March 1995

منظمة الاغذية والزراعة للامم المتحدة | 联合国粮食及农业组织 | Food and Agriculture Organization of the United Nations | Organisation des Nations Unies pour l'alimentation et l'agriculture | Organización de las Naciones Unidas para la Agricultura y la Alimentación

COMMISSION ON PLANT GENETIC RESOURCES

Sixth Session

Rome, 19-30 June 1995

EXTRACT FROM THE REPORT OF THE 107TH SESSION OF THE FAO COUNCIL (15-24 NOVEMBER 1994): MATTERS REGARDING THE COMMISSION ON PLANT GENETIC RESOURCES (CL 107/REP, PARAS. 72-92)

W/V6165

EXTRACT FROM THE REPORT OF THE 107TH SESSION OF THE FAO COUNCIL (15-24 NOVEMBER 1994): MATTERS REGARDING THE COMMISSION ON PLANT GENETIC RESOURCES (CL 107/REP, PARAS. 72-92)

Commission on Plant Genetic Resources

Report of the Extraordinary Session of the Commission on Plant Genetic Resources (Rome, 7-11 November 1994)[14]

72. The report of the first extraordinary session of the Commission on Plant Genetic Resources (Rome, 7-11 November 1994) was introduced by the Secretariat, on the basis of documents CL 107/8 and CL 107/8-Sup.1.[14] The Council welcomed the report of the Commission, and congratulated the Secretariat for the excellent documents that had been submitted to the Commission.

73. The Council noted that the main purpose of the Commission's extraordinary session had been to initiate negotiations among countries on the revision of the International Undertaking on Plant Genetic Resources, in line with Conference Resolution 7/93. The Council emphasized the importance of this process. A number of members expressed their preference that the revised Undertaking should become a protocol to the Convention on Biological Diversity. Others expressed the view that this issue should be dealt with later and, in this connection, referred to Stage III of the Revision of the International Undertaking where this issue would be dealt with and for which additional documents were under preparation.

74. The Council endorsed the recommendation of the Commission that its next negotiating session be extended to two weeks, and that a three-day session of the working group session be held two months earlier. Some members considered that all the Commission's remaining sessions dealing with the Revision of the International Undertaking and matters relating to the International

---

[14] CL 107/8; CL 107/8-Sup.1; CL 107/8-Sup.1-Corr.1 (E only); CL 107/PV/11; CL 107/PV/12; CL 107/PV/14.

Technical Conference should last for two weeks. Several members proposed increasing from one to two the number of the extraordinary sessions of the Commission scheduled for 1995 and 1996. Some members suggested the establishment of a bureau with one chair and three vice-chairs for the whole negotiating process, each of whom would chair a parallel negotiating group. The difficulties encountered by many countries in attending simultaneous meetings was underlined.

75. The Council expressed concern regarding the financing of the regular and extraordinary sessions of the Commission and of its Working Group that would be needed for the negotiating process, and requested FAO to make the necessary adjustments in the regular budget to finance these sessions, and to strengthen the Secretariat of the Commission during this process. The Council also requested the Director-General to seek extra-budgetary funds to ensure the participation of developing countries in the sessions of the Commission, and invited potential donors to contribute generously to a multi-donor Trust Fund that had been opened by the Organization for this purpose.

76. Some members noted that Conference Resolution 7/93, on the Revision of the International Undertaking, was wider in scope than Resolution 3 of the Nairobi Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity. Some members suggested that the Conference of the Parties to the Convention on Biological Diversity should be consulted on the real scope of Resolution 3 of the Nairobi Convention. One member believed that this matter should be raised at the Conference of the Parties of the Convention on Biological Diversity. The Legal Counsel drew the attention of the Council to the fact that Resolution 7/93 had been carefully negotiated and unanimously adopted by the Conference, which was the supreme Governing Body of FAO. The Resolution was therefore a binding mandate for the Council and the Commission on Plant Genetic Resources (CPGR).

77. Some members considered that, during the negotiation of the revised International Undertaking, coverage of the following concepts should be strengthened, or introduced: the sustainable use of plant genetic resources; the fair and equitable distribution of benefits derived from plant genetic resources; national sovereignty over plant genetic resources; regulation of access to plant genetic resources in accordance with national legislation and on the basis of prior informed consent; *in situ* and *ex situ* conservation; the need for new and additional funds; the transfer of technologies and access to new technologies.

78. The Council emphasized the importance of further defining the concept of Farmers' Rights in order to make them operative. Various other statements were made by members, including that Farmers' Rights should refer to both farmers and farmers' communities; that they should be vested in national governments; that they should be implemented through a system of compensation for the countries of origin of biodiversity; that they should include provisions for the protection of farmers' knowledge and local technologies; that the procedures for the implementation and the conditions for the utilization of the International Fund referred to in Resolution 3/91 should be specified and agreed upon; and that they should protect the farmers' right to resow their own seeds.

79. In relation to the preparatory process for the Fourth International Technical Conference on Plant Genetic Resources that will be held in 1996, the Council noted, with satisfaction, the progress that had been made by the Secretariat, and encouraged continued direct contact with countries. It was noted that this provided a unique opportunity for developing countries to have an input into the Global Plan of Action. The Council expressed gratitude to both developed and developing countries that had provided funds for this project, especially to Germany, which would also host the International Technical Conference, and encouraged other countries and institutions to mobilize the additional extra-budgetary funds that were needed to complete the financing of the project. It was suggested that the Secretariat be strengthened. Some members also suggested that Regular Programme funds be made available, if necessary. The Council underlined the importance of ensuring the participation of the International Plant Genetic Resources Institute (IPGRI) and other

International Agricultural Research Centres in the preparatory process for the Fourth International Technical Conference.

80. The Council noted that the first State of the World's Plant Genetic Resources, and a costed Global Plan of Action, would be elaborated during the Fourth International Technical Conference's preparatory process. Some members suggested that the Fourth International Technical Conference be attended by high-level policy-makers. Others considered that the Fourth International Technical Conference should be followed by a high-level meeting that could approve the revised International Undertaking, if the negotiations on this revision had been completed by that time. Still others considered that this proposal was premature. The Council agreed that the Commission on Plant Genetic Resources should review the draft documents, and act as a preparatory committee for the Fourth International Technical Conference.

81. The Council noted that the country-driven nature of the process should ensure countries' commitment to the implementation and financing of the costed Global Plan of Action. It also noted that the State of the World's Plant Genetic Resources and the Global Plan of Action would facilitate the implementation of the International Undertaking and the realization of Farmers' Rights.

82. The Council discussed the name of the Fourth International Technical Conference. Some members suggested that the word "technical" be dropped from the title. The Council noted that different names had been used in various fora. The Conference, in 1991, had called it the "Fourth International Technical Conference for the Conservation and Utilization of Plant Genetic Resources"; Agenda 21, in 1992, had referred to it as the "Fourth International Technical Conference for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture"; and the Conference, in 1993, had called it the "Fourth International Technical Conference on Plant Genetic Resources". The Council noted that it could not change the name used by the last session of the Conference, but recognized that the title of the International Technical Conference should be interpreted to cover the conservation and sustainable use of plant genetic resources for food and agriculture.

83. The Council noted with satisfaction that the Director-General and the Chairman of the Consultative Group on International Agricultural Research (CGIAR), the latter on behalf of twelve International Agricultural Research Centres, had signed, on 26 October 1994, agreements that placed *ex situ* collections of plant genetic resources in their genebanks in the International Network under the auspices of FAO. It also noted that the agreement as signed included the changes to the draft agreement recommended by the Conference, and that under Article 6 of the Agreement, the Centres recognized the intergovernmental authority of FAO and its Commission on Plant Genetic Resources in setting policies for the International Network. The Council warmly congratulated FAO and IPGRI, as well as other CGIAR Centres, for this important achievement. It also agreed with the Commission that FAO should redouble its efforts to have countries put their national collections of plant genetic resources for food and agriculture into the FAO International Network.

84. The Council attached great importance to the cooperation between FAO and the Conference of the Parties to the Convention on Biological Diversity, in order to ensure complementarity and synergy on matters related to biodiversity for food and agriculture. The Council was informed of FAO's offer to take part in the joint Secretariat of the Convention on Biological Diversity. It noted that this offer was based on the experience gained through the implementation of Resolution 2 of the Nairobi Final Act, which had sought FAO's full and active involvement in the Interim Secretariat of the Convention, and that the Commission on Plant Genetic Resources had expressed its firm support for this offer. The Council supported FAO's proposal for participation in a Joint Secretariat, and expressed the wish that the Conference of the Parties consider it positively.

85. Reference was made to the Latin American Conference on Biodiversity held in Lima, Peru on 7-8 November 1994 that gave a regional position regarding the questions on biological diversity and the Convention on Biological Diversity.

Widening of the mandate of the Commission on Plant Genetic Resources[15]

86. The Council took note of documents CL 107/18 and CL 107/8,[15] as well as the introduction by the Secretariat and noted that differing views on the issue of the widening of the mandate of the Commission on Plant Genetic Resources (CPGR) had been expressed.

87. The Council raised no specific objections to the principle of broadening the mandate of the Commission. The discussion, however, concentrated on the practical feasibilities, the possible impact this might have on the current work of the Commission, and the financial, institutional and administrative implications. There was a wide range of opinion, though all interventions agreed in stressing the need, if the broadening went ahead, of a cautious, step-by-step process.

88. A number of members favoured the initiation without delay of the process of broadening the scope of the CPGR to also cover other aspects of biological diversity for food and agriculture. They generally supported the inclusion of animal genetic resources first, and they suggested to start immediately by setting up an *ad hoc* working group or working party, within the limits of the current financial provisions. In the view of these members, this would give a clear signal, and reaffirm FAO's mandate and role on biodiversity for food and agriculture, and would not affect current activities on plant genetic resources. It was also suggested that the proposal by these members to change the name of the Commission to "Commission on Genetic Resources for Food and Agriculture" be adopted by the Twenty-eighth Session of the FAO Conference in 1995.

89. Other members considered, however, that the broadening of the Commission could negatively affect the current negotiating process, and activities on plant genetic resources - particularly with regard to the Revision of the International Undertaking, and the preparatory process for the Fourth International Technical Conference on Plant Genetic Resources - and therefore suggested that the consideration of the broadening of the scope of the Commission should wait until after 1996, and the conclusion of the Fourth International Technical Conference. A concern was also expressed that developing countries might have difficulties in sending delegations able to deal effectively with a number of sectors at once.

90. A number of members also indicated that further information and clarification was required before they could finalize their position on the proposal. In this context, many members emphasized the importance of undertaking a comprehensive study of the financial, institutional and administrative implications as listed in paragraph 48 of the CPGR Report.

91. The Council recommended that a document be submitted to the Committee on Agriculture (COAG), the Committee on Forestry (COFO) and the Committee on Fisheries (COFI) for their consideration, giving detailed proposals on broadening the scope of the Commission, including administrative and financial aspects. The comments of these three committees could provide a basis for the discussions of the Programme Committee, the Finance Committee, the next session of the CPGR, and the next session of the Council, which could then make concrete recommendations to the 1995 session of the Conference. The Council noted that, in any case, any proposal to broaden the mandate of the Commission would require the approval of the Conference, which had set the mandate in the first place.

92. The Council also agreed on a number of points: that an intergovernmental framework for dealing with animal genetic resources for food and agriculture was urgently needed; that duplication of functions with the Conference of the Parties to the Convention on Biological Diversity should be avoided; and that current activities on plant genetic resources should not be affected by widening the Commission's mandate.