



منظمة الأغذية  
والزراعة  
للأمم 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

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COUNCIL

### Hundred and Thirty-seventh Session

Rome, 28 September – 2 October 2009

### Developments in Fora of Importance for the Mandate of FAO

1. This item has been added to the agenda in response to Action 2.31 of the Immediate Plan of Action, to ensure that the Council is kept abreast of developments in other fora of importance for FAO's mandate and that dialogue is maintained with other Governing Bodies as appropriate, in particular the Governing Bodies of the UN Rome-based food and agriculture agencies.

#### I. International environmental governance Greater synergy among the Secretariats of the Basel, Rotterdam and Stockholm Conventions

2. Extraordinary meetings of the Conferences of the Parties (COPs) on enhancing cooperation and coordination among the Basel, Stockholm and Rotterdam Conventions<sup>1</sup> will be held in Bali (Indonesia) from 22 to 26 February 2010, back-to-back with the Eleventh Special Session of the Governing Council/Global Ministerial Environment Forum (GC/GMEF) of the United Nations Environment Programme (UNEP).

3. The extraordinary meetings of the COPs are a result of the process launched by decisions of the Conferences of the Parties of the three Conventions aimed at ensuring increased cooperation and coordination among the secretariats of the Conventions. While the Secretariats of the Basel and Stockholm Conventions are provided by UNEP, the Secretariat functions for the Rotterdam Convention are performed jointly by the Director-General of FAO and the Executive Director of UNEP, subject to the arrangements agreed upon between them in a Memorandum of Understanding concluded in November 2005 and approved by the COP (COP2/5). Specifically, at the fourth meeting of the COPs of the Rotterdam Convention in October 2008, a decision entitled

<sup>1</sup> Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal; Stockholm Convention on Persistent Organic Pollutants; and Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

“Enhancing cooperation and coordination among the Basel, Rotterdam and Stockholm Conventions” was adopted. The decision invites the Executive Director of UNEP, in consultation with the Director-General of FAO to, among other things, “*explore and assess the feasibility and cost implications of joint coordination or a joint head of the secretariats of the Basel, Rotterdam and Stockholm Conventions for consideration at the extraordinary meetings of the Conferences of the Parties*”. The Executive Director of UNEP has established a “Synergies Oversight Team” consisting of the Executive Secretaries of the three Conventions as well as representatives from UNEP and FAO. The team has been mandated to address the strategic and longer term aspects of synergies. In the context of the Rotterdam Convention, FAO has a primary responsibility in respect of pesticides, but this role could be re-examined as the synergies process could ultimately result either in a single executive secretary or integrated secretariats.

4. The theme of the 11<sup>th</sup> Session of the GC/GMEF – “environment in the multilateral system” – will address issues emerging from the three extraordinary COPs within the context of the following topics: “governance and sustainable development”; “biodiversity and ecosystems”. The outcomes of the extraordinary COPs and the GC/GMEF will be inputs to the ongoing deliberations on International Environmental Governance (IEG) at the level of the UN General Assembly.

5. It is important for FAO Members to be aware of these ongoing discussions at both the extraordinary COPs and UNEP GC/GMEF in the light of FAO’s comparative advantage with respect to pesticides management and also to avoid duplication of efforts.

## **II. Nutritional impact of food price and financial and economic crises**

6. In the wake of the successive food price and financial and economic crises, major concern has arisen at international level on the impact of these crises on the nutritional status of vulnerable groups, in particular on child undernutrition, one of the indicators for MDG-1<sup>2</sup>.

7. While several organizations (UNICEF, WFP, etc.) and bilateral donors have made an effort to mitigate the impact of these crises on the nutritional status of most vulnerable population groups, their response has focussed primarily on immediate impact interventions which do not address the underlying problems and can neither provide a sustainable response to affected households nor a viable solution to countries. Raising levels of nutrition requires, among others the involvement of the food and agriculture sector. Unless (i) appropriate combination of safe and affordable food is made available at the local level and at all seasons, (ii) livelihoods support (which is most often food and agriculture related) is provided to food insecure households; and (iii) consumers are able to make informed choices, malnutrition will remain a major constraint to human and economic development.

8. Since the 136<sup>th</sup> Session of the Council (June 2009), the UN Rome-based Agencies have delivered in July 2009 a joint statement to the High Level Segment Annual Ministerial Review of the ECOSOC<sup>3</sup>.

## **III. 13<sup>th</sup> Summit of Heads of State and Government of the African Union**

9. The 13<sup>th</sup> Summit of Heads of State and Government of the African Union, held in Sirte (Libya, 1-3 July 2009) considered the report of the African Union Joint Conference of Ministers responsible for Agriculture, Land and Livestock, held in Addis Ababa (Ethiopia, 22-24 April 2009), and endorsed the “Sirte Declaration on Investing in Agriculture for Economic Growth and Food Security”. In the Declaration, the Heads of State and Government acknowledged the

<sup>2</sup> See [http://www.unscn.org/files/Publications/Briefs\\_on\\_Nutrition/SCN\\_2-pager\\_advocacy\\_brief.doc](http://www.unscn.org/files/Publications/Briefs_on_Nutrition/SCN_2-pager_advocacy_brief.doc)

<sup>3</sup> See <ftp://ftp.fao.org/docrep/fao/012/ak486e/ak486e00.pdf>

importance of proactive measures and interventions to increase financing for Africa's agriculture; undertook to support policy and institutional reforms that will accelerate agriculture related market opportunities and fully integrate smallholders into growing value chains; and requested the African Union Commission, the New Partnership for Africa's Development (NEPAD) Secretariat and Regional Economic Communities to *inter alia* promote public-private partnerships and business alliances and to foster commercial financing for all segments of agribusiness value chains.

#### **IV. Cooperation with UNCTAD and the World Bank on a Code of Conduct for International Investment in Agriculture**

10. Large-scale acquisition of agricultural land in developing countries by foreign investors may raise complex economic, political, institutional, legal and social issues in relation to food security, poverty reduction, rural development, and access to land and water. However, continuing lack of investment in agriculture has meant low productivity and stagnant production. Foreign investment could help meet financing needs and provide broader developmental benefits such as technology transfer, employment creation and infrastructural developments. These development benefits will be obtained and the risks minimised for all involved only if investment contracts are formulated carefully and appropriate legislative and policy frameworks are in place. The information base for the design and implementation of effective policies and legislation is weak. FAO, UNCTAD, the World Bank and IFAD are collaborating on research, including country case studies, on the extent, nature and impacts of international investments and cataloguing best practices in law and policy. FAO contributed to the preparation of UNCTAD's *World Investment Report 2009* on the trends in investments by transnational corporations in agriculture. The experts from each organization met in FAO in July 2009 to review the current state of knowledge and agree on further collaborative research priorities.

11. Fears that local concerns are not emphasized in investment contracts and international investment agreements and that domestic law is inadequate have prompted calls for an international code of conduct to promote responsible investment in agriculture. FAO, UNCTAD and the World Bank are collaborating to develop a voluntary code of conduct highlighting the need for transparency, sustainability and stakeholder involvement and including domestic food security and rural development concerns. This code, based on detailed joint research concerning the nature, extent and impacts of foreign investment and best practices in law and policy, would provide a framework to which national regulations, international investment agreements, global corporate social responsibility initiatives and individual investment contracts might refer. The three organizations co-sponsored a Roundtable on "*Promoting Responsible International Agricultural Investment*", organized during the 64<sup>th</sup> Session of the UN General Assembly in September 2009, aimed at gaining political consensus on the nature of an international code of conduct for foreign investment in agriculture and the steps needed to develop it.

#### **V. Convention on International Trade in Endangered Species of Wild Fauna and Flora**

12. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>4</sup> aims to assist in the conservation of species threatened with extinction or that may become so, by controlling international trade in species of concern. CITES is recognized by FAO Members as having a useful role to play in assisting in fisheries management; however, opinions among FAO Member States as well as among CITES Parties differ considerably on the extent of that role and when it may be required.

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<sup>4</sup> <http://www.cites.org/>

13. FAO and CITES have been working closely and constructively together on commercially-exploited aquatic species for more than a decade. One important element of this work has been on the criteria used to decide whether or not a species should be listed on CITES Appendices I and II. FAO recommendations for improving the CITES listing criteria as applied to commercially-exploited aquatic species, based on extensive studies and consultations by the Organization, were accepted by CITES when the revised criteria were adopted by the 13<sup>th</sup> CITES Conference of the Parties (COP) in 2004<sup>5</sup>.

14. In addition, at the request of CITES, since 2004 FAO has evaluated proposals submitted to each COP for listing commercially-exploited species and advised CITES Parties on the outcomes. The advice is generated by an Expert Panel convened by FAO in advance of the COP.

15. The process generally works well. At COP13 and COP14 (held in 2004 and 2007), despite strong differences of opinion in some cases, the recommendations from the Panel were reflected in the final decisions by the COP. However, recently the interpretation by FAO and the Expert Panel of the listing criteria has been challenged by the CITES Secretariat and a few countries<sup>6</sup>. They have argued that the emphasis placed by FAO on species' declines (historical and current) as a basis for measuring conservation status does not always apply since there may be other measures of status. However, as no other interpretation has been offered, including measures or guidelines on how otherwise to interpret the criteria. The FAO Secretariat is concerned that if these views prevail the requirement for a rigid scientific assessment of proposals to list commercially-exploited aquatic species and the value of the FAO Expert Panel for CITES would be considerably weakened.

16. FAO has been engaging the CITES Secretariat and Parties to try to resolve the problem but so far there has been no agreement, although many countries support the FAO position.

17. COP15 scheduled to be held in Doha (Qatar) from 13 to 25 March 2010 will attract considerable public attention since listing proposals are expected to be submitted on important fish species, including Atlantic bluefin tuna and several shark species. Proposals for sharks will probably include the Porbeagle shark and spiny dogfish which were proposed, but failed to be listed at the last COP, as well as some other species.

## **VI. Strategic framework for forests and climate change**

18. The Collaborative Partnership on Forests (CPF)<sup>7</sup> prepared a strategic framework for forests and climate change in response to the need for coordinated action to develop and implement forest-based measures to address climate change mitigation and adaptation. The document not only highlights the importance of forests in carbon sequestration but also notes the significant extent to which they are a source of greenhouse gas emissions as a result of deforestation and forest degradation, and thus their potential role in reducing those emissions.

19. As Chair of the CPF, FAO launched the publication at the 14<sup>th</sup> Conference of the Parties to the United Nations Framework on Climate Change Convention (UNFCCC) in December 2008. At that time, both climate change experts and the broader forestry community welcomed the initiative as a good example of what can be achieved through partnerships and joint action.

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<sup>5</sup> <http://www.cites.org/eng/res/09/09-24R14.shtml>

<sup>6</sup> See CITES Secretariat paper at <http://www.cites.org/eng/com/SC/58/E58-43.pdf> and FAO response at <http://www.cites.org/eng/com/SC/58/E58i-06.pdf>

<sup>7</sup> The CPF is a voluntary arrangement among 14 international organizations and secretariats which have substantial programmes on forests. Its objectives are to promote sustainable forest management worldwide and strengthen political commitment to this end.

20. This concerted effort epitomizes the way in which the CPF operates. Through dialogue on a regular basis, members identify major forest issues of common concern and determine appropriate measures to address them collaboratively.

21. The messages, which are intended to inform climate change discussions in Copenhagen and beyond, are clear. Among others, one underscores the fact that sustainable forest management is a well tested and effective framework for simultaneously reducing carbon emissions, sequestering carbon and adapting to climate change. Another message points to the need for collaboration across sectors to reduce deforestation and forest degradation – an area where CPF members can assist countries as they strive to adopt comprehensive approaches to forest-related climate change mitigation and adaptation. Yet another makes an urgent call for capacity-building and governance reforms<sup>8</sup>.

## **VII. On-going negotiations of an International Regime on Access and Benefit-sharing under the Convention on Biological Diversity**

22. Further to a call for action by Governments at the World Summit on Sustainable Development in 2002, the Conference of the Parties to the Convention on Biological Diversity (CBD) mandated its Ad Hoc Open-ended Working Group on Access and Benefit-sharing to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing. The Eighth COP of the CBD instructed the Working Group to complete its work at the earliest possible time before the Tenth meeting of the COP, to be held from 18 to 29 October 2010. Prior to the Tenth COP, the Working Group is scheduled to meet two more times, in November 2009 and in March 2010, to complete its work. The regime will possibly address access to and the sharing of benefits derived from genetic resources, including genetic resources for food and agriculture.

23. FAO and its Commission on Genetic Resources for Food and Agriculture (Commission) have a longstanding history of dealing with issues related to access and benefit-sharing for genetic resources for food and agriculture. In 1983, the FAO Conference adopted the International Undertaking on Plant Genetic Resources which laid the foundation for the Commission. During the following years the Commission negotiated further resolutions which interpreted the International Undertaking and, in 1994, started negotiating a revised International Undertaking. As a result of these negotiations, the FAO Conference, in 2001, adopted the International Treaty on Plant Genetic Resources for Food and Agriculture, the first (and so far only) legally binding and fully operational international instrument for access and benefit-sharing.

24. The Commission, at its Tenth Regular Session (2004), recommended that FAO and the Commission contribute to further work on access and benefit-sharing, in order to ensure that it move in a direction supportive of the special needs of the agricultural sector, in regard to all components of biological diversity of interest to food and agriculture. At its Eleventh Regular Session (2007), the Commission agreed on the importance of considering access and benefit-sharing in relation to all components of biodiversity for food and agriculture and decided that work in this field should be an early task within its Multi-Year Programme of Work (MYPOW). Accordingly, the Commission decided to consider arrangements and policies for access and benefit-sharing for genetic resources for food and agriculture at its Twelfth Regular Session, which will be held at FAO headquarters, from 19 to 23 October 2009. The Session will be preceded by a special information seminar which will present studies commissioned by FAO in preparation of the Twelfth Regular Session on the use and exchange of genetic resources in the different sectors relevant to food and agriculture.

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<sup>8</sup> Web link: <http://www.fao.org/forestry/cpf-climatechange/en/>

25. No country has ever fabricated or maintained a prosperous food system based on genetic resources of purely domestic origin. There is therefore consensus that the exchange and use of genetic resources for food and agriculture are fundamental to achieving and maintaining food security. The terms under which these resources should be accessible, and the benefits derived from their use be shared, are therefore of fundamental importance to the mandate of FAO.