



SUMMARY OF THE NINTH REGULAR SESSION OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE: 14 – 18 OCTOBER 2002

The ninth regular session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-9) was held from 14-18 October 2002, at the UN Food and Agriculture Organization (FAO) headquarters in Rome, following the first Meeting of the CGRFA acting as the Interim Commission for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR). Approximately 288 participants from 103 countries and intergovernmental and non-governmental organizations attended the meeting.

CGRFA-9 considered agenda items related to animal genetic resources (AnGR), including the report of the second session of the Intergovernmental Technical Working Group on Animal Genetic Resources (ITWG-AnGR), its future work and the Report on the State of the World's AnGR. Regarding plant genetic resources, delegates discussed: the report of the first session of the Intergovernmental Technical Working Group on Plant Genetic Resources (ITWG-PGR) and its future work; implementation and monitoring of the Global Plan of Action (GPA) and preparation of the second Report on the State of the World's Plant Genetic Resources; the facilitating mechanism for the GPA's implementation; other elements of the FAO Global System for the conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), including:

- *ex situ* collections held by the International Agricultural Research Centers (IARCs) of the Consultative Group on International Agricultural Research (CGIAR) renewal of their agreements with the FAO and development of an interim Material Transfer Agreement (MTA),
- international plant genetic resources networks,
- the World Information and Early Warning System on PGRFA (WIEWS), and
- *in situ* conservation areas.

Delegates also considered the FAO's policies, programmes and activities on agricultural biodiversity, heard reports from international organizations on activities on agricultural biodiversity and addressed cooperation with the Convention on Biological Diversity (CBD). Finally, they considered the status of the International

Code of Conduct for Plant Germplasm Collecting and Transfer and the draft Code of Conduct on Biotechnology as It Relates to Genetic Resources for Food and Agriculture.

Delegates managed to tackle the considerable workload speedily, focusing on the substance and technicalities of genetic resources and trying to avoid unfruitful debates on politically sensitive issues. Revising the draft interim MTA for the IARCs was not an easy task, especially in view of the controversies that arose during the ITPGR's negotiations and the long discussion on the terms of reference for an MTA expert group during the ITPGR's first Interim Committee meeting. Nevertheless, a Friends of the Chair group managed to resolve differences, accommodate concerns and develop a revised MTA, while Plenary addressed other issues, such as the implementation of the GPA and the status of the Code of Conduct on Biotechnology. Despite progress in these areas, some highlighted concern about a significant amount of work be conducted behind closed doors, such as the interim MTA as well as the revision of the meeting's report. Looking ahead, the CGRFA will have to grapple with the all too common problem of balancing movement forward on a complex and highly political agenda with the need for transparent decision-making processes.

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A BRIEF HISTORY OF THE CGRFA

The FAO Commission on Plant Genetic Resources was established in 1983. Renamed the Commission on Genetic Resources for Food and Agriculture in 1995, it currently comprises 165 countries and the European Community. The CGRFA's main objectives are to ensure the conservation and sustainable use of genetic resources for food and agriculture, as well as the fair and equitable sharing of benefits derived from their use, for present and future generations.

The CGRFA deals with policy, sectorial and cross-sectorial issues related to its mandate. It develops and monitors the Global Strategy for the Management of Farm Animal Genetic Resources and the Global System for Plant Genetic Resources. It also facilitates and oversees cooperation between the FAO and other relevant bodies, including the Conference of the Parties (COP) to the CBD and the UN Commission on Sustainable Development (CSD). Its regular sessions are held every two years and extraordinary sessions are convened when required. Six extraordinary sessions have been held so far. In 1997, the Commission established two subsidiary bodies, the ITWG-AnGR and the ITWG-PGR, to deal with specific issues in these areas.

ANIMAL GENETIC RESOURCES: The Global Strategy for the Management of Farm Animal Genetic Resources provides a technical and operational framework for assisting countries, and is comprised of: an intergovernmental mechanism for direct governmental involvement and policy development; country-based global infrastructure to help States plan and implement national strategies; a technical support programme aimed at the country level; and a reporting and evaluation system to guide the Strategy's implementation, maximize cost-effectiveness and facilitate collaboration, coordination and policy development. A communication and information tool called the Domestic Animal Diversity Information System (DAD-IS) is being developed for the Strategy's implementation, to assist countries and networks by providing searchable databases, tools, guidelines, a library, links and contacts for the better management of all AnGR used in food and agriculture.

PLANT GENETIC RESOURCES: The Global System on Plant Genetic Resources contains two key elements: the Report on the State of the World's Plant Genetic Resources and the GPA for the conservation and sustainable utilization of PGRFA. The first Report on the State of the World's Plant Genetic Resources was prepared through a country-driven process, and was presented at the Fourth International Technical Conference held in Leipzig, Germany in 1996. The GPA was formally adopted through the Leipzig Declaration, and comprises a set of activities covering capacity building, and *in situ* and *ex situ* conservation of plant genetic resources.

The Global System also includes: the non-binding International Undertaking on Plant Genetic Resources; the code of conduct for germplasm collecting and transfer; gene bank standards and guidelines; the draft Code of Conduct on Biotechnology; the international network of *ex situ* collections; and WIEWS.

INTERNATIONAL TREATY ON PGRFA: Among the CGRFA's recent achievements is the finalization of the revision of the International Undertaking on Plant Genetic Resources (IU) in harmony with the CBD, after seven years of negotiations. The ITPGR is a binding legal instrument establishing a Multilateral System for facilitated access to a specified list of PGRFA, balanced by benefit-sharing in the areas of information exchange, technology transfer, capacity building and commercial development. Its objectives are the conservation and sustainable use of PGRFA and equitable benefit-sharing for sustainable agriculture and food

security. To date, 66 countries have signed the treaty and nine countries have ratified (Cambodia, Canada, Eritrea, Ghana, Guinea, India, Jordan, Malawi and Sudan).

The first meeting of the CGRFA acting as the Interim Commission for the ITPGR was held from 9-11 October 2002, in Rome. Delegates adopted the rules of procedure for the Interim Commission and established an open-ended expert working group to propose draft rules of procedure and financial rules for the Governing Body, and draft procedures for compliance. They also adopted the terms of reference for an intergovernmental expert group to address the terms of the standard MTA.

CGRFA-9 REPORT

On Monday, 14 October, CGRFA Vice-Chair Javad Mosafari Hashjin (Iran) opened the meeting. He welcomed participants and presented the agenda (CGRFA-9/02/1), which was adopted. Vice-Chair Mosafari then invited nominations for the replacement positions of CGRFA Chair and Vice-Chairs. Upon a proposal by the Netherlands, on behalf of the OECD group comprising the regions of Europe, North America and South West Pacific, delegates elected Robert Bertram (US) as the Chair of the CGRFA. Iran, on behalf of the G-77/China, nominated Innocent Mokosa Mandente (Democratic Republic of Congo), Hilda Gabardini (Argentina), Eng Siang Lim (Malaysia) and Javad Mosafari Hashjin (Iran) to act as Vice-Chairs, as well as Baldev Singh Dhillon (India) as the meeting's rapporteur. The Netherlands then proposed Nikolaos Stavropoulos (Greece) and Kristianne Herrmann (Australia) to act as Vice-Chairs. Nominations were accepted.

Chair Bertram highlighted the achievement of creating the ITPGR, giving the agricultural sector a clear voice on biodiversity issues, and paid a tribute to the contribution of the outgoing CGRFA Chair and Chair of the Treaty's Interim Committee, Amb. Fernando Gerbasi (Venezuela). He then noted the endeavors of Nobel Prize winner Jimmy Carter for agriculture and particularly plant genetic resources.

David Harcharik, FAO Deputy Director-General, welcomed participants and highlighted the accession of five new Members to the Commission (Kazakhstan, Luxembourg, San Marino, Sao Tome and Principe, and Saudi Arabia) bringing the number of members to 165. He outlined the Commission's work on genetic resources, biotechnology and ethics, and highlighted the finalization of the ITPGR as a milestone of international cooperation. He then presented the agenda items noting they include important technical and policy issues, such as the challenge of reaching workable international arrangements for AnGR, as well as the opportunity to review the elements of the Global System on PGRFA and to discuss the status of the Code of Conduct on Biotechnology.

Delegates met in ten Plenary sessions over the five days. On Monday morning, delegates discussed issues related to AnGR, while in the afternoon, they heard introductory presentations related to plant genetic resources. On Tuesday, 15 October, they discussed plant genetic resources and formed a regionally balanced Friends of the Chair group to draft the revised interim MTA for the IARCs. On Wednesday, 16 October, a ceremony was held to commemorate World Food Day, and afternoon and evening sessions were held to discuss cooperation with the CBD and the codes of conduct. On Thursday, 17 October, delegates considered the FAO's activities on agricultural biodiversity and heard reports from international organizations on the issue. On Friday, 18 October, the Friends of the Chair group finalized negotiations on the interim MTA and a small group comprised of regions' represen-



tatives engaged in a revision of the CGRFA-9's report. The closing Plenary started at 12:30 am and adopted the meeting's report (CGRFA-9/02/Draft report – Parts 1, 2, 3 and 4/Rev.1) by acclamation.

ANIMAL GENETIC RESOURCES

REPORT OF THE SECOND SESSION OF THE ITWG-ANGR AND FIRST REPORT ON THE STATE OF THE WORLD'S ANGR: On Monday morning, Elzbieta Martyniuk (Poland), Chair of the ITWG-AnGR, introduced the report of the group's second session (CGRFA-9/02/3). She highlighted the meeting's constructive spirit and its key observations, including: the importance of AnGR for global food security and rural development; the need for an increased understanding of their role; concerns about their rapid loss and the absence of a global early warning and response mechanism; the importance of sustainable utilization of locally adapted AnGR; the FAO's role in providing training and support for the preparation of national management plans; and the need for improved access to and capacity for the use of biotechnologies. She noted the ambitious timeline for the ITWG-AnGR's review of the first draft of the report by 2005. She highlighted that AnGR continue to be a priority area in the FAO Programme of Work and Budget, and that additional donor support is required to support preparation of national reports. She also stressed the need to enhance dialogue with international organizations and to involve all stakeholders. She concluded that the Report on the State of the World's AnGR and the report on the strategic priorities for action will establish the foundations for responding to rapid erosion of AnGR, promoting their sustainable use and identifying urgent action.

Samuel C. Jutzi, Director of the FAO's Animal Production and Health Division, introduced the progress report on the development of the first Report on the State of the World's AnGR in the context of the Global Strategy for the Management of Farm AnGR (CGRFA-9/02/4 and Inf.3). He said the process is country-driven, leading from country reports, regional priority reports, a strategic priority action report and options for a follow-up mechanism to the Report on the State of the World's AnGR. He referenced the Guidelines for country reports and the DAD-IS, a management and communication tool supporting the preparation of country reports. He also outlined regional training programmes, acknowledging the financial contribution of Finland, the Netherlands and the Nordic Gene Bank. He also noted the one-year delay in the report's development and stressed the need for extra-budgetary support. He said that an international technical conference is envisaged as the culmination of the process.

Chair Bertram then called for comments on guidance regarding: endorsement of the process for undertaking the preparation of the country-driven first Report on the State of the World's AnGR; a meeting of the ITWG-AnGR in 2003 to review progress and in 2005 to review the first draft; and recognizing the need for extra-budgetary resources. Canada, Denmark, on behalf of the European Community and its Member States (EU), Poland and Portugal, on behalf of the European region, requested more detailed information on core activities and the indicative budget.

Many delegates noted on-going preparation of country reports. Regarding timing for the ITWG-AnGR meetings, China and the Republic of Korea supported having two meetings in 2003 and 2005, while Canada and the European region suggested flexibility

regarding the first meeting's scheduling to allow sufficient time for analyzing the country reports. The US suggested an additional meeting.

Ethiopia and Malaysia supported convening an international technical conference on AnGR. Algeria, Canada and the European region considered it premature, with Canada suggesting revisiting the issue at CGRFA-10. Cuba, Ethiopia, Iran, Norway, Poland and the League for Pastoral Peoples expressed interest in developing a treaty on AnGR. The League for Pastoral Peoples suggested that a treaty could address the issues of genetic engineering and patenting of animals, and also proposed accelerating preparations for a technical conference. Zimbabwe called for a code of conduct. The European region and Norway suggested a GPA on AnGR.

Algeria, the Republic of Korea, Tunisia and Zimbabwe stressed regional coordination for information exchange. Norway said the regional reports should reflect regional differences and priority areas. Algeria stressed the need for regional workshops before submitting the reports to the FAO and for training on the principles to guarantee *in situ* and *ex situ* conservation.

Many stressed the need for FAO funding and extra-budgetary funds. Norway noted that excessive resources were spent on the DAD-IS State of the World Module, and proposed condensing the learning materials. Canada said international organizations should provide reports at their own cost. Egypt called for integration of programmes related to animal and plant genetic resources to reduce costs. Poland stressed the need to take into account the specific features of animal genetic resources.

Algeria and Cameroon stressed that many animal species are disappearing. The Democratic Republic of Congo acknowledged that poaching and civil strife result in loss of species. Malaysia warned about homogeneity of production systems and cloning, and recommended diversifying animal reproduction. Sudan referenced its attempt to address food necessities, through improving animal breeds and increasing meat and dairy production. Algeria and Malaysia recommended broadening the scope of work to fish genetic resources.

A representative of the CBD Secretariat drew attention to relevant COP decisions, regarding: cooperation with the Interim Committee and the Governing Body of the ITPGR; the Bonn Guidelines on Access and Benefit-sharing; the work programme on agricultural biodiversity; the international initiative on soil biodiversity; the Global Strategy on Plant Conservation; and CBD Article 8(j) on traditional knowledge. She also referenced the technical expert group addressing the effects of genetic use restriction technologies (GURTs) on small farmers, indigenous and local communities and farmers' rights.

The Intermediary Technology Development Group (ITDG) said the Commission should establish itself as the dominant inter-governmental body for the governance of the managed environment, drew attention to ethical aspects related to GURTs and suggested the Commission express its concerns to the World Food Programme on the issue of genetically modified organisms' (GMO) contamination of local environments through food aid in many African countries.

The CGIAR referenced the activities of the International Livestock Resources Institute (ILRI), and called for an intense consultative process to allow for involvement of intergovernmental and non-governmental organizations active in the field. Rare Breeds International presented its activities as the only international NGO



with a mandate to conserve AnGR. The Institute for Agriculture and Trade Policy (IATP) drew attention to the role of subsidies for industry, which encourage monocultures and the use of antibiotics.

On Monday afternoon, Jutzi responded to the issues raised. Regarding the timing of the ITWG-AnGR's meetings, he welcomed the US suggestion to hold a third meeting, but noted the need for extra-budgetary funding. On convening an international technical conference on AnGR, he noted concerns raised and proposed that CGRFA-10 consider the issue. On a future treaty on AnGR, he suggested delegates either leave the issue open for discussion or mandate an assessment of pros and cons. Regarding the proposed GPA on AnGR, he said debate may continue and referenced the report on strategic priority actions, to be developed on the basis of regional priority reports. He also referenced: close interaction with the CGRFA Secretariat to learn from the PGRFA experience; intensive collaboration with ILRI; and submission of four country reports to date.

Chair Bertram noted broad support for the Report on the State of the World's AnGR, the FAO training efforts, the country-driven approach and the need to stay on schedule. He highlighted: prioritization of AnGR; lessons to be learned from the PGRFA experience, while taking into account the special needs of AnGR; the importance of partners and work at the regional level; and the need for extra-budgetary support. He noted the interest in developing a treaty on AnGR and suggested keeping the issue on the agenda.

Final Outcome: The report of the meeting (CGRFA-9/02/Draft report – Part 1/Rev.1) expresses concern about the erosion of AnGR and agrees with the ITWG-AnGR that urgent action should be taken to assist developing countries and countries with economies in transition to conserve and better use their AnGR. It accepts the process for preparing the first Report on the State of the World's AnGR and emphasizes its completion by 2006. It acknowledges that regular budgetary and extra-budgetary resources will be necessary, recommended that the FAO more clearly identify such financial needs, recognized that the training and resources provided by FAO had been valuable in supporting the first stage of work and appealed for such support to continue. The Commission stressed the importance of a regional focus through networking and training, and agreed that regional efforts should continue where required. It also stressed the need to involve relevant international organizations and NGOs, and recommended that they be officially invited by the FAO to contribute reports on AnGR.

It considered that the experience gained through the development of the first Report on the State of the World's Plant Genetic Resources could provide a number of lessons, but stressed the need to take into account the specific features of AnGR. Finally, the report notes the possibility of an international technical conference on AnGR to complete the process of the report and decides to keep it under review for later decision. The issue of the possible need for a treaty on AnGR was left open for consideration by future CGRFA sessions, pending the completion of a report on the pros and cons of such an agreement.

FUTURE WORK OF THE ITWG-ANGR: On Monday, Chair Bertram invited the regions to nominate members for the ITWG-AnGR. Angola, on behalf of the African region, nominated Algeria, Botswana, Cameroon, Eritrea and Mali. Portugal, on behalf of the European region, nominated Denmark, France, the Netherlands, Slovenia and Turkey. Japan, on behalf of the Asian region, nominated China, India, the Republic of Korea, Thailand and Vietnam. Brazil, on behalf of the Latin American and Caribbean Group (GRULAC), nominated Argentina, Bolivia, Brazil,

Chile and Uruguay. Iran, on behalf of the Near East region, nominated Egypt, Iran and Sudan, requesting a note in the meeting's report for consideration of an increase in their regional representation at CGRFA-10. Samoa, on behalf of the South West Pacific region, selected New Zealand and Samoa later in the week. The US, on behalf of the North American region, nominated Canada and the US.

Final Outcome: The report of the meeting (CGRFA-9/02/Draft report – Part 1/Rev.1) states that the ITWG-AnGR should meet in 2003 and 2005, and, if necessary and subject to the availability of extra-budgetary resources, also in 2004. It stressed the importance of data and information sharing, and agreed that the DAD-IS should be further developed.

PLANT GENETIC RESOURCES

REPORT OF THE FIRST SESSION OF THE ITWG-

PGR: On Monday afternoon, Eng Siang Lim (Malaysia), Chair of the ITWG-PGR, presented the report of the first session (CGRFA-9/02/5), which considered: a progress report on the implementation of the GPA for the conservation and sustainable utilization of PGRFA; monitoring and facilitation of the GPA's implementation; updating the Report on the State of the World's Plant Genetic Resources, recommending completion by CGRFA-12; a progress report on WIEWS, which proposes to link it to national systems for cost efficiency; and the study on potential impacts of GURT on agricultural biodiversity, requested by CBD COP-5.

GPA IMPLEMENTATION AND MONITORING AND PREPARATION OF THE SECOND REPORT ON THE

STATE OF THE WORLD'S PGR: On Monday afternoon Mahmoud Solh, Officer in Charge of the FAO's Plant Production and Protection Division, noted that 150 countries had adopted the GPA. Arturo Martinez, Chief of the FAO's Seed and Plant Genetic Resources Service, introduced the country progress report on the GPA (CGRFA-9/02/6). As requested by CGRFA-7, a review of questionnaires circulated to national focal points to prepare an overview on the GPA's implementation found a focus on *ex situ* conservation, inventory and building strong national programmes, and a lack of attention to *in situ* conservation. Martinez said support is needed for promotion of networks, capacity building, training and public awareness. He said national efforts are delayed due to funding factors and called for involvement of stakeholders. He concluded that a better survey process was needed and noted the proposal for monitoring GPA implementation (CGRFA-9/02/7) and a full set of indicators (CGRFA-9/02/Inf.2). He proposed to first develop a long-term monitoring system in a pilot area and expand it between 2004 and 2006 into a comprehensive system, with nomination of national focal points and linkages with other reporting processes under the CBD, Commission on Sustainable Development and the follow up to the World Food Summit. He noted the preparation of the second Report on the State of the World's PGR (CGRFA-9/02/8) should include the change in the status of PGRFA since the first report.

Canada supported the proposed reporting format and indicators, including core indicators, recognizing the need for their further development and, with Malaysia and Norway, stressed the importance of developing higher-order indicators, as suggested by the ITWG-PGR, to monitor agricultural biodiversity at a more general level. He said questions related to core indicators in the reporting format should be separate, in order to receive priority consideration. The EU said all core indicators should go into the pilot phase and that the final list should include only essential ones.



Canada and the EU supported the proposed implementation of the pilot phase. Canada and Germany expressed their willingness to participate, providing the funding for their involvement. Regarding participation of intergovernmental organizations, Canada said that the CGRFA Secretariat remain in contact with other convention Secretariats. The EU, Kenya, Norway and Poland supported simplification of and common reporting for ongoing monitoring processes to reduce the workload and increase participation.

Poland noted that a monitoring system requires capacity at the national level. The G-77/China said the implementation of financial arrangements proposed at Leipzig is a prerequisite for the GPA's implementation, and with Brazil, on behalf of GRULAC, stressed the need for new and additional resources, emphasizing that more than 70% of the implemented activities have been financed solely by national funds.

Kenya emphasized forage crops and pasture. France stressed considering the quality of seed production and reproduction material. Malaysia noted information gaps on the work of NGOs, farmers and industry, and, supported by South Africa, proposed to devise national and regional priorities. Ethiopia called for strengthening the GPA at the global level and for linkages with national early warning systems.

Chair Bertram summarized the discussions noting: the absence of a funding mechanism; the need for a system allowing countries to tailor reporting to their needs; the concept of higher order indicators; and interest in prioritization and work at the regional level.

Final Outcome: In the meeting's report (CGRFA-9/02/Draft report – Part 2/Rev.1) the Commission notes that the majority of national activities reported were funded from national sources and emphasizes the importance of promoting the sustainable use of PGRFA and the need for a more complete analysis of the collected information. It highlights the importance of monitoring GPA implementation through a country-driven and flexible system, and recommends that the list of indicators and reporting format developed by the Secretariat should be further refined through pilot testing. The report notes that the ITWG-PGR should continue working towards the final list of core indicators and recognized that developing countries and countries with economies in transition would need technical and financial support to enable their participation in the pilot phase. It was also agreed that the surveys in 2003 and 2005 would be carried out on the basis of the methodology currently in use, integrating the lessons learned in the pilot phase. The report suggests that higher-order indicators be developed and welcomes intersessional work carried out by the Secretariat.

The report also states that work should progress on the development of the second Report on the State of the World's Plant Genetic Resources and stresses that its preparatory process should be fully integrated with the monitoring of the GPA's implementation. It requests that countries be given an opportunity to review the guidelines for country reporting prior to their finalization. Priority should be given to updating the report, focusing on changes that had occurred, and that the thematic studies should be carried out as far as resources allowed. The Commission recognizes the need for extra-budgetary resources and agrees that adjustment of the rolling GPA was not necessary at this time and could be considered at a later date.

FACILITATING MECHANISM FOR THE GPA'S IMPLEMENTATION: On Tuesday afternoon, delegates considered the facilitating mechanism for GPA implementation and the indicative cost estimates (CGRFA-9/02/9 and Add.1). Solh presented the steps taken by the FAO and noted that the four

options considered by the ITWG-PGR, namely the regular programme approach, the project model approach, the consultative forum approach and the plan facility approach, have been combined.

The European region suggested further work in line with the recommendations of the ITWG-PGR, expressed concern regarding elements not fully consistent with the GPA's country-driven nature, and stressed focusing the mandate on implementation at the country level and dealing with strategic issues in the ITPGR's financial mechanisms. Malaysia, supported by Angola, Cameroon and Iran, noted lack of a commitment by the international community to funding GPA implementation, which currently depends on national resources. Iran stressed the need to develop a concrete financing mechanism to enhance capacity building for implementation. Canada said the distinction between the mechanism's role in supporting the funding strategy for the ITPGR and facilitating the GPA's implementation should be made clear. He suggested prioritizing its functions, focusing on: developing linkages between conservation, plant breeding and seed production and distribution interests; encouraging donor support; and preparing a draft funding strategy for the ITPGR in consultation with governments. He also noted that the proposed establishment of an advisory committee and guidance sought from the ITWG-PGR would be duplicative. Malaysia agreed with prioritizing the proposed activities but considered the mechanism's functions too vague.

In concluding the discussion, Chair Bertram noted delegates' concerns regarding: lack of expected funding for implementation at the country level; the FAO's not following the ITWG-PGR's recommendations; the number of activities to be carried out; creation of an advisory group; the need to enhance partnerships; and the need for movement on the funding strategy.

Final Outcome: In the meeting's report (CGRFA-9/02/Draft report – Part 2/Rev.1), the Commission stresses that the GPA's implementation should be country driven but efforts should also focus on facilitating the provision of technical and financial resources to developing countries and countries with economies in transition to address national implementation priorities. High priority should also be given to: enhancing or creating partnerships for the GPA implementation; promoting linkages among plant genetic resources management, plant breeding and the seed sector; networking; and facilitating communication with international organizations and donors. The Commission welcomed the proposed partnership with the International Plant Genetic Resources Institute (IPGRI) and the International Fund for Agricultural Development (IFAD).

The report also recommends that the facilitating mechanism's future development be guided by the Commission and the ITWG-PGR, and supports the proposal for a consultation to gather stakeholders' views on the possible activities of the mechanism and the priorities established by the Commission. It states that the mechanism should give high priority to assisting the development of the funding strategy to be adopted by the ITPGR's Governing Body, but notes that there should be no ambiguity in the roles of the Commission and the Governing Body, or duplication of activities under the facilitating mechanism and the funding strategy of the ITPGR.

PROGRESS REPORTS ON OTHER ELEMENTS OF THE FAO'S GLOBAL SYSTEM FOR THE CONSERVATION AND SUSTAINABLE UTILIZATION OF PGRFA: On Monday and Tuesday, the Plenary discussed other elements of the FAO Global System on PGRFA, including: *ex situ* collections held



by the IARCs of CGIAR and renewal of their agreements with the FAO; international plant genetic resources networks; WIEWS; and *in situ* conservation areas. The Commission suggested that a summary document be prepared for future CGRFA sessions, providing an overview of the various components of the Global System and their potential contribution to the implementation of the ITPGR.

Ex Situ Collections Held by the IARCs: On Tuesday afternoon, the FAO legal adviser introduced the report on the international network of *ex situ* collections (CGRFA-9/02/11), containing its history and progress since CGRFA-8, including: the second renewal of the agreements with the CGIAR Centres; revision of the current MTA; activities to be carried out by the Interim Committee for the ITPGR; operation of the CGIAR gene banks; International Coconut Genetic Resource Network (COGENT) Agreements; intellectual property rights (IPR); and a report on the introgression of transgenic materials. He then presented CGRFA-9/02/20 on the renewal of the “In-Trust” Agreements between the CGIAR Centres and the FAO and the draft revised MTA. He noted that the sixth extraordinary session of the CGRFA requested preparation of a revised MTA, for use by the Centers when making available material under their Agreements with FAO, in the period until they conclude Agreements with the ITPGR’s Governing Body. The representative of IPGRI, speaking for the CGIAR, stressed that the proposed MTA was in line with the Commission’s work and the ITPGR, and requested guidance on benefit sharing.

Regarding IPR, Brazil requested that the FAO follow developments relevant to the ITPGR’s implementation and the work of the IARCs. Norway expressed concern about cases of inappropriately granted IPR, some of which had been related to the IARCs, and called for their comments on developing a workable agreement. Malaysia highlighted information provided by the International Centre for Tropical Agriculture (CIAT) regarding its request to re-examine the US patent for the “enola” bean (CGRFA-9/02/Inf.7). The US said it shared the concerns of CIAT and the FAO and referenced national procedures likely to lead to the withdrawal of the patent, noting, with Australia, that national procedures were the appropriate means to deal with such problems. Australia reported on a rejection of a requested patent on Iranian chickpeas. The League for Pastoral Peoples congratulated the FAO and CIAT on the enola bean challenge and asked the US to cover their litigation costs and review their legislation to avoid future problems. She said more formal and informal mechanisms are needed to monitor all MTAs.

Colombia, Iran and Malaysia requested the FAO Director-General to write to the UN General Assembly, World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO), especially the Council on Trade-Related Aspects of Intellectual Property Rights (TRIPS) on the serious matters raised by these cases linking IPR issues to the CGRFA’s work.

Regarding introgression of transgenic materials, South Africa raised concerns about the potential genetic contamination of maize in Mexico, a center of genetic diversity, which could threaten the integrity of the resources and thereby food security. Supported by India, he said a five-meter buffer zone is inadequate. Geoffrey Hawtin, IPGRI, said many additional safeguards were taken in the field and through independent screening. Via Campesina called the action taken in Mexico insufficient and advised a more forward-looking approach considering the implications of GMO contamination, especially on small farmers.

On the interim MTA, Colombia expressed concern regarding the conditions of acceptance, calling, with South Africa, for a dual signature requirement. He said the conditions of enforcement and wording on free availability contradict CBD requirements on distribution of benefits, and proposed to include reference to the ITPGR. The G-77/China requested time to consult to present their views as countries of origin, whose rights to the material held by the IARCs have to be recognized. Australia, Canada, the EU, the European region, Switzerland, the US and the International Seed Federation opposed substantive amendment of the interim MTA, to avoid precluding the work of the expert group established under the ITPGR’s Interim Committee. Norway stressed the need for an operational interim agreement but suggested avoiding major changes prior to the negotiation of a final MTA. Colombia, supported by Angola, Cuba, Ethiopia and India, called for adjusting the interim MTA to the ITPGR, before its entry into force. IPGRI said the current MTA has been used to send out over 700,000 samples without a signature requirement and there has not been any major legal problem.

Chair Bertram recognized two opposing positions and proposed forming a group of Friends of the Chair consisting of two representatives per region. The group met over three days behind closed doors and the outcome of its deliberations was adopted as part of the meeting’s report.

Final Outcome: In the meeting’s report (CGRFA-9/02/Draft report – Part 2/Rev.1), the Commission expresses its appreciation for the operations of the CGIAR. On gene flow from transgenic crops, it notes that the FAO should continue to provide science-based advice. On the draft revised MTA, the Commission endorses it as amended and recommends that it be adopted by the Centres, while noting that this revised MTA is without prejudice to the development of any MTA to be adopted by the ITPGR Governing Body. The report strongly recommends the full implementation of the the new CGIAR system-wide MTA, endorsed by the CGIAR Inter-Centre Working Group on Genetic Resources, and recommends that the IARCs should take appropriate measures, in accordance with their capacity, to maintain effective compliance with the conditions of the MTA, and report on such measures to CGRFA-10.

The draft revised MTA for plant genetic resources held in trust by the IARCs (CGRFA-9/02 – Draft report – Part 4/Rev.1) covers materials transferred before the entry into force of the ITPGR, which envisages that the IARC will enter into an agreement with the Governing Body. It is noted that the IARC has indicated its intention to conclude such an agreement, which will provide for new MTAs and benefit-sharing arrangements. The MTA provides that:

- the Centre makes the material available as part of its policy of maximizing the utilization of material for research, breeding and training;
- the material is held in trust and the recipient has no rights to obtain IPR on the material or related information;
- the recipient may utilize and conserve the material and distribute it to other parties provided they accept the terms and conditions of the agreement (a footnote states that recipients are not prevented from making the material directly available to farmers or consumers);
- the recipient agrees not to claim ownership over the material, nor to seek IPR over it or its genetic parts or components, in the form received, or over related information received;
- the recipient agrees to ensure that any subsequent person or institution to whom the material is made available, is bound by



the same provisions and obligations;

- the Centre makes no warranties as to the safety or title of the material, the accuracy of any data provided with it, its quality, viability or purity, while its phytosanitary condition is warranted as described in its phytosanitary certificate. The recipient assumes full responsibility for complying with the recipient nation's quarantine and biosafety regulations and rules as to import or release of genetic material;
- the Centre will furnish information upon request, while recipients are requested to furnish the Centre with related data and information collected during evaluation and utilization;
- the recipient is encouraged to share the benefits from its use, including commercial use, through information exchange, access to and transfer of technology, capacity building and sharing of benefits arising from commercialization. The Centre is prepared to facilitate the sharing of such benefits by directing them to the conservation and sustainable use of the resource in question, particularly in national and regional programmes in developing countries and countries with economies in transition, especially centers of diversity and the least developed countries; and
- the material is expressly supplied conditional on acceptance of the MTA, and acceptance of the material constitutes acceptance of the terms of the MTA.

Delegates discussed the item on Tuesday morning. Canada supported further assessing and evaluating existing networks and proposed using a list of indicators in combination with the ones developed for the GPA's implementation. The EU opposed the identification of model networks noting that networks are best developed to meet the requirements of each individual case. Angola presented the achievements of the Southern African Plant Genetic Resources Network and the challenge of moving from collecting material to utilizing it for food security problems.

International Plant Genetic Resources Networks: On Monday afternoon, Eric Kueneman, Chief of the FAO's Crop and Grassland Service, presented the international plant genetic resources networks (CGRFA-9/02/12). He analyzed the networks according to areas, issues and crops covered, membership and efficiency. He supported further study on ownership and participation, synergies, complementarities and overlap, and called for direction from the CGRFA-9 on: encouraging countries to complete registers of networks; endorsing further input from existing networks into the GPA; further developing a framework for the internal evaluation of networks; and establishing formal cooperation with UNESCO's Man and Biosphere Programme.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 2/Rev.1) recognizes the importance of networks in promoting cooperation and encourages countries to provide further information to complete the relevant inventory. It agrees that the ITWG-PGR should consider an assessment of the networks' effectiveness, promotion of synergies and cooperation with the Man and the Biosphere programme on *in situ* management.

Global Information System on PGRFA: On Monday afternoon, Martinez introduced the progress report on WIEWS (CGRFA-9/02/10), mandated under the IU to foster information exchange. He requested guidance on: supporting national programmes for information sharing on GPA implementation; integrating efforts on priority areas; surveying and inventorying; assisting farmers in disaster situations; and developing early warning systems for the loss of PGRFA.

On Tuesday morning, the EU called for a more integrated system of WIEWS, clarifying differences between GM crops and seeds, involving gene banks, breeders, research institutions and NGOs, and supporting collaboration with national and regional information systems to develop a global information system as called upon in the ITPGR.

Final Outcome: The meeting's report (CGRFA-9/02 – Draft report – Part 2. Rev.1) reaffirms the important role of WIEWS, welcomes proposals for its further development and encourages countries that have not yet nominated national focal points or taken appropriate action towards the exchange of information to do so.

In Situ Conservation Areas: On Tuesday evening, Sally Bunning, FAO Land and Water Development Division, introduced the progress report on the development of a network of *in situ* conservation areas (CGRFA-9/02/13) and *in situ* conservation of forest genetic resources (CGRFA-9/02/13/Add.1), highlighting an FAO/UNDP Global Environment Facility project to support globally important ingenious agricultural heritage systems (GIAHS). Brazil, on behalf of GRULAC, supported by Australia and South Africa, expressed concern over the lack of criteria and indicators to qualify an ingenious agricultural ecosystem, and over inclusion of language used by developed countries to maintain agricultural subsidies. Brazil said the document does not consider how protectionist practices and distortions of international agricultural trade can lead to erosion of agricultural systems, and, with Argentina, Australia and Chile, suggested further information and review of the project's concepts in consultation with the FAO Member States. Peru questioned the value of seeking pilot projects when systems vary considerably and noted different interpretations of ingenious production systems. Angola, Burkina Faso, Cameroon and Norway supported the initiative, with the EU and Norway suggesting involvement of the ITWG-PGR.

Responding to delegates' questions, Bunning provided examples of ingenious agricultural systems, referring to ways humans develop resources in extreme conditions. She also stated that the criteria established by the initial stakeholders' workshop should be developed in consultation with those who want to be involved.

The ITDG said the initiative is innovative, and called on delegates to support it and not let trade concerns distort conservation opportunities. Via Campesina stressed the project's importance and referred to a series of *in situ* conservation projects.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) notes the importance the Commission attributes to *in situ* conservation. Regarding the GIAHS project, it notes that: some Members expressed support for innovative approaches building on local and indigenous knowledge; others stressed that such projects should not justify trade-distorting measures; some raised concerns pointing out uncertainties related to the project concept, calling for a review through members; and others suggested referring it to the ITWG-PGR. The report stresses the need to respect national sovereignty.

FUTURE WORK OF THE ITWG-PGR AND ELECTION OF ITS MEMBERS: On Wednesday afternoon, Chair Bertram called for nominations for the ITWG-PGR. The Asian region nominated India, Indonesia, Japan, Malaysia and Thailand. The African region selected Algeria, Angola, Burkina Faso, the Democratic Republic of Congo and Ethiopia. The European region nominated Germany, Italy, Norway, Poland and Portugal. GRULAC selected Cuba, Ecuador, Mexico, Peru and Venezuela. The Middle East region nominated Egypt, Iran and Jordan. The South West Pacific region selected Australia and Samoa.



On Thursday afternoon, delegates approved the work of the ITWG-PGR for the next biennium, as outlined by Chair Bertram, including providing advice on: implementation and monitoring of the GPA; the facilitating mechanism for the GPA's implementation; the international plant genetic resources networks; and the issue of strengthening seed quality and production.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 2/Rev.1) states that the ITWG-PGR should meet to examine issues related to PGRFA use through strengthening germplasm conservation, plant breeding capacities and seed systems, and to provide further guidance on: the preparation of the second Report on the State of the World's PGR and the process of monitoring the GPA; advising the facilitating mechanism; the development of plant genetic resource networks and the assessment of their effectiveness; and the possible need to update elements of the Code of Conduct for Plant Germplasm Collecting and Transfer.

CONSIDERATION OF THE FAO'S POLICIES

On Thursday morning, the Secretariat introduced the report from the FAO on its policies, programmes and activities on agricultural biodiversity, focusing on sectorial matters (CGRFA-9/02/14.1), on cross-sectorial matters (CGRFA-9/02/14.2) and on priority areas for inter-disciplinary action (PAIAs) of relevance to the CGRFA (CGRFA-9/02/14.3), including the ones on biodiversity for food and agriculture, biotechnology, biosecurity in food and agriculture, organic agriculture, WTO multilateral trade negotiations on agriculture, fisheries and forestry, and ethics in food and agriculture. He then mentioned a number of background studies and technical documents available upon request, and called for comments and recommendations to strengthen the programmes and assist in developing a work programme and budget.

Canada considered this item one of the most important on the agenda, since the CGRFA's mandate is to continuously review FAO programmes and policy. He requested conducting a survey on countries' expenses on PGRFA and a study on the benefits countries draw from the FAO's work on PGRFA. Brazil requested further information on the prioritization of work of PAIAs on organic agriculture and WTO negotiations, and requested studies examining a linkage between overproduction in agriculture and biodiversity loss. A representative of the FAO's Agricultural Sector in Economic Development Service said they envision a major study on estimating the contribution of genetic resources to Member States, having already started a case study in Ethiopia to help develop the methodology. She also suggested studying the impacts of protectionist trade policies, often leading to oversupply, on agricultural biodiversity.

Canada said the Panel of Eminent Experts on Ethics lacks a mandate and fair representation. Australia and the US considered it to be a misuse of the core budget and a backdoor for presenting opinions not endorsed by the Member States. Australia, Brazil and the US called for better quality control to avoid speculative and incorrect statements such as the ones included in the FAO glossary on biotechnology. Brazil offered technical assistance in its revision. The Secretariat said that the FAO's work on ethics is in line with the work of other UN agencies, and that the views of social scientists have to be taken into account.

Regarding genetically modified (GM) food aid, the US welcomed a statement by the FAO and the World Health Organization at the World Summit on Sustainable Development, reassuring countries of the food's safety, and reiterated the immediate effects of rejecting it. Sudan recalled that licenses for producing GMOs are

not granted with food aid in mind and applauded the role of civil society organizations in monitoring this issue. The IATP considered the study on ethics important and said the FAO's position on GM food aid lacked sufficient scientific data to predict the effects of GMOs. He said dilemmas between GM food aid and starvation could be avoided by investing in local agriculture. A representative from the biotechnology PAIA noted that Lesotho, Malawi, Swaziland and Zimbabwe have accepted GM food aid, while Zambia was still considering FAO advice to mill the grain, fortify it and not plant it. He clarified that the FAO respected the policies and legislation of all countries and only provided advice for decision-making. Regarding the biotechnology glossary, he said it had been peer-reviewed and sent to 1300 institutions for comment, but was still in progress. He also welcomed comments and the assistance of country experts to address controversial definitions.

Burkina Faso requested a definition of organic agriculture, and proposed a step-by-step approach instead of the global approach used in the FAO study on food and agriculture. Malaysia supported the endeavors of the PAIA on food and agriculture to ensure sustainable use of PGRFA, stressed the ecosystem approach and called for field schools and conversion of farms to produce quality crops in an environmentally friendly way. A representative of the PAIA on organic agriculture said they were using the standards and definitions of the Codex Alimentarius Commission, and an ecosystem approach to organic agriculture. She stated that their work on organic agriculture's market potential, harmonization of access and linkages to food security still lacks data.

Sudan requested information on the level of research and funding for activities with respect to genetic resources of non-farm animals and fish. An FAO expert on fisheries noted that the lack of basic information on inland fisheries needs to be overcome before studying genetics, although he recognized a rapid increase in genetically manipulated and even transgenic fish. Cuba called for increased FAO involvement in the CBD work programme on forest biodiversity and the UN Forum on Forests (UNFF), as well as for better coordination. An FAO expert on forestry outlined the FAO's involvement in both processes.

Canada presented an analysis of trends in budget allocation, regretted reductions related to genetic resources in the farm animal, forestry and fisheries programmes, and recommended increasing funding to the programme on AnGR. A representative of the FAO Office of Programme, Budget and Evaluation said all numbers presented were estimates but noted that the first Report on the State of the World's AnGR required extra-budgetary funds.

Cameroon called for a stronger mandate for the FAO to go beyond monitoring the WTO multilateral trade negotiations on agriculture, fisheries and forestry. The IATP welcomed FAO's work on urban and peri-urban agriculture, one of the new priority areas.

The Secretariat thanked countries for their support and constructive criticism, clarifying that the issues considered were broader than the scope of the CGRFA and would have to be considered by the FAO Council and Conference. He said the survey on countries' work on genetic resources would be presented in the future.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) notes that the Commission welcomes the opportunity to comment on a wide range of FAO programmes relevant to PGRFA and highlights the need for adequate financial resources for all sectors of genetic resources. The Secretariat is requested to regularly provide the Commission with up-to-date



information on such allocations. The report also welcomes the innovative work carried out by the PAIAs and suggests a number of areas for further study: good agricultural practices; understanding of the contribution of genetic resources to the economies of member countries; the impact of agricultural subsidies on biodiversity; and the competitiveness of organic agriculture. The report recognizes that the FAO should continue to provide science-based advice to governments for national decision making on the use and safety of GM food.

REPORTS FROM INTERNATIONAL ORGANIZATIONS ON AGRICULTURAL BIODIVERSITY

On Thursday evening, delegates met to hear reports from international organizations on their activities related to agricultural biodiversity. The Secretariat presented the reports submitted by UN and other intergovernmental organizations (CGRFA-9/02/15.1), IARCs of the CGIAR (CGRFA-9/02/15.2), international NGOs (CGRFA-9/02/15.3) and those received after the document's preparation (CGRFA-9/02/15/Add.1). Canada asked representatives whether they are prepared to increase funding for work related to genetic resources in developing countries and countries with economies in transition give high priority to such work.

IPGRI said such demands are taken very seriously, and then focused on the joint effort with the FAO to establish the Global Conservation Trust, a fund to support gene banks. He noted that several of the GPA priority actions relate to the need to secure *ex situ* conservation of key crops and said the ITPGR provides the international framework that could constitute the basis for applying long-term funding through a fund to support the most important collections for present and future food needs. He noted the fund is seen as a component of the ITPGR's overall funding strategy, ensuring a clear relationship with its Governing Body. He said the first call for grant applications will be triggered by the end of 2003 or 2004, when US\$100 million is secured, and highlighted support from a number of countries, including Brazil, Colombia, Egypt, Switzerland, the US, the UN Foundation, the World Bank and the IARCs. He said the CGIAR and FAO intend to establish an interim Panel of Eminent Experts, coming from donors of genetic resources and donors of funds as well as the civil society, to determine issues such as the fund's legal status, mechanism of governance, financial mechanism and funding allocation, based on an extensive series of consultations.

Delegates welcomed the initiative, noting difficulties in raising funds for long-term projects, and praised collaboration with the IARCs. Malaysia, supported by many, said the CGRFA should express its appreciation, hoped that the fund will be a new and additional source of money to support GPA implementation and suggested the interim Panel's findings be reported to the ITWG-PGR. Ethiopia and South Africa noted that issues of governance and transparency are crucial for the fund's implementation and performance. Colombia and Ecuador said national partners collaborating with IARCs should be mentioned in the report. Algeria noted that funding opportunities may be lost due to a lack of information. Canada announced Canadian \$40 million in aid, targeted to CGIAR activities in Africa. Via Campesina called for prioritizing *in situ* conservation and Burkina Faso stressed increased efforts by IPGRI on *in situ* conservation projects. The League for Pastoral Peoples, on behalf of the NGOs present, suggested participation of the Treaty's Governing Body and farmers' representatives in the fund's panel and board, and its establishment under the FAO auspices.

WIPO outlined recent developments that took place at the third meeting of its Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, including preparing a study on disclosure requirements in patent applications following a request from CBD COP-6 and developing a toolkit for documenting genetic resources and associated traditional knowledge.

The International Indian Treaty Council said traditional knowledge enshrines continued human development and values all life, and opposed its commodification and patenting of life forms under TRIPS Article 27.3(b). He expressed scepticism regarding the CBD's promotion of access and benefit-sharing and rejected international trade agreements and government policies failing to recognize indigenous territories and the right to self-determination. He called on the Commission to recognize the rights of indigenous peoples as enshrined in the UN draft declaration on the rights of indigenous peoples and to look for alternatives to protect their intellectual property.

The ITDG presented the results of a parallel forum on food sovereignty organized during the World Food Summit and the resulting agenda for action calling for a rights-based approach, access-management and control of resources, sustainable small scale food production and a critical analysis of fair trade versus free trade for sustainable use of agricultural biodiversity. Via Campesina called for practical and socially accessible research and the recognition of the complementary role of indigenous farming communities' knowledge to ensure sustainability. The European Federation for Animal Production committed to contribute to the first Report on the State of the World's AnGR, to raise awareness of their essential value and ensure access and benefit-sharing. Angola welcomed the important NGO contributions on indigenous and resource rights and alternative agricultural developments, and endorsed continuing work on ethics.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) welcomes the reports of international organizations, especially the detailed information provided by the IARCs. It requests more detailed information on the contribution of national institutions to joint programmes with the IARCs. It notes support for the Global Conservation Trust Initiative of the CGIAR and appeals to donors to assist in its establishment. The report stresses the need for the Trust's governance to be transparent and efficient, and requests a progress report be provided to the ITWG-PGR. For future CGRFA sessions, the report suggests that the Secretariat consider creating opportunities to allow greater interaction between Members and organizations, and recognizes NGOs' contribution to the conservation and sustainable use of agricultural biodiversity.

COOPERATION WITH THE CBD

On Wednesday afternoon, Peter Kenmore, responsible for the FAO's PAIA on biodiversity, introduced the report on cooperation with the CBD (CGRFA-9/02/16). He mentioned CBD Decision VI/6 on the ITPGR and Decision VI/24 on applying the Bonn Guidelines without prejudice to the Treaty. He also mentioned a memorandum of understanding between the CBD and the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention to ensure consultation and collaboration, and to avoid duplication of work on living modified organisms and invasive alien species. He noted the FAO's support of the CBD's programme of work on agricultural biodiversity and the FAO's lead role in the international initiative for the conservation and sustain-



able use of soil biodiversity. He mentioned other areas of the FAO's work relevant to the CBD, including: work on the ecosystem approach; the programme of work on forest biodiversity and the forest resources assessment of 2000; FAO's chairing of the Collaborative Partnership on Forests around issues arising from the UNFF; the FAO Code of Conduct for Responsible Fisheries and work on marine, coastal and inland water systems; and the consideration of indigenous and local farmers' work to conserve agricultural biodiversity. He said the report considers complementarity between the FAO's monitoring and reporting activities in the area of agricultural biodiversity and national reporting under the CBD.

Kenmore then introduced a report on the potential impacts of GURTS, prepared on the basis of the ITWG-PGR's report and comments received from members. He referenced the CBD *ad hoc* working group on GURTs to consider the impacts on small farmers and indigenous and local communities and requested guidance on future work. Malaysia, supported by Cameroon and Poland, stressed the need for greater harmonization between the CBD and FAO reporting systems, in turn facilitating the work of their respective focal points often located in different ministries, and called for the development of core indicators. Canada and Poland said the Commission's work on indicators could enrich CBD discussions. Norway requested close contact between the secretariats of different FAO divisions and the CBD to reduce the heavy burden of reporting and avoid overlapping work. Iran proposed consultation meetings. Poland called for collaboration on invasive alien species.

The US said the report on GURTs contained scientific inaccuracies and requested its review by the ITWG-PGR according to countries' comments before transmission to the CBD COP. She stressed GURTs are not yet commercially available and have no relevance to the ITPGR. Most delegates asked that the report be forwarded to the CBD COP in its present form. Malaysia, supported by Cuba, proposed a step-by-step approach to further develop the current report, outlining potential impacts of GURTs based on available comments.

Angola, Ethiopia and Iran stressed that GURTs restrict access, contradicting the ITPGR's efforts to ensure free access and favor industry in developed countries over developing countries, small enterprises and farmers. Algeria and Iran warned that GURTs threaten food security especially in a case where contamination makes other plants infertile. Cuba stated that restriction technologies were trade instruments meant to protect IPR and that developing countries lacked the infrastructure to take advantage of them. He proposed adding a point to the report outlining the negative effects of pollination as seen in maize and sunflower seeds. Algeria and India noted they had banned GURTs by law.

Colombia called on the Commission to specifically comment on GURTs' impacts related to traditional knowledge and the conservation of agricultural biodiversity, and supported broad circulation of the report to inform the public. South Africa called for supporting CBD work on GURTs and, with Norway, proposed submitting the report reflecting the different reservations of countries. The US reiterated that GURTs are still subject to research and prioritized the report's technical accuracy. Australia requested that the report and decision clearly state that GURTs are not yet commercially available. Canada agreed it was difficult to judge GURTs before requests for market access were submitted to the regulatory agencies, but supported submitting the technical report

to the CBD. South Africa proposed including an explanatory note on issues certain countries still want to raise, instead of altering the substance of the report.

The ITDG, on behalf of NGOs present, noted that GURTs are a restrictive technology presenting a threat to food security, food sovereignty, agricultural biodiversity and farmers' rights, and referenced a CGIAR statement opposing the technology. He proposed consideration of an FAO study to assess the implications of GURTs on food security, crop genetic resource diversity and IPR systems. The International Seed Federation said that contradictions in the discussion indicate that further studies are needed and that GURTs also enshrine benefits not reflected in the report. Via Campesina noted different paths for development and called for a moratorium on the release and commercialization of GURTs in accordance with the precautionary principle. He stressed the need for a transparent debate on the technology's safety and effects on local and traditional agricultural systems.

Chair Bertram noted agreement on maintaining and strengthening cooperation with the CBD, especially on traditional knowledge and invasive alien species. On GURTs he noted divergent views, as most see them as opposing the objectives of the ITPGR, while others stress the technology is still in the research stage.

Final Outcome: In the meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) the Commission thanks the CBD COP for its support of the ITPGR and welcomes the growing cooperation between the CBD and the FAO and CGRFA, including the first Report on the State of the World's AnGR. It notes that the CBD COP invited its financial mechanism to support countries and the ongoing secondment by the FAO of an agricultural biodiversity officer to the CBD Secretariat. The report requests the FAO to transmit to the CBD Executive Secretary its indicators to assist reporting on GPA's implementation in order to promote harmonized reporting. It states that the technical study on GURTs should be forwarded to the next CBD COP, with some Members stressing it be made clear that GURTs are not currently commercially available. As one member expressed concern with the study's lack of balance, it was invited to append additional comments. The report also states that the FAO should play a role in sharing information regarding GURTs, particularly by inviting members to provide information on national regulatory decisions.

CODES OF CONDUCT

INTERNATIONAL CODE OF CONDUCT FOR PLANT GERMPLASM COLLECTING AND TRANSFER: On Wednesday afternoon, Solh introduced the report on the status of the International Code of Conduct for Plant Germplasm Collecting and Transfer (CGRFA-9/02/19). He outlined the Code's use in developing national regulations, formulating bilateral agreements and providing guidance for collecting missions. He highlighted recent developments, particularly the adoption of the ITPGR and the CBD Bonn Guidelines on Access and Benefit-sharing. He noted guidance sought from the Commission on: whether the Code should be developed in harmony with the ITPGR; whether its provisions should apply to all PGRFA or separate ones for PGRFA within the ITPGR's Multilateral System should be drafted; and how to proceed, including possible involvement of the ITWG-PGR.

Angola, Brazil, Ethiopia, Malaysia and South Africa said the Code should be developed in harmony with the ITPGR, the CBD and the Bonn Guidelines. Angola noted its relevance for Treaty Article 12.3(h) on access to *in situ* PGRFA according to national



legislation or, in the absence of such legislation, in accordance with standards set by the Governing Body, stressing that many African countries lack national legislation. Malaysia suggested the update focus on assisting implementation of national legislation. Angola, Brazil, Colombia, Ethiopia, India and Iran suggested that PGRFA within the Multilateral System be dealt with separately. Angola noted that the general provisions could also include other plant genetic resources, such as medicinal plants. South Africa suggested a single code on all plant genetic resources.

The European region, supported by Australia, Canada and the EU, said the Code's update should not be prioritized before the ITPGR enters into force. The European region, supported by the EU, suggested that countries make their national rules on access available to facilitate collecting missions. Canada said the Code should be brought to the attention of the CBD and WIPO's Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore.

As a compromise, Malaysia, supported by many, suggested the ITWG-PGR examine the issue to see which provisions need updating in light of developments. Delegates debated the suggestion, and finally accepted, asking the ITWG-PGR whether the Code's update is required and reviewing the ITWG-PGR's report at CGRFA-10.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) requests the ITWG-PGR to consider the Code and make recommendations regarding the possible need to update its elements. Member countries are invited to submit information on measures taken at the national level to implement the Code and the Secretariat is requested to compile this information for the ITWG-PGR.

DRAFT CODE OF CONDUCT ON BIOTECHNOLOGY: On Wednesday afternoon, José Esquinas-Alcázar, CGRFA Secretary, introduced the report of surveys of FAO members and stakeholders on the draft Code of Conduct on Biotechnology (CGRFA-9/02/18) and the text of the draft Code of Conduct on Biotechnology as issued in 1993 (CGRFA-9/02/18/Annex). Esquinas-Alcázar outlined the history of discussions on the Code, which were postponed in 1995 until the negotiations on the IU's revision could be finalized. He noted the issue's complexity and the participation of countries and stakeholders in preparing the document. He said guidance is sought on whether and how to proceed, as well as on the form the Code should take. He noted that if the Commission wished to proceed, guidance could be sought on which areas should be covered and which mechanisms should be used in the process.

Delegates acknowledged the rapid pace of change in agricultural biotechnologies. Angola, Cameroon, Cuba, Ethiopia, India and Iran urged the elaboration of the Code. Ethiopia suggested it be a binding instrument and stressed that current application of biotechnologies undermines local farming systems and ignores socioeconomic conditions, while long-term environmental impacts have not been assessed. Brazil stated that the Code should remain a voluntary instrument and, with Australia, Canada, the European region, Norway and the US, cautioned against duplication and overlap with other forums. Iran stressed the need to monitor developments in biotechnologies, to use the tools they offer for food security and enhancement of agricultural systems, particularly in developing countries. Angola and India suggested focusing on promotion of appropriate biotechnologies related to PGRFA, safe use and minimization of risk. Cameroon drew attention to: ethical considerations concerning GMOs for food and agriculture; the difficult position of developing countries having to take policy

decisions in urgent situations; and the need for reliable measures to prevent risks and for a study on the possible advantages of biotechnology for developing countries.

Australia, Canada, the European region, Norway and the US suggested a study identifying which issues should be included, with a focus on PGRFA, excluding those covered by other international agreements. South Africa suggested not looking at elements falling under the scope of the Cartagena Protocol on Biosafety. Cuba noted that many issues fall outside the Protocol's scope, and that issues related to PGRFA need to be addressed. Canada supported biotechnologies not threatening human health and the environment and enhancing the sustainable use of PGRFA. Norway suggested distinguishing between generally considering biotechnologies in the CGRFA framework and continuing work on the Code, and allowing the Secretariat to prioritize unique areas for CGRFA contributions. Colombia supported considering the most relevant issues following an analysis of national and international regulation, and, with India, proposed acknowledging work done by the IARCs, especially on developing national systems in countries lacking funds and capacity.

Malaysia also proposed that the Secretariat study different national and regional approaches, noting the debate on GMO regulation between the US and the EU. Canada and South Africa noted the CBD's wide definition of biotechnology and the Code's lack of a definition. The League for Pastoral Peoples called for supporting the Code, noting that few biotechnologies meet farmers' needs, and that socioeconomic and environmental effects have to be taken into account and mitigated, according to the precautionary principle.

Chair Bertram acknowledged two views, the first calling for the immediate development of the code and the second suggesting an initial inventory of needs. He then proposed to conduct a study to determine the areas requiring attention before deciding on the need for revising the draft code of conduct.

Final Outcome: The meeting's report (CGRFA-9/02/Draft report – Part 3/Rev.1) notes that the draft Code has accomplished much as a source of inspiration in the development of international agreements, and recognizes the challenges and opportunities posed by the rapid pace of developments in biotechnology. It also recognizes the need to proceed with the aim to maximize the positive effects of biotechnologies and minimize any potential negative effects or risks, focusing on biotechnologies related to genetic resources for food and agriculture. The report requests the Secretariat to prepare a study to identify relevant work in other forums, what remains to be done and which issues are particularly relevant to the FAO and the Commission. The study would help the Commission identify issues on which it should concentrate in the future, with respect to a code, guidelines or other courses of action. The report also suggests that the Secretariat keep in close contact with the secretariats of relevant organizations and international agreements. It recognizes and supports public research on biotechnologies and biosafety carried out by the IARCs and appeals to donors and interested parties to support their efforts.

FUTURE WORK OF THE COMMISSION

On Thursday evening, delegates considered the step-by-step implementation of the CGRFA's broadened mandate, to include forestry, fisheries and possibly other resources such as micro-organisms and insects relevant to food and agriculture. They decided to continue with plant and animal genetic resources, and take further steps in the future.



The ITDG suggested consideration of nano-biotechnologies related to genetic resources for food and agriculture and requested consideration of the need for a convention on the environmental and socioeconomic evaluation of new technologies for food and agriculture. The IATP suggested considering urban agriculture.

Upon advice by the Secretariat, delegates decided to hold the CGRFA's next regular meeting in autumn 2004, in Rome.

CLOSING PLENARY

On Friday, a Friends of the Rapporteur group, comprised of regional representatives, gathered behind closed doors and revised the meeting's report at length, making both substantive and textual changes. The closing Plenary finally convened at 12:30 am on Saturday morning. Chair Bertram drew attention to the meeting's report (CGRFA-9/02/Draft report – Parts 1, 2, 3 and 4/Rev.1) and rapporteur Dhillon noted that it is the result of a compromise.

Cameroon, Canada, Colombia, Cuba, the EU, and Iran, on behalf of G-77/China, called for approving the report by acclamation and expressed their appreciation to the rapporteur, Chair Bertram, the delegates who assisted him and the Secretariat. The G-77/China underlined:

- the importance of developing a funding mechanism for the GPA's implementation;
- the expectation to overcome the shortcomings of the interim MTA to recognize all the related provisions of the ITPGR;
- the great potential of biotechnology for PGRFA utilization to enhance food security and the need for FAO to facilitate its adoption for developing countries and extent the benefits to farmers;
- the contradictory nature of GURTs to the Treaty's spirit, particularly regarding facilitated access, benefit-sharing and food security, and the need for FAO to take appropriate measures;
- the global conservation trust initiative and the assumption that it is an element of the Treaty's funding strategy, under the policy guidance of the Governing Body; and
- *in situ* conservation as a cost-effective method of conservation requiring further development of information, technologies and capacity building for its promotion.

Canada looked forward to the Treaty's entry into force and its role in facilitated access and the expansion of the list of crops.

Esquinas-Alcázar made some corrections to the annexes to the non-revised parts of the report and closed by referencing Antonio Machado's words that we create a path as we walk it and expressing hope that the Commission is opening new paths. Chair Bertram thanked delegates for their hard work and constructive approach and gavelled the meeting to a close at 1:20 am.

A BRIEF ANALYSIS OF CGRFA-9

Delegates at CGRFA-9 had to tackle a heavy and diverse agenda, dealing with a series of complex technical issues related to plant and animal genetic resources. They had to balance between receiving a considerable amount of information from FAO departments and other organizations, while at the same time processing and translating it into actual guidance for implementation. Delegates managed to walk a fine line by avoiding interminable Plenary debates over political differences and by making progress and providing direction on sensitive issues, such as the interim Material Transfer Agreement (MTA) and other key areas of conservation and sustainable use of genetic resources. However, some sadly remarked that such efficiency came at a price as the most important decisions were taken behind closed doors. Delegates also had to

consider long-used but outdated regulatory mechanisms such as the Code of Conduct on Plant Germplasm Collecting and Transfer, as well as traditionally controversial issues such as GURTs and the draft Code of Conduct on Biotechnology. This brief analysis focuses on the meeting's achievements and challenges, looking at both its process and substance, and closes by looking at the next steps for the CGRFA.

BIG STEPS

Under the able chairmanship of Robert Bertram and with the assistance of an experienced Secretariat, delegates moved through the numerous agenda items quickly, in contrast to the preceding meeting of the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR), whose pace was considerably slower. Nevertheless, negotiations on the wording of the final report were extensive and drawn out, and led some to question CGRFA decision-making processes. At the same time, others also noted the significant amount of effort dedicated to the terms of reference for the intergovernmental expert group on the MTA during the Interim Committee's deliberations. In turn, the most controversial issue for CGRFA-9 proved to be, not unexpectedly, the revision of the interim MTA to be used until the issue is settled by the ITPGR's Governing Body. Many did not wish to see the elaboration of the standard MTA prejudiced by a revision of the interim one. On the other hand, many developing countries depending heavily on the MTA's utilization desired to see it aligned with the long-negotiated Treaty. Final agreement was reached after three days of long and difficult negotiations in a closed group, with agreement on key elements including:

- insertion of a clause stating that the agreement does not prejudice the Governing Body's decision;
- a broadened scope to cover all plant genetic resources;
- a new formulation on IPR binding the recipient not to seek IPR over the material or its genetic parts or components in the form received, or over related information;
- language on acceptance of material; and
- voluntary benefit-sharing through the CGIAR Center's facilitation.

Most considered the final text as a useful tool for material transfer in the run up to the Treaty's entry into force.

The effort to establish the Global Conservation Fund, as announced by IPGRI, and the support it received from all participants also breaks new ground, offering the potential for new and additional funds to support conservation and sustainable use of plant genetic resources through public-private partnerships. It was warmly welcomed particularly in view of: financial difficulties which have long hampered GPA implementation, particularly in developing countries; the up and coming consideration of the ITPGR's funding strategy; and the long-term funding needs of gene banks. Along similar lines and despite criticism for its lack of clear functions, the facilitating mechanism for the GPA could also assist with the first steps towards its implementation by offering at minimum the framework for such a move.

The discussion on the draft Code of Conduct on Biotechnology resulted in calls for its development on the one hand and fears of duplication on the other. While the number of international organizations dealing with biotechnology is growing, it was widely stressed that the area of biotechnologies for food and agriculture is not adequately or comprehensively addressed in any forum. With a feasibility study mandated to identify what is done by others and



what remains to be done, trust is now placed in the CGRFA, as the leading body on genetic resources for food and agriculture, to shape and monitor international developments in the field.

TWO STEPS FORWARD, ONE STEP BACK

There was a general feeling among many delegates that to date the CGRFA's focus has been on providing extensive documentation and information without securing implementation, with many noting the consequent effects of a lack of adequate funding. While some countries seemed interested in information collection and others looked for more innovative approaches to information exchange, the loudest voices were those of countries without the necessary infrastructure and in need of advice for implementation.

The extensive flow of information also had some commenting that the meeting focused too much on general discussion and too little on specific decisions, particularly since the substantive revision of the final report behind closed doors on Friday night resulted in a late closing Plenary that adopted the report without opening it for debate. The CGRFA decision-making procedures were questioned by many arguing that such specific wording should not be dealt with at the very last minute and within the framework of the report. A few participants proposed taking clear decisions following the debate on each respective agenda item. Some also remarked that all crucial decisions were taken in small groups, while others saw a double-standard in the Commission requiring transparency for the Global Conservation Fund but not for itself.

Biotechnology-related issues are never easy to handle, and a split in discussions on GURTs and GM food aid was evident and arguably predictable. Most opposed the technology's restrictive and protective nature, while few delegates cautioned against prejudging the as yet uncommercialized technology. The meeting's decision to submit the technical report to the CBD COP was reckoned to be among its accomplishments, as a contribution to the ongoing debate on such a sensitive issue. The FAO's statement recommending the acceptance of GM food aid was then strongly criticized, and civil society organizations pointed to the artificial dilemma in choosing between GM food and starvation, when traditional agricultural practices could ensure sustainable production for the benefit of local communities. On the other hand, the FAO's support of CIAT's request to withdraw the US patent on the enola bean was warmly welcomed. With these debates, biotechnology, IPR issues and their linkage as enshrined in GURTs have become a central part of the CGRFA's discussions, unveiling the split between those countries calling for a more precautionary approach and food security, and those promoting market access for new technologies and their products.

STEPS AHEAD

Following a dense and complex session, the application of the revised MTA, the preparation of the study on new biotechnology-related issues, and the outcomes of the intersessional working groups' meetings, particularly regarding GPA implementation, will play a key role in promoting the Commission's work and preparing for CGRFA-10. Whether the process moves ahead towards implementation will depend on countries' commitment and the readiness of all actors to take the next step from the information and discussion stage to action and implementation. After the endless deliberations over the meeting's report and the diplomatic exercise in the closing Plenary this seems to have become an even bigger stretch. The Commission will need to find the balance among improving its processes, discussing controversial issues and ensuring implementation at the national level.

THINGS TO LOOK FOR BEFORE CGRFA-10

WIPO-UPOV SYMPOSIUM ON CO-EXISTENCE OF PATENTS AND PLANT BREEDERS' RIGHTS: The symposium on the co-existence of patents and plant breeders' rights in the promotion of biotechnological developments, organized by WIPO in cooperation with UPOV, will take place on 25 October 2002, in Geneva, Switzerland. For further information, contact: the WIPO Secretariat; tel: +41-22-338-8161/9547; fax: +41-22-338-8810; e-mail: publicinf@wipo.int; Internet: <http://www.wipo.org/globalissues/activities/2002/symposium/index.html>

123RD FAO COUNCIL: The 123rd Session of the FAO Council will take place from 28 October – 2 November 2002, in Rome, Italy. For further information, contact: the FAO Secretariat; tel: +39-06-57051; fax: +39-06-570-53152; e-mail: fao-hq@fao.org; Internet: <http://www.fao.org/unfao/bodies/council/cl123/cl123-e.htm>

CGIAR-AGM: The Annual General Meeting of the CGIAR, will take place from 28 October – 1 November 2002, in Manila, the Philippines. For further information, contact: Frauna Hall, CGIAR, the World Bank; tel: +1-202-473-8951; fax: +1-202-473-8110; e-mail: cgiar@worldbank.org; Internet: <http://www.worldbank.org/html/cgiar/publications/agm2002/agm2002.html>

CITES COP-12: The 12th Conference of the Parties to the Convention on International Trade in Endangered Species will convene from 3-15 November 2002, in Santiago, Chile. It will be preceded by the 47th meeting of the CITES Standing Committee, which will be held from 1-2 November 2002. For further information, contact: the CITES Secretariat; tel: +41-22-917-8139/8140; fax: +41-22-797-3417; e-mail: cites@unep.ch; Internet: <http://www.cites.org/eng/cop/index.shtml>

CBD WORKSHOP ON LIABILITY AND REDRESS: This workshop on liability and redress in the context of the Cartagena Protocol on Biosafety, will be held from 2-4 December 2002, in Rome, Italy. For further information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org/doc/meeting.asp?wg=BSWSLR-01>

FOURTH WIPO IGC ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES: The fourth session of WIPO's Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, will be held from 9-17 December 2002, in Geneva, Switzerland. For further information, contact: the WIPO Genetic Resources, Biotechnology and Associated Traditional Knowledge Section; tel: +41-22-338-8161/9547; fax: +41-22-338-8120; e-mail: grtkf@wipo.int; Internet: http://www.wipo.org/news/en/index.html?wipo_content_frame=/news/en/conferences.html

CBD SBSTTA-8: The eighth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to the CBD will take place from 10-14 March 2003, in Montreal, Canada. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; Internet: <http://www.biodiv.org/doc/meeting.asp?wg=SBSTTA-08>

CGRFA-10: The 10th session of the Commission on Genetic Resources for Food and Agriculture will take place in Rome in autumn, 2004. For more information, contact José Esquinas-Alcázar, Secretary, CGRFA, tel: +39-06-570-54986; fax: +39-06-570-56347; e-mail: Jose.Esquinas@fao.org; Internet: <http://www.fao.org/ag/cgrfa/>