduced in the annex.

13.1 [FAO] will keep under continuous review the international situation concerning the exploration, collection, [establishment of passport data, characterization, evaluation,] conservation, documentation, exchange [access] [availability] and use of plant genetic resources.

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← SEE ARTICLES 23 (CONFERENCE OF PARTIES); 25 (SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE); 21 (FINANCIAL MECHANISM); 24 (SECRETARIAT)

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NOTE:

The following text was proposed:

"FAO will maintain an up-to-date picture of the international situation as regards the prospecting, collecting, characterization, conservation, evaluation, documentation, exchange and use of plant genetic resources". It was pointed out that this Article may need to be redrafted in Stage III. A complete list of the types of activities to keep under review should also be established.

13.2 [FAO] will, in particular, establish an [intergovernmental body] to monitor the operation of the arrangements referred to in Article 8, and to take or recommend measures that are necessary or desirable in order to ensure the comprehensiveness of the global system and the efficiency of its operations in line with the [Undertaking].

NOTE:

It was noted noted that this Article raised institutional questions which are to be dealt with in Stage III.

13.3 In the performance of its responsibilities outlined in Part II of this [Undertaking], [FAO] will act in consultation with those [Governments][Parties] that have indicated to [FAO] their intention to support the arrangements referred to in Articles 8, 9 and 10.

Article 14 - Financial Security

NOTE:

It was pointed out that two types of funding were referred to in this Article, under 14.2 to 14.4 (activities mentioned in article 10) and under 14.5 to 14.8 (implementation of Farmers' Rights). It also mentioned that more information was required on the needs for funds and on possible sources of funding. It was indicated that part of this information could be generated through the preparation of the Technical Conference.

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← **SEE** **ARTICLE 20 - FINANCIAL RESOURCES**
AND **ARTICLE 21 - FINANCIAL MECHANISM**

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It was also pointed out that funding was not the only means to realize Farmers' Rights (this comment was also pertinent with respect to article 12, which was also to be reviewed in STAGE II). Mention was also made of national implementation of Farmers' Rights.

It was noted that the fund referred to in Article 14.6 is not complemented by appropriate national resources. Funding needs to be engaged on a scientific basis, such as the foreseen in the Global Plan of Action being prepared by the International Technical Conference on Plant Genetic Resources.

14.1 Adhering [Governments,][Parties] and financing agencies, will, individually and collectively, consider adopting measures that would place activities relevant to the objective of this [Undertaking] on a firmer financial basis, with special consideration for the need of developing countries to strengthen their capabilities in genetic resource activities, plant breeding and [seed] multiplication [*of seeds and/or vegetative propagating material*].

14.2 [Adhering Governments,][Parties] and financing agencies, will, in particular, explore the possibility of establishing mechanisms which would guarantee the availability of funds that could be immediately mobilized to meet situations of the kind referred to in Article 10.2.

NOTE:

A proposal was made to draw upon Article 21.1 of the Convention on Biological Diversity and to replace paragraphs 14.2-6 as follows: "Financial arrangements for this [Undertaking] shall have recourse to the financial mechanism of the Convention on Biological Diversity."

The following text was proposed, including also paragraph 14.3:

"14.2 The Parties, and financing agencies, will, in particular, explore the possibility of establishing mechanisms which would guarantee the availability of funds that could be immediately mobilized to meet situations and activities of the kind referred to in articles 9 and 10.

14.3 (merged with 14.2)".

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ARTICLE 20 - FINANCIAL RESOURCES

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.
2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.
3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.
4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology and will take fully into account the fact that economic and social development and eradication of poverty are first and overriding priorities of developing country Parties.
5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.
6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of, biological diversity within developing country Parties, in particular small island States.
7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi- arid zones,

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coastal and mountainous areas.

14.3 [Adhering Governments,][Parties] and financing agencies, will give special consideration to requests from [FAO] for extra-budgetary funds, equipment or services needed to meet situations of the kind referred to in Article 10.2.

14.4 The funding of the establishment and operation of the international network, in so far as it imposes additional costs on FAO, in the main will be funded from extra-budgetary resources.

NOTE:

The need was mentioned to study in Stage II the possibility of obtaining funds from the GEF and also to consider the policy orientation and priority of this Fund.

14.5 To reflect the responsibility of those countries which have [already] benefitted most from the use of germplasm, the international fund referred to in article 14.6 of this [Undertaking] would benefit from contributions from [adhering governments][Parties], on a basis to be agreed upon, in order to ensure for the fund a sound and recurring basis. [The fund should [also] be used to support plant genetic conservation, management and utilization programmes, particularly within developing countries, and those which are important sources of plant genetic material. Special priority should be placed on intensified educational programmes for biotechnology specialists, and strengthening the capabilities of developing countries in genetic resource conservation and management, as well as the improvement of plant breeding and [seed] production [production of seeds and/or vegetative propagating material]].

NOTE:

A proposal was made to invert the order of paragraphs 5 and 6, if retained.

A suggestion was also made to delete the second and third sentences of this paragraph and to add, as a new paragraph, the following:

"The Governing Body of this [Agreement] shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such fund".

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It was pointed out that the fund should facilitate the access by farmers to funding without creating additional conditionalities.

ARTICLE 21 - FINANCIAL MECHANISM

1. There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.
2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation with the institutional structure entrusted with the operation of the financial mechanism.
3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.
4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

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14.6 Farmers' Rights will be implemented, in particular, through an international fund on plant genetic resources which will support plant genetic conservation and utilization programmes, particularly, but not exclusively, in the developing countries.

NOTE:

The suggestion was made to replace this paragraph by the following: "Farmers' Rights will be implemented, among other ways, through an international fund on plant genetic resources which will support the provisions of Article 12, including through appropriate utilization programmes, particularly in developing countries". A further suggestion was made to replace, in the above text, the words "among other ways" with the words "in accordance with the priorities for fund allocation established in article 14.5".

A proposal was made to delete in paragraph 14.5 the text "The Fund should be used ... seed production", and to add a new paragraph after current para 14.6 which would read:

"[The Governing Body] of this [Undertaking] shall determine the policy, strategies, programmes priorities and eligibility criteria relating to the access to and the utilization of such funds".

14.7 The effective conservation and sustainable utilization of plant genetic resources is a pressing and permanent need, and, therefore, the resources for the international fund as well as for other funding mechanisms should be substantial, sustainable and based on the principles of equity and transparency;

14.8 [Acting through the Commission on Plant Genetic Resources,] the donors of genetic resources, funds and technology will determine and oversee the policies, programmes and priorities of the fund and other funding mechanisms, with the advice of the appropriate bodies.

NOTE:

It was pointed out that specific modalities for the application of this para. needed to be developed.

A proposal was made that all references to funding made in Article 8 be brought together in Article 14.

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