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منظمة الأغذية
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联合国
粮食及
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Food
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Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COUNCIL

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BROADENING THE MANDATE OF THE FAO COMMISSION ON PLANT GENETIC RESOURCES

INTRODUCTION

1. Biological diversity is the basis of agriculture, forestry and fisheries. FAO is the United Nations specialized agency responsible for food and agriculture, including forestry and fisheries. Article 1 of the FAO Constitution states that the Organization "shall promote and, where appropriate, shall recommend national and international action with respect to: *inter alia* the conservation of natural resources and the adoption of improved methods of agriculture production." In carrying out this part of its mandate in relation to the biotic natural resource base, FAO concentrates its technical competence on those living resources which are currently known to be of use to humanity, especially for food and agriculture.

2. Work on biodiversity within the UN started in FAO in the early 50s. Since then, the Organization has played a pioneering role in developing concepts, and applications of genetic resources work to agriculture, including the conceptualization of the relevant Programme Areas of UNCED Agenda 21, and the negotiations of the Convention on Biodiversity. FAO is thus the principle repository of expertise on biodiversity for food and agriculture. It assists its Member Nations in the definition of policies for the conservation and sustainable use of genetic resources in food and agriculture, through national programmes and projects. It compiles, analyses, interprets and disseminates information through publications, meetings, and reports on the state of genetic resources. It also assists in the development of national legislation, international conventions, codes of practice and guidelines for the protection of biodiversity related to agriculture, forestry and fisheries. Furthermore FAO, being a co-sponsor of the Consultative Group on International Agricultural Research (CGIAR), cooperates closely with the International Agricultural Research Centres, on issues of importance for agrobiodiversity.

3. FAO established an intergovernmental Commission on Plant Genetic Resources in 1983, to deal with matters relating to plant genetic resources, and advise the Committee of Agriculture and Forestry. The present document examines the implications of a possible broadening of the mandate

of the Commission, to include other sub-sectors of biological diversity for food and agriculture, and considers the process that might lead to a decision on this matter within the Governing Bodies of FAO.

CHANGING INTERNATIONAL POLICY: AGENDA 21, THE CONVENTION ON BIODIVERSITY, AND THE CGIAR SYSTEM

4. The field of genetic resources and biological diversity is changing rapidly, following the entry into force of the Convention on Biological Diversity, and in line with the provisions of the various chapters of UNCED's Agenda 21, particularly Chapter 15 (Conservation of Biological Diversity), and Chapter 14 (Promoting Sustainable Agriculture and Rural Development), especially programme areas G and H, for the conservation and sustainable use of crops and livestock respectively, as well as the chapters dealing with the sustainable utilization of forestry (Chapters 11, 12 and 13) and fisheries (Chapters 16, 17 and 18). This has led to increasing worldwide awareness of the importance of genetic resources for the sustainability of the planet, and has caused a considerable expansion of national and international efforts for the conservation and sustainable use of these resources.

5. The CGIAR has agreed that there should be a system-wide policy and programme for genetic resources for agriculture as a whole, with IPGRI as the lead centre. It has also recommended that IPGRI's mandate be broadened to include animal genetic resources.

6. The emphasis that many countries are now putting on agrobiodiversity and the use of genetic resources, which falls within the mandate of FAO, has implications for the programmes of the Organization, and its approaches to the issues.

CURRENT ARRANGEMENTS FOR DEALING WITH AGROBIODIVERSITY WITHIN FAO

7. FAO has a wide range of genetic resources programmes undertaken by its technical Departments in Agriculture, Forestry and Fisheries, which find their expression through a number of technical working mechanisms.

8. The various programmes on genetic resources and biodiversity are handled separately by the relevant technical divisions of the Organization; crop plants by the Plant Genetic Resources Group in AGP, livestock by the Animal Genetic Resources Group in AGA, forestry by the Forest Resources Development Branch (FOR); and fisheries by the Inland Water Resources and Aquaculture Service (FIR). The Secretariat for the Commission on Plant Genetic Resources resides in AGP. Institutional matters are handled by the Legal Office (LEG). A Working Group on Biological Diversity ensures collaboration between these units; examines matters of common interest; contributes to building a solid and coherent FAO position on genetic resources for food and agriculture; and serves as a focal point for liaison with organizations, institutions and other bodies involved, such as the secretariats of the various conventions. The Working Group reports to the Interdepartmental Working Group on the Environment and Sustainable Development.

THE FAO COMMISSION ON PLANT GENETIC RESOURCES

9. The Commission on Plant Genetic Resources, with the current membership of 123 countries (see Appendix 1), is the only permanent intergovernmental forum which deals with a large part of biological diversity for food and agriculture. It was established in 1983, under Article VI.1 of the Constitution, by Council Resolution 1/85, on the basis of Conference Resolution 9/83. The terms of reference of the Commission are:

- a) *to monitor the operation of the arrangements referred to in Article 7 of "the International Undertaking on Plant Genetic Resources", hereinafter referred to as "the Undertaking";*

- b) *to recommend measures that are necessary or desirable in order to ensure the comprehensiveness of the global system and the efficiency of its operation in line with "the Undertaking"; and in particular,*
- c) *review all matters relating to the policy, programmes and activities of FAO in the field of plant genetic resources, and to give advice to the Committee on Agriculture or, where appropriate, to the Committee on Forestry.*

10. The Commission serves as a forum for governments to address policy and legal issues within the field of competence of the Organization, such as the implementation of the International Undertaking on Plant Genetic Resources, access to plant genetic resources, plant breeders' rights, farmers' rights, intellectual property rights related to biotechnologies, and the relevant codes of conduct. It also monitors the development of the FAO Global System¹ for the Conservation and Utilization of Plant Genetic Resources. The Commission has, in recent years, significantly facilitated interaction and consensus with other United Nations agencies and non-governmental organizations. The most relevant of these organizations are regularly invited to attend Commission meetings as observers, and present reports on their activities and policies in this area.

PROPOSAL TO BROADEN THE MANDATE OF THE COMMISSION ON PLANT GENETIC RESOURCES

Proposal

11. The Commission, in its present form, is sufficient to deal with plant genetic resources, but similar arrangements are needed to allow FAO to discharge its international obligations on other genetic resources. One way to achieve this would be to broaden its mandate, to cover genetic resources for food and agriculture in general, which would include plant, livestock and fisheries. This possibility was discussed by the Council, by the Commission itself, and by the Committee on Agriculture, in 1990 and 1991. The Council agreed with the Commission's conclusion not to widen its mandate at that time.

12. This conclusion was arrived at before UNCED, and the changed and changing situation that has resulted from its resolutions. Recent developments have greatly increased international awareness of the importance of agrobiodiversity. As discussed above, a number of initiatives are currently underway for international action regarding both plant and animal genetic resources jointly. The entry into force of the Convention on Biological Diversity makes it advisable for FAO now to establish a single intergovernmental body, dealing with all components of biodiversity of relevance to food and agriculture. Such a broadened Commission could provide technical support to, and increase cooperation with, the Conference of the Parties of the Convention on Biological Diversity, on matters related to agrobiodiversity.

13. If it is decided to broaden the mandate of the Commission, a new name will be needed to reflect this change: the "Commission on Genetic Resources for Food and Agriculture" would be appropriate; the name, "Commission on Biological Diversity for Food and Agriculture", would be less suitable, since it might lead to confusion with the Convention on Biological Diversity, and create the impression that FAO was extending into areas which are of UNEP's competence. The term, "biological diversity", is in any case rather general, while the term, "genetic resources", is more in tune with FAO's emphasis on the utilization of biological diversity for food and agriculture.

¹ Under the guidance of the Commission, and within the framework of the International Undertaking, FAO has established, during the past 11 years, a comprehensive Global System for the Conservation and Utilization of Plant Genetic Resources, which includes networks of germplasm collections and conservation areas, a world information and early warning system, codes of conduct for the collection and exchange of germplasm and for the management of agricultural biotechnologies related to germplasm, as well as periodical reports on the state of the world's plant genetic resources and a Global Plan of Action.

Rationale

14. Technical approaches to crop, forestry, livestock and fisheries biological diversity are different, but to an increasing extent, holistic approaches to agricultural ecosystem management (such as integrated coastal area management (ICAM) and sustainable agricultural development (SARD), draw the various disciplines together. So does the focus on large themes, such as the achievement of food security. Governments are also moving towards comprehensive land area management, in the interests of better balanced and more sustainable development. The widening of the mandate of the Commission would facilitate just such an integrated approach, and facilitate coordination with governments, which are increasingly dealing with policy issues regarding biological diversity in an integrated manner.

15. Furthermore, there are a number of policy and legal issues, including intellectual property rights, and other forms of rights over agrobiodiversity - access to resources and the sharing of benefits derived from their use; the transfer of technologies; and compensation for rural and indigenous people - that are common to both plants and animals, and would benefit from being considered within a broadened Commission.

16. Recent advances in biotechnology have also cut broken down many of the barriers that separate species, orders and kingdoms. Modern techniques allow genes to be transferred widely, even between organisms belonging to different kingdoms, making it advisable to have a single forum where considerations of biosafety can take place.

17. A Commission with a wider mandate could also cooperate more efficiently with the Conference of the Parties to the Convention on Biological Diversity, with the Commission on Sustainable Development (CSD), with organizations and programmes such as WIPO and UPOV, Unesco, UNIDO and UNEP, with the CGIAR system, and with interested non-governmental organizations.

Conclusion

18. In summary, although, in technical terms, the various fields of agrobiodiversity are at present dealt with separately, there are substantial institutional and logistical reasons for expanding the Commission's mandate to include the genetic resources of other organisms of use for food and agriculture.

19. The creation of such a broadened Commission should not prevent activities on the genetic resources of crop plants, forestry, livestock and fisheries being implemented, as appropriate, through separate programmes, managed by the appropriate technical services. The institutional difficulty of handling, within a single Commission, the various aspects of biodiversity, which need different types of expertise, would be resolved by establishing appropriate working groups, and if necessary by allocating sessions of the Commission to a specific range of topics, or type of resource. Separate technical expert panels for plants and livestock, fisheries and forestry, would be needed to advise on work in specialized fields, within the framework of policy guidance and priorities set by the broadened Commission. In the case of forestry, which is already covered by the Commission, there already exists the Panel of Experts on Forest Gene Resources, which could become a technical advisory body to the broadened Commission.

IMPLICATIONS FOR WORK UNDERWAY WITHIN THE COMMISSION ON PLANT GENETIC RESOURCES

20. The FAO Conference, in part as a response to Resolution 3 of the Nairobi Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity, adopted Resolution 7/93. "Revision of the International Undertaking on Plant Genetic Resources", which initiated a process of negotiation between governments, in the context of the Commission on Plant Genetic Resources, for the adaptation of the International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity; consideration of the issue of access on

mutually agreed terms to plant genetic resources, including *ex situ* collections not addressed by the Convention; and the issue of farmers' rights.

21. An Extraordinary Session of the Commission, between 7 and 11 November 1994, is expected to carry negotiations to a more advanced stage. The broadening of the coverage of the revision of the International Undertaking would be inadvisable prior to the conclusion of these negotiations. It took more than a decade of discussions and negotiations among governments to bring the development of the International Undertaking to this point, and the introduction of other forms of biological diversity into this instrument might be long and disruptive. Moreover, the technical specificity of other forms of agrobiodiversity would suggest that separate instruments might eventually need to be developed by the Commission to cover them.

22. The FAO Global System on Plant Genetic Resources, developed under the guidance of the Commission, comprises a number of other elements. An International Network of Base Collections of Plant Genetic Resources in Gene Banks, under the auspices of FAO, has been developed, and agreements entered into between the Organization and various countries and bodies. The existence of a broadened Commission might assist countries to develop, if necessary, similar initiatives for other fields of agrobiodiversity. There are also common matters of concern, such as the maintenance of conservation standards, and the regulation of access to germplasm.

23. An important data-base, the World Information and Early Warning System on Plant Genetic Resources, established under the guidance of the Commission, is operated in the Plant Production and Protection Division. In principle, other information systems might be brought under the aegis of the broadened Commission, if technically appropriate and permitted by available resources. The Commission has also overseen the development of the International Code of Conduct for Plant Germplasm Collecting and Transfer. Similar codes might be developed, as required, for other fields of agrobiodiversity.

24. Among other elements of the Global System, the first report on the State of the World's Plant Genetic Resources, and a costed Global Plan of Action for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture, are being developed through a country-driven consultative methodology. This is being implemented, under the guidance of the Commission, through a multidonor Trust Fund project, the International Conference and Programme for Plant Genetic Resources. The process will focus on plant genetic resources until at least 1996, when the Fourth International Conference on the Conservation and Utilization of Plant Genetic Resources will be held. It is possible that the report of the State of the World's Plant Genetic Resources, and the Global Plan of Action, might subsequently be broadened to cover - perhaps on a step-by-step basis - other aspects of agrobiodiversity, in accordance with the widened mandate of the Commission.

SUGGESTED ACTION BY THE COUNCIL

25. The Commission was established, and its mandate and terms of reference decided, by a Conference Resolution: a further Conference resolution would therefore be needed for changes to its mandate, and terms of reference. The present session of the Council may wish to consider the information in this document, and request the sixth regular session of the Commission, in June 1995, to examine the issue. Following this, the Council, in June or November 1995, may wish to formally recommend to the Conference in November 1995, that the name of the Commission on Plant Genetic Resources be changed to the "Commission on Genetic Resources for Food and Agriculture", and that its mandate be broadened accordingly. At a practical level, the implementation of the broadened mandate might then proceed on a step-by-step basis, to cover the genetic resources of other organisms of interest for food and agriculture, from plants alone to plants and livestock, and, in due course, to fisheries as well, within a new "Global System for the Conservation and Sustainable Use of Genetic Resources for Food and Agriculture".

APPENDIX 1
MEMBERS OF FAO COMMISSION ON PLANT GENETIC RESOURCES
August 1994

AFRICA	ASIA AND THE SOUTHWEST PACIFIC	EUROPE	LATIN AMERICA AND THE CARIBBEAN
Algeria 1/2	Australia 1/2	Austria 1/2	Antigua & Barbuda 2/
Angola 1/2	Bangladesh 1/2	Belgium 1/2	Argentina 1/2
Benin 1/2	China People's Rep. of 1/	Bulgaria 1/2	Bahamas 1/2
Botswana 1/	Democrat. People's Rep. of Korea 1/2	Cyprus 1/2	Barbados 1/2
Burkina Faso 1/2	Fiji 2/	Czech Republic 2/	Belize 1/2
Cameroon 1/2	India 1/2	Denmark 1/2	Bolivia 1/2
Cape Verde 1/2	Indonesia 1/	Estonia 1/	Brazil 1/
Central African Republic 1/2	Japan 1/	European Economic Community 1/	Chile 1/2
Chad 1/2	Korea, Republic of 1/2	Finland 1/2	Colombia 1/2
Congo 1/2	Malaysia 1/	France 1/2	Costa Rica 1/2
Côte d'Ivoire 2/	Myanmar 1/	Germany 1/2	Cuba 1/2
Equatorial Guinea 1/2	Nepal 2/	Greece 1/2	Dominica 1/2
Ethiopia 1/2	New Zealand 1/2	Hungary 1/2	Dominican Republic 1/2
Gabon 2/	Pakistan 1/	Iceland 1/2	Ecuador 1/2
Gambia 1/	Philippines 1/2	Ireland 1/2	El Salvador 1/2
Ghana 1/2	Samoa 1/2	Israel 1/2	Grenada 1/2
Guinea 1/2	Solomon Islands 2/	Italy 1/2	Guatemala 1/
Guinea-Bissau 1/	Sri Lanka 1/2	Liechtenstein 2/	Guyana 1/
Kenya 1/2	Thailand 1/	Lithuania 1/	Haiti 1/2
Liberia 1/2	Tonga 2/	Malta 1/	Honduras 1/2
Madagascar 1/2	Vanuatu 1/	Netherlands 1/2	Jamaica 2/
Malawi 2/		Norway 1/2	Mexico 1/2
Mali 1/2		Poland 1/2	Nicaragua 1/2
Mauritania 1/2		Portugal 1/2	Panama 1/2
Mauritius 1/2		Romania 1/2	Paraguay 2/
Morocco 1/2		Russia 2/	Peru 1/2
Mozambique 2/		Spain 1/2	Saint Kitts and Nevis 1/
Niger 1/2		Sweden 1/2	Saint Lucia 1/
Rwanda 1/2		Switzerland 1/2	Saint Vincent and the Grenadines 1/
Senegal 1/2		Turkey 1/2	Suriname 1/
Sierra Leone 1/2		United Kingdom 1/2	Trinidad and Tobago 1/2
South Africa 2/		Yugoslavia 1/2	Uruguay 1/
Sudan 1/2			Venezuela 1/
Tanzania 1/2			
Togo 1/2			
Uganda 1/			
Zaire 1/			
Zambia 1/2			
Zimbabwe 1/2			
	NEAR EAST		NORTH AMERICA
	Afghanistan 1/	Kuwait 2/	Canada 1/
	Bahrain 2/	Lebanon 1/2	United States of America 1/
	Egypt 1/2	Libya 1/2	
	Iran, Islamic Republic of 1/2	Oman 2/	
	Iraq 1/2	Syria 1/2	
	Jordan 1/	Tunisia 1/2	
		Yemen 1/2	

1/ Members of the Commission.

2/ Countries which have adhered to the International Undertaking