

CGRFA-12 HIGHLIGHTS: MONDAY, 19 OCTOBER 2009

The twelfth regular session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-12) opened on Monday, 19 October, at the headquarters of the UN Food and Agriculture Organization (FAO), in Rome, Italy. Delegates elected the meeting's chair and vice-chairs, adopted the agenda and timetable, and considered agenda items relating to the multi-year programme of work (MYPOW), specifically the cross-sectoral matter of access and benefit-sharing (ABS) for GRFA, and the Commission's mode of operation, namely the draft rules of procedure.

CGRFA-12 OPENING SESSION

Welcoming participants to CGRFA-12, FAO Assistant Director-General Alexander Müller, highlighted the meeting's special information seminar on policies and arrangements for ABS for GRFA held on 17 October as a step forward on this difficult issue and discussed the Commission's work in relation to FAO, other UN organizations and member countries. He then identified topics to be tackled throughout the week, including consideration of the funding strategy for the implementation of the Global Plan of Action for Animal Genetic Resources.

Bert Visser, Commission Chair (the Netherlands), reported on the activities by the Bureau at its two inter-session meetings, including the review and consolidation of the draft rules of procedure, provided an overview of the seminar on ABS, noting consensus on the role of genetic diversity conservation for ensuring food security, and described CGRFA-12's work.

After a brief discussion on the proposed draft rules of procedure, delegates elected CGRFA-12's Bureau (CGRFA-12/09/2.1). Upon a proposal by Yemen, for the Near East region, Javad Mosafari Hashjin (Iran) was elected as CGRFA-12 Chair. Regional groups nominated vice-chairs: Venezuela, for the Group of Latin America and Caribbean Countries (GRULAC) nominated Modesto Fernández Diaz-Silveira (Cuba); Belgium, for the European regional group (ERG), nominated Grethe Evjen (Norway); the Philippines, for Asia, nominated Joel Rudinas (Philippines); the United States (US) nominated Brad Fraleigh (Canada); Papua New Guinea (PNG) nominated Travis Power

(Australia); and Kenya, for Africa, nominated Cheikh Alassane Fall (Senegal). Jens Weibull (Sweden), the US nomination for rapporteur, was elected.

Newly-elected Chair Mosafari thanked the outgoing bureau for its excellent work, highlighted CGRFA's ability to deliver on FAO's responsibilities to address agricultural problems through a new integrated approach, and opened the floor for comments. GRULAC proposed discussing the draft rules of procedure and the status of the Commission (CGRFA-12/09/21) on Tuesday instead of Thursday. The ERG proposed discussing budgetary issues arising from the FAO reform process under the draft strategic plan 2010-2017 for the implementation of the MYPOW (CGRFA-12/09/4). CANADA supported advancing discussion on the rules of procedure, but not on the status of the Commission. The agenda and timetable (CGRFA-12/09/2.2) was adopted with the proposed changes.

MULTI-YEAR PROGRAMME OF WORK

ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE: The Secretariat introduced the documents on the consideration of policies and arrangements for ABS for GRFA and the status of negotiations of the international regime on ABS (international regime) (CGRFA-12/09/3.1, 3.2 Rev.1, and chapter VI.1 of CGRFA-12/09/4), as well as studies on food security, ABS, and GRFA in various sectors (background study papers No. 42-49). Chair Mosafari asked delegates to consider whether the Commission should take a proactive role in providing inputs to the international regime negotiations under the Convention on Biological Diversity (CBD).

The US suggested the Commission take into account the unique role of GRFA in a manner complementary with the CBD's work on genetic resources. GRULAC, supported by BRAZIL and ARGENTINA, considered that FAO and the Commission should, within their mandate, contribute technical support to work on ABS under the CBD to ensure adequate treatment of GRFA. BRAZIL, supported by KENYA and ETHIOPIA, emphasized that discussions under the Commission should not prejudge substantive outcomes under the CBD, as an international regime has yet to be adopted. AFRICA supported the Commission providing expertise on GRFA to the ABS process, and suggested inter-sessional

work on the issue. Sweden, for the EU, supported providing inputs to the international regime negotiations and assisting in its implementation. She proposed drafting a declaration for consideration by the FAO Conference and the CBD. AUSTRALIA expressed support for the MYPOW timetable. SWITZERLAND stressed the critical role of the CGRFA in the implementation of a flexible international regime. CANADA stressed that the work of the CGRFA should contribute to the negotiation of an international regime in a non-competitive way and develop model clauses on genetic resources in support of an international regime.

Noting that the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) is a legally binding instrument already “in harmony” with the CBD, TURKEY said the same needs to occur with the international regime, and that it should be flexible enough to include the various GRFA domains. CUBA, in support of GRULAC, emphasized that the ITPGR is a legally binding instrument that develops and implements an ABS system in line with the CBD and can serve as an example of how to develop other ABS systems under the CBD, and that these systems may be especially important in light of climate change.

The CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH (CGIAR) hoped that the Commission would further its work on ABS for GRFA and coordinate with the development of an international regime in accordance with its MYPOW Draft Strategic Plan, highlighting the ITPGR as evidence of the Commission’s contribution to implementing ABS. Recalling the Commission’s role in facilitating cooperation between FAO and other relevant intergovernmental and non-governmental bodies, NORWAY suggested that any other international instrument on ABS should fully reflect GRFA’s distinct nature and the need for distinct solutions.

Tonga, for the PACIFIC REGION, highlighted that the ITPGR and its Standard Material Transfer Agreement (SMTA) are successful examples of facilitating access to PGRFA. The LEAGUE OF PASTORAL PEOPLE said it is important to operationalize CBD Article 8(j) on traditional knowledge protection, bearing in mind livestock keepers’ rights. Shakeel Bhatti, ITPGR Executive Secretary, recalled Resolution 7/2009, in which the Treaty’s Governing Body invites the Commission to collaborate with the Governing Body so that issues related to ABS for PGRFA may be dealt with in a harmonious manner to ensure policy coherence, promote synergies and avoid duplication of efforts.

Making a specific proposal on text, GRULAC suggested that FAO and the CGRFA should contribute, within their mandate, technical support to further work on ABS (CGRFA-12/09/3.1, section V (a)) for proper treatment of GRFA in the international regime. SWITZERLAND stressed that the work of the CGRFA should not be restricted to providing technical support to the international regime, because cross-sectoral ABS issues have direct implications for the CGRFA’s MYPOW. KENYA proposed that the CGRFA’s work on ABS be carried out in close cooperation with the ITPGR’s Governing Body.

After lengthy discussions on how to proceed with this agenda item, delegates agreed to task the Secretariat with compiling written submissions on “guidance sought” into a consolidated

text for consideration by plenary at an evening session later this week. GRULAC, with CANADA and BRAZIL, emphasized that the text should not synthesize but rather reflect all submissions received. BRAZIL noted that the content of the document would determine whether it would be a declaration or take another form.

Future Work: Delegates considered how to proceed with discussing future work on ABS (CGRFA-12/09/4). SWITZERLAND suggested that the agenda item be considered when the mandates of the Intergovernmental Technical Working Groups on PGRFA (ITWG-PGR) and on Animal Genetic Resources (ITWG-AnGR) are discussed, noting that these working groups could be tasked with exploratory work on ABS issues. CANADA agreed with SWITZERLAND on the MYPOW and suggested looking at it in terms of two periods: one leading up to 2010 when the international regime is supposed to be adopted, and one after its adoption. ARGENTINA suggested revising the “guidance sought” section of the document in view of what the CGRFA may do to support the international regime negotiations in the coming year.

THE COMMISSION’S MODE OF OPERATION: The Secretariat introduced the draft rules of procedure (CGRFA-12/09/21). The ERG, CANADA, GRULAC and others welcomed the suggested draft rules. The ERG proposed adding some annotations and explanations to clarify, *inter alia*, where the Statutes of the CGRFA are quoted, noting that these cannot be amended by the CGRFA itself. QATAR, supported by ETHIOPIA, noted that rather than referring to fisheries genetic resources it would be more appropriate to have a reference to aquatic genetic resources. The US highlighted that the CGRFA does not have the power to change its own mandate. QATAR then suggested making a recommendation to FAO to revise the mandate accordingly. The draft rules of procedure were adopted with the US asking for the opportunity to have the amended text of the rules of procedure distributed in print.

IN THE CORRIDORS

As delegates gathered for the opening of CGRFA-12, there was general recognition of the important role the special information seminar on ABS played in clarifying the Commission’s potential contribution to CBD negotiations on ABS. Many delegates noted that the meeting was off to a good start and felt that a spirit of cooperation would likely prevail over any fear of competition between the CGRFA and the CBD on international ABS issues. Nonetheless, some participants expressed surprise at the eagerness of certain delegations to jump into negotiations on specific text on this issue so early in the week.

While it is still too early to predict, one delegate expressed hope that the CBD COP 10 in Nagoya, Japan, might invite the CGRFA to further consider ABS issues relevant to GRFA. Another delegate added that the CGRFA could help identify a multilateral approach to ABS for GRFA, which - as some argued - might be needed to promote food security. Some suggested that the coming together of representatives from the various ministries of agriculture and CBD negotiators at this meeting could promote greater collaboration and mutual understanding, helping overcome institutional constraints on advancing the ABS agenda on GRFA.