



**TENTH REGULAR SESSION OF THE
COMMISSION ON GENETIC
RESOURCES FOR FOOD AND AGRICULTURE
AND SECOND MEETING OF THE
COMMISSION ACTING AS THE INTERIM
COMMITTEE FOR THE INTERNATIONAL
TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE:
8-19 NOVEMBER 2004**

The tenth regular session of the Commission on Genetic Resources for Food and Agriculture (CGRFA-10) begins today and will continue until 12 November 2004, at the headquarters of the UN Food and Agriculture Organization (FAO), in Rome, Italy. It will be followed by the second meeting of the CGRFA acting as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR), which will convene from 15-19 November 2004.

CGRFA-10 will open with a brief ceremony to mark its twentieth anniversary and the ITPGR's entry into force. Delegates will address a range of topics on plant genetic resources, animal genetic resources, and general issues, including: the work of the intergovernmental technical working groups on plant genetic resources (ITWG-PGR) and animal genetic resources (ITWG-AnGR); FAO's activities on agricultural biodiversity; cooperation with the Convention on Biological Diversity (CBD); and the draft code of conduct on biotechnology.

The ITPGR Interim Committee is expected to adopt draft rules of procedure and draft financial rules for the ITPGR's Governing Body, and draft procedures and mechanisms for compliance. It will also consider the recommendations of the Expert Group on the Terms of the Standard Material Transfer Agreement (MTA), and finalize a draft model agreement between the Governing Body and the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR).

A BRIEF HISTORY OF THE CGRFA AND THE ITPGR

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.

The CGRFA develops and monitors the Global System on Plant Genetic Resources and the Global Strategy for the Management of Farm Animal 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. Its regular sessions are held every two years and extraordinary sessions are convened when required. In 1997, the Commission established two subsidiary bodies, the ITWG-PGR and the ITWG-AnGR, to deal with specific issues in these areas. The Commission's mandate has not yet been implemented for forestry and fisheries genetic resources.

PLANT GENETIC RESOURCES: The development of the Global System on Plant Genetic Resources began in 1983. The Global System contains two key elements: the Report on the State of the World's plant genetic resources for food and agriculture (PGRFA) and the Global Plan of Action (GPA) for the conservation and sustainable utilization of PGRFA. The first Report on the State of the World's PGRFA was presented at the fourth International Technical Conference held in Leipzig, Germany, in 1996. The GPA, adopted through the Leipzig Declaration, comprises a set of activities covering capacity building and *in situ* and *ex situ* conservation of PGRFA. The Global System also includes: the non-binding International Undertaking on PGRFA; the Code of Conduct for Plant Germplasm Collecting and Transfer; gene bank standards and guidelines; the draft code of conduct on biotechnology; crop and thematic networks; the international network of *ex situ* collections; and the World Information and Early Warning System.

ANIMAL GENETIC RESOURCES: Initiated in 1993, the Global Strategy for the Management of Farm Animal Genetic Resources provides a technical and operational framework for assisting countries. It is comprised of: an intergovernmental mechanism for policy development; a country-based global infrastructure to help States plan and implement national strategies; a technical support programme aiming at the country level; and a reporting and evaluation system to guide the Strategy's implementation and facilitate collaboration. A communication and information tool called the Domestic Animal Diversity Information System assists the Strategy's implementation.

ITPGR: The ITPGR entered into force on 29 June 2004, ninety days after the deposit of its 40th instrument of ratification. Sixty-one countries and the European Community have now ratified the Treaty, a legally binding instrument that targets the conservation and sustainable use of PGRFA and equitable benefit-sharing for sustainable agriculture and food security.



The Treaty establishes a Multilateral System (MS) 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. The list of crops in Annex I defines the Treaty's scope and includes 35 crop genera and 29 forage species.

The Treaty's negotiations were based on the revision of the non-binding International Undertaking on PGRFA (IU). The IU was originally based on the principle that PGRFA should be "preserved ... and freely available for use" as part of the "common heritage of mankind." This principle was subsequently subjected to "the sovereignty of States over their plant genetic resources," according to FAO Resolution 3/91. In April 1993, the CGRFA decided that the IU should be revised to be in harmony with the CBD.

Negotiations spanned seven years. From 1994 to 1998, the CGRFA met in five extraordinary and two regular sessions to develop the structure of and refine a draft negotiating text. From 1999-2001, a contact group chaired by Amb. Fernando Gerbasi (Venezuela) held six sessions to address contentious issues, including the list of crops to be included in the MS, benefit-sharing, intellectual property rights (IPRs) to materials in the MS, financial resources, genetic materials held by the IARCs, and definition of key terms. CGRFA's sixth extraordinary session (Rome, June-July 2001) attempted to conclude negotiations, but delegates did not reach agreement on the definitions of PGRFA and genetic material, the application of IPRs to materials in the MS, the IU's relationship with other international agreements and the list of crops to be included in the MS. The session adopted the text and transmitted outstanding issues to the FAO Council.

The 121st FAO Council and an Open-ended Working Group held under its auspices (Rome, October-November 2001) resolved outstanding issues, and on 3 November 2001, the 31st FAO Conference adopted the ITPGR by a vote of 116 in favor, zero against and two abstentions. The Interim Committee was convened to: prepare draft rules of procedure and draft financial rules for the ITPGR Governing Body, and a budget proposal; propose procedures for compliance; prepare draft agreements to be signed by the IARCs and the Governing Body; draft a standard MTA for facilitated access, including terms for commercial benefit-sharing; and initiate cooperative arrangements with the CBD COP.

FIRST MEETING OF THE ITPGR INTERIM COMMITTEE: During the first meeting of the CGRFA acting as the ITPGR Interim Committee (Rome, October 2002), delegates adopted the rules of procedure for the Interim Committee and established an Open-ended 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 Expert Group to address the terms of the standard MTA.

CGRFA-9: The ninth session of the CGRFA (Rome, October 2002) addressed issues related to animal and plant genetic resources, including the Report on the State of the World's Animal Genetic Resources, and implementation and monitoring of the GPA. Delegates also revised the interim MTA between the IARCs of the CGIAR and the FAO, and considered the status of the draft code of conduct on biotechnology.

INTERSESSIONAL HIGHLIGHTS

WIPO IGC AND GENERAL ASSEMBLIES: The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization (WIPO), at its fourth session (Geneva, Switzerland, December 2002), requested preparation of a study on a *sui generis* system for protection

of traditional knowledge and continued work on disclosure requirements related to genetic resources and traditional knowledge. The fifth session (Geneva, July 2003) submitted the technical study on disclosure requirements to the General Assemblies. The 2003 session of the WIPO General Assemblies (Geneva, September-October 2003) decided to extend the IGC's mandate, requiring it to accelerate its work and focus on the international dimension of intellectual property and genetic resources, traditional knowledge and folklore. The new mandate excludes no outcome, including the possible development of international instruments. IGC's sixth session (Geneva, March 2004) focused on developing building blocks for the protection of traditional knowledge and cultural expressions. The 2004 WIPO General Assemblies (Geneva, September-October 2004) established processes for enhancing the development dimension of WIPO's work and for responding to the CBD request to examine the interrelation of access to genetic resources and disclosure requirements in IPRs' applications. IGC's seventh session (Geneva, November 2004) focused on developing policy objectives and principles for the protection of traditional knowledge and cultural expressions.

ITWG-PGR-2: The second session of the ITWG-PGR (Rome, November 2003) addressed: preparation of the second Report on the State of the World's PGRFA; international plant genetic resources networks; the Code of Conduct for Plant Germplasm Collecting and Transfer; a progress report on monitoring, and a facilitating mechanism for, GPA's implementation; seed systems and plant breeding; and a progress report on the Global Crop Diversity Trust.

CBD COP-7: The seventh meeting of the CBD COP (Kuala Lumpur, Malaysia, February 2004) decided, *inter alia* that: a framework be established to assess progress towards achieving the 2010 target of significantly reducing biodiversity loss; the Working Group on Article 8(j) consider the potential socioeconomic impacts of genetic use restriction technologies on indigenous and local communities; and the Working Group on Access and Benefit-sharing (ABS) initiate negotiations on an international ABS regime. The decision on ABS recognizes the important contribution of the ITPGR.

CARTAGENA PROTOCOL COP/MOP-1: The first meeting of the CBD COP serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety (Kuala Lumpur, February 2004) established a Compliance Committee and mandated an Expert Group to develop a regime on liability and redress by 2008. The meeting elaborated documentation requirements for shipments of living modified organisms and established operation modalities for the Biosafety Clearing-House.

ITWG-AnGR-3: The third session of the ITWG-AnGR (Rome, March-April 2004) focused on the preparation of the first Report on the State of the World's Animal Genetic Resources, for adoption preferably during an intergovernmental technical conference in 2007. Participants approved a revised schedule for completion, a revised draft outline, and options for a follow-up mechanism to support implementation of country and regional priorities.

MTA EXPERT GROUP: The expert group on the terms of the standard MTA (Brussels, Belgium, October 2004) discussed a series of questions forwarded by the first meeting of the ITPGR Interim Committee, addressing, *inter alia*, definition of terms, level, form and manner of payments, and a potential exemption for developing country small farmers. The group considered options on the terms of the standard MTA, discussed its draft structure, and recommended that the Interim Committee establish an intersessional contact group to draft the elements of the standard MTA.