


**ITPGR INTERIM COMMITTEE HIGHLIGHTS:
THURSDAY, 18 NOVEMBER 2004**

Delegates to the second session of the Commission on Genetic Resources for Food and Agriculture (CGRFA) acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) addressed procedures and mechanisms for compliance, and the agreements to be signed between the ITPGR Governing Body and the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR). They also discussed the work programmes and budgets of the Interim Committee and the Governing Body, and heard a report on cooperation with relevant international bodies. In the evening, delegates held a drafting session on the terms of reference (TORs) of the contact group on the standard Material Transfer Agreement (MTA).

PROCEDURES AND MECHANISMS FOR COMPLIANCE

The Secretariat introduced a compilation and analysis of governments' views on compliance with the Treaty (CGRFA/MIC-2/04/3). He stressed that the working group on the issue, established by the first session of the Interim Committee, did not meet due to lack of funds, and noted that ITPGR Article 21 (Compliance) requires that the Governing Body consider and approve compliance mechanisms at its first meeting.

The Netherlands, on behalf of the European Community and its Member States (EU), favored: establishment of a compliance committee composed of experts serving in their personal capacity; early application of procedures by entitling actors to raise issues before the committee; and application of cooperative and effective measures that are primarily directed at assisting Parties. He suggested convening the working group prior to the first session of the Governing Body and requested the Secretariat to prepare a draft with options to facilitate its discussions.

Colombia, on behalf of G-77/CHINA, stressed the need for an inter-sessional working group meeting. BRAZIL added that the compliance mechanism should be positive, cooperative, facilitative, voluntary, transparent, flexible and non-controversial, assisting Parties in implementation and aiming to oversee that the scope of the Treaty is not disrespected.

JAPAN suggested further discussion in the first meeting of the Governing Body. The US, supported by AUSTRALIA and CANADA, invited further submission of views to gather experience on country needs. AUSTRALIA, with CANADA, proposed that compliance be a standing item on the Governing Body agenda.

**WORK PROGRAMME AND BUDGET OF THE
GOVERNING BODY**

Chair Bryan Harvey (Canada) invited comments on the work programme and budget for the Governing Body. Referring to the funding strategy, the EU requested FAO to collect information on existing funding to national projects for the conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA) and implementation of the Global Plan of Action (GPA). He also proposed that the first meeting of the Governing Body be held in 2005 and subsequently on an annual basis, and prioritized: adoption of the rules of procedure, financial rules and budget; and agreement on the MTA and compliance. He suggested creating a special trust fund to support, on a voluntary basis, developing country participation, and said that staffing requirements should be funded by the FAO core budget. SPAIN reiterated its offer to host the first meeting of the Governing Body. BRAZIL stressed that Parties need to fulfill their commitment to contribute to funding Treaty implementation. SWITZERLAND prioritized implementation of ITPGR Article 6 (Sustainable Use of Genetic Resources).

The EU suggested that countries contemplating to become Parties to the Treaty should participate as observers at the first session of the Governing Body, and that those that have ratified but are not Parties yet, should be allowed to participate in the deliberations on an equal footing with Parties. CUBA and ERITREA requested clarification on participation of countries that are not Parties yet, having ratified the Treaty less than 90 days before the first session of the Governing Body. The FAO legal counsel responded that, while such countries do not have participatory rights officially, the Governing Body may handle the rule flexibly.

Concerned about the lack of progress and the lack of funding for inter-sessional activities, the EU proposed finalizing the rules of procedure and financial rules in parallel working groups during the first meeting of the Governing Body. He added that regional consultations could take place one or two days before the beginning of the meeting. BRAZIL, supported by many developing countries, proposed to have an open-ended working group on rules of procedure and financial rules, to be convened back-to-back with the Governing Body meeting. The EU noted that progress on these rules could be achieved in the informal group established by Chair Harvey on Wednesday. Chair Harvey suggested that the informal group meet during the lunch break and continue working during the time allotted for G-77 coordination, before the afternoon Plenary. Noting developing country representatives' inability to attend both the informal



group and the G-77 consultation, BRAZIL, with COLOMBIA, CUBA, ERITREA, ZAMBIA, ARGENTINA and SIERRA LEONE, opposed further negotiations in the informal group.

In the afternoon, delegates reviewed the work plan and the budget of the Governing Body. IRAN supported having more than one meeting of the Governing Body in the first biennium. The EU reiterated that the first meeting should be scheduled for October 2005 at the latest. The US highlighted that if an open-ended legal working group was to be convened inter-sessionally, it should only focus on rules of procedure and financial rules, leaving consideration of the compliance mechanism to a later stage of the ITPGR implementation. Chair Harvey highlighted lack of agreement on organization of work, regarding convening an open-ended working group meeting back-to-back with the Governing Body or convening parallel working groups at the first session of the Governing Body, as well as on the date of the first meeting of the Governing Body, and stressed the impossibility of finalizing consideration of the budget.

WORK PROGRAMME AND BUDGET OF THE INTERIM COMMITTEE

Chair Harvey invited comments on the work programme and budget for the Interim Committee (CGRFA/MIC-2/04/7). The US, the EU, NORWAY, AUSTRALIA and JAPAN prioritized completion of the standard MTA, with the US offering to host the meeting of the inter-sessional contact group in early 2005. Many delegates expressed appreciation to Spain and the US for their offers to host the first session of the Governing Body and the meeting of the contact group on the standard MTA, respectively.

IRAN and BANGLADESH requested a timetable for inter-sessional activities and means for the implementation of the work programme. COLOMBIA requested confirmation that an open-ended inter-sessional working group on compliance and the funding strategy will be convened.

CANADA suggested including the GPA and the Facilitating Mechanism in the financial review, to provide a comprehensive picture of funding provided and financial needs for Treaty implementation. ECUADOR invited funding to assist in monitoring GPA implementation. JAPAN stressed the need for a holistic perspective on the budget, in view of the limited regular FAO budget allocated to the ITPGR. AUSTRALIA called for a wide period of time for submission of views on the funding strategy. SUDAN requested special budgetary allocations for implementation activities in developing countries.

COOPERATION WITH RELEVANT INTERNATIONAL BODIES

The Secretariat presented the report on activities regarding cooperation with relevant international bodies (CGRFA/MIC-2/04/Inf. 2). He highlighted participation of the Secretariat in numerous international fora, including meetings of the Convention on Biological Diversity (CBD), the World Intellectual Property Organization, and the UN Conference on Trade and Development. He also underscored preparation of a memorandum of cooperation between the Secretariat and the CBD.

AGREEMENTS BETWEEN THE GOVERNING BODY AND THE IARCS

The Secretariat presented an overview of the consultations with the IARCs of the CGIAR on the agreements to be signed with the ITPGR Governing Body (CGRFA/MIC-1/02/8). He indicated that the agreements aim to bring CGIAR's *ex situ*

collections under the authority of the ITPGR. Stressing that the text of the agreement fully reflects ITPGR Article 15 (*Ex situ* collections held by the IARCs), a CGIAR representative highlighted: perpetual duration of the agreement; amendments by parties by mutual agreement; and periodic consultations with the Secretariat on implementation of the agreements. He also proposed that disputes be settled by arbitration according to ITPGR Annex II.

In the afternoon, delegates addressed the text of the draft agreement, with many expressing their support. JAPAN suggested more specific references to rights and obligations of the IARCs and the Governing Body. COLOMBIA suggested that facilitated access to PGRFA under the Multilateral System (MS) and observer status to the Governing Body are rights of the IARCs, rather than obligations of the Governing Body. He also opposed stating that the Governing Body shall encourage Contracting Parties to provide IARCs signing the agreement with access to PGRFA, which are not included in the MS.

TORS FOR THE CONTACT GROUP ON THE MTA

In the evening, delegates held a drafting session on the TORs for the contact group on the standard MTA. Chair Harvey introduced a text, drafted on the basis of the G-77/China proposal and incorporating suggestions of other regions, including terms on: scope of work; composition of the group; chair; invited organizations; preparation of the draft to be considered by the contact group; and schedule for completion.

Delegates debated language on, *inter alia*: consistency with the Treaty; recommendations by the contact group to the Governing Body; and observer participation. Discussion continued into the night.

IN THE CORRIDORS

Not long before Chair Harvey gavelled the meeting to a close, delegates worked deep into the night to try and finalize the TORs of the contact group on the standard MTA. With less than 18 months left before the first session of the Governing Body, according to the Treaty requirements, and with limited funds available for inter-sessional activities, many felt that finalizing the TORs to put the contact group in place would provide a meaningful outcome, particularly since an offer to host the group is already on the table.

Following extensive regional consultations and lengthy debates in Plenary, Commission Secretary Pepe Esquinas, in a passionate speech, attempted to inspire the cooperative and constructive atmosphere needed to make progress. However, one delegate sighed that the flexible and creative spirit that had already made the dream of a binding treaty on plant genetic resources come true seemed like a distant memory now. Others were more hopeful. The proposals to fund the first session of the Governing Body and the first meeting of contact group on the standard MTA, and the tireless efforts of Chair Harvey to include all views expressed were welcomed as an effort to create an inclusive basis for future discussions.

THINGS TO LOOK FOR

ENB SUMMARY REPORT: The *Earth Negotiations Bulletin* summary report of the second session of the ITPGR Interim Committee will be available online on Monday, 22 November, at: <http://www.iisd.ca/biodiv/itpgr2/>