



# Earth Negotiations Bulletin

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## LEIPZIG CONFERENCE HIGHLIGHTS SATURDAY, 22 JUNE 1996

Following a day of site visits and informal consultations, the Plenary convened on the morning of the sixth day of the Fourth International Technical Conference on Plant Genetic Resources for Food and Agriculture (ITCPGR-4). In the afternoon a "friends of the Chair" Contact Group met to resolve outstanding issues in the Global Plan of Action (GPA) and the Leipzig Declaration (LD). The Plenary re-convened from midnight until 3:00 am to complete its work.

### PLENARY

The CHAIR invited the Chairs of the WG on the Leipzig Declaration (LD) and the Contact Group (CG) on finance and implementation to report on their progress. The CHAIR of the WG on the LD outlined bracketed text that still remained in the Declaration (ITCPGR/96/6 Rev. 1). This included the location of a paragraph referring to national sovereignty over PGR, as well as text on the IU, technology transfer, and finances. He emphasized that the Plenary was awaiting consensus language on technology transfer and finances from the contact groups. Following this, the CHAIR of the CG on finance and implementation reported that discussions continued.

Moving to Agenda Item 7 on the GPA, the CHAIR called for comments on the revised GPA (ITCPGR/96/5- Rev. 2) and a set of amendments to the revised GPA (ITCPGR/96/5-Rev.2-Add 1). The US stated that it could not accept language in Add-1 on benefit-sharing, Farmers' Rights (FR), and technology transfer. CANADA and AUSTRALIA stated that they would need to confer with their capitals regarding language in Add-1 on these issues. VENEZUELA on behalf of the G-77, later reinforced by INDIA, BRAZIL, MALAYSIA, SENEGAL and PAKISTAN, stated that language in Add-1 represented the minimum that was acceptable to them. The EU stated that it was in full agreement with language in Add-1 dealing with FR and technology transfer, but needed to consult internally regarding the language on benefit-sharing.

POLAND and ARGENTINA stated their desire to comment on unbracketed text in the GPA. The CHAIR suggested that, if absolutely necessary, this be done following interventions on Add-1. SWITZERLAND, later supported by fourteen other countries, underscored his support for the newly formulated

paragraph on benefit-sharing in Add-1. The amended text replaced language referring to "ensuring" with "to promote" fair and equitable sharing. It also confirmed the rights of farmers both to have access to, *inter alia*, germplasm, technologies and financial resources, and to develop and strengthen policies and legislative measures to promote benefit-sharing.

NEW ZEALAND stated that FR had not been properly explored and will be dealt with under the IU. He also noted that the sub-paragraph on benefit-sharing relating to the rights of farmers to have access to financial resources implied subsidies to farmers, which may have implications for GATT. The CHAIR emphasized that it was not the responsibility of the Conference to define FR. NORWAY suggested that the problems with the text were not significant and could be resolved through informal consultations. MEXICO emphasized that his country was a centre of origin of important PGRFA and hence supported FR.

POLAND introduced a new Policy/Strategy, stating that governments should consider legislation to allow distribution of land races/farmers' seed varieties. This proposal was supported by BANGLADESH, SUDAN, MALAYSIA, SENEGAL, URUGUAY, BRAZIL, COSTA RICA, CONGO, INDONESIA, PHILIPPINES and CHINA. ECUADOR noted that before Poland's proposal could be adopted, the definition of local varieties would need to be clarified as it might be problematic for UPOV members. PERU noted no technical objection to Poland's proposal, which would broaden the base for use of genetic resources which may have become obsolete, but called for further informal discussions. The CHAIR indicated that the text would be placed in brackets, as suggested by AUSTRALIA, as the Plenary awaited the results of consultations between interested delegations. Based on these deliberations, the text, with minor alterations, was ultimately adopted as proposed by Poland.

In the paragraph on "intermediate objectives" under the GPA activity on "expanding the characterization, evaluation and number of core collections to facilitate use," URUGUAY proposed to add "useful accessions" to the text calling for the identification of genes that counter stresses which limit crop production. In response to TURKEY's request for clarification of the term, the CHAIR referred the issue to bilateral consultations between the two countries.

Referring to the paragraph on activities promoting sustainable agriculture through diversification of crop production and broader diversity in crops, URUGUAY proposed to qualify the

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reference to on-farm improvement with "in accordance with an appropriate strategy." She noted that the purpose of the amendment was to take into account needs, geographical placement, health standards and other factors. The text was accepted as amended by Uruguay.

The paragraph calling for support to regional networks for PGRFA, which also lists those regions considered to be priorities, engendered debate over which regions to list. The CHAIR, seconded by VENEZUELA, supported URUGUAY's proposal to support networks "when necessary." The CHAIR also proposed that the list mention "other regions" at the bottom. These amendments were accepted. GABON, supported by PERU, then proposed language on harmonization of policies on phytosanitary regulations. The UK disagreed with introducing new text and the amendment was withdrawn.

THIRD WORLD NETWORK, later supported by the RURAL ADVANCEMENT FOUNDATION INTERNATIONAL (RAFI), highlighted the need for new and additional financial resources as well as FR. She noted that the majority of farmers in some nations are women, and equated support for women's rights with support for FR. RAFI called for a legally-binding IU incorporating FR, to be administered by FAO under the umbrella of the CBD. The INSTITUTE FOR AGRICULTURE AND TRADE POLICY expressed frustration with the US position on FR, stating that FR are already recognized around the world.

The CHAIR then announced the formation of a "friends of the Chair" Contact Group to work out remaining differences over all text, and adjourned the Plenary until midnight.

### **CLOSING PLENARY**

The CHAIR announced that the "friends of the Chair" CG had reached consensus on outstanding issues regarding the GPA, its financing and implementation, and the LD. Before beginning discussions on these documents, he invited two NGO groups to speak. VIA CAMPESINA pointed out that this was the first time a farmers' organization was participating in the FAO process. He expressed concern that national agreements on FR were being negotiated without consultation with farmers. He emphasized that the group was against the patenting of life, and of the genetic materials that farmers had conserved for centuries. He called upon the Conference to request the FAO to establish a permanent and flexible mechanism to guarantee the participation of peasants, Indigenous Peoples and farmer organizations in the implementation of the GPA, and in future FAO activities.

Two youth networks, PLAY FAIR EUROPE and A SEED EUROPE, presented a combined statement noting that the political results of the Conference would impact the destiny of many. She stated the groups' opposition to the patenting of life, and expressed concern over the sale of genetically altered organisms. She also expressed disappointment with a GPA that consolidates control over biological and cultural resources of the world, and continues a process of transforming them into commercial products, thereby contributing to their destruction. The Plenary then adjourned briefly to allow for reproduction of critical documents.

After all the documents had been received in all languages, the Plenary resumed. The CHAIR urged delegations to adopt all amended documents as a single package. The main amendments related to four areas: benefit-sharing; FR; technology transfer; and financing. Final language on benefit-sharing was changed from "the needs and rights of farmers and farming communities to have access" to "the needs and individual rights of farmers and, collectively, where recognized by national law, to have non-discriminatory access" in reference to germplasm, information, technologies and financial resources. Final

language on FR read "to realize Farmers' Rights, as defined in FAO Resolution 5/89," rather than realizing "the concept of" FR.

A reference in earlier amendments to technology transfer "under the terms of the Convention on Biological Diversity, in particular Article 16," was replaced with "under fair and most favourable terms, including on concessional and preferential terms, as mutually agreed to by all parties to the transaction." Regarding financing of the GPA, the meeting adopted text stating that "funding should come from developed countries and/or other sources, and should, where possible, seek to facilitate the leveraging of other funding sources and mechanisms, and assist countries to implement the GPA."

CHINA, supported by many other countries, endorsed the Chair's package proposal and, on behalf of all delegations, paid tribute to the Chair's leadership, and thanked both the government of Germany for its hospitality and the Secretariat for its hard work. He said that since 1992 countries have marched a long path to reach a conclusion on the GPA and the LD.

Many countries indicated that they were not entirely happy with the final documents but realized that these are the result of intense negotiations and represent a delicate balance of interests. AUSTRALIA, supported by the EU, endorsed the Chair's package proposal and suggested an amendment to the Report of the Conference to delete reference to "the development of a project portfolio to facilitate implementation of the GPA", as this had not been agreed upon by the CG. Australia's proposal was adopted. ARGENTINA, supported by PERU, accepted the documents, but underscored her government's reservation regarding the GPA's reference to "other sub-sets of PGR" as the concept was not adequately defined. The CHAIR concluded by reiterating a delegation's comment that "we can't get everything at one go" but "we have achieved a great deal."

The Rapporteur, R.B.Singh (India), thanked the Chair for his brilliant leadership and noted that the documents had been received by acclamation. On behalf of the FAO Director-General, Dr. Sawadogo thanked all delegates and pointed out that while the cost of conserving PGR is high, it is far less than the cost of their continued degradation. The EU, supported by VENEZUELA, nominated the Chair to present the Report of ITCGR-4 to both the CBD COP-3 and the World Food Summit. The closing Plenary concluded at 4:00 am on Sunday morning.

### **IN THE CORRIDORS I**

The "friends of the Chair" Contact Group met all day and into the night to resolve outstanding differences over the GPA and the LD. Delegates reported that the CG focused primarily on disagreement over funding of the GPA. While NGOs publicly lambasted several developed countries for their stance on this issue during the morning Plenary session, some delegates privately expressed their frustration with the entire process, stating that the sixth meeting of the CGRFA had decided that financing of the GPA would not be discussed at all at ITCGR-4.

### **IN THE CORRIDORS II**

Discussion over the meaning of FR continued in the corridors at Leipzig. NGOs and most delegations reiterated a call for language on FR in the GPA, with at least one NGO stating that FR had already been defined in many parts of the world. While many delegations and NGOs denounced wording referring to "the concept of" FR as backpedalling, others circulated a recent NGO article which explicitly referred to "the concept of" FR. Some noted that the prospect of getting the world community to accept a global plan calling for the realization of FR was in itself a significant achievement.