



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COUNCIL

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REPORT OF THE FIRST SESSION OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Madrid, Spain, 12-16 June 2006

I. Background

1. The International Treaty on Plant Genetic Resources for Food and Agriculture was adopted by Conference Resolution 3/2001, under Article XIV of the FAO Constitution. It is open to accession by all Members of FAO and States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies, or of the International Atomic Energy Agency. The Treaty entered into force on 29 June 2004, 90 days after the fortieth accession. At the time of preparing this note (8 November 2006), the Treaty had 108 Contracting Parties and Contracting States, as listed in Appendix 1. States that have signed the Treaty, but not yet ratified it, are also listed.

II. First Session of the Governing Body

2. The First Session of the Governing Body met in Madrid, from 12-16 June 2006, at the invitation of the Government of Spain. The Report of the Session¹ is available at the documents desk and on the FAO website at <http://www.fao.org/ag/cgrfa/gb1.htm>. The Governing Body

¹ IT/GB-1/06/Report

addressed and resolved a number of major questions, which now make the Treaty fully operative. The following are the main outcomes of the session.

3. The Governing Body adopted the Standard Material Transfer Agreement, which is the legal instrument by which plant genetic resources for food and agriculture under the Treaty's Multilateral System of Access and Benefit-sharing may be accessed, and which makes provision for the fair and equitable sharing of the commercial benefits resulting from the use of such resources. The Standard Material Transfer Agreement provides for payment to the Treaty's Funding Strategy of 1.1% of the sales of a commercialized product, such as a new crop variety, which incorporates material accessed from the Multilateral System, when there are restrictions such as patent protection, that result in the product not being freely available to others for research and breeding. Users of the Multilateral System can also opt for a crop-based payment system, whereby they pay at a lower rate (0.5%), on all their commercialized products of a particular crop, regardless of whether material from the Multilateral System is incorporated in those products, and whether or not they are freely available to others for research and breeding. The Governing Body invited FAO to act as the Third Party Beneficiary, which has the role of representing the Governing Body in any dispute settlement procedures that may be necessary.

4. The Treaty provides for a Funding Strategy, the objectives of which are to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty. The Funding Strategy provides for the mobilization of funding for priority activities, plans and programmes, with priority being given to the implementation of agreed plans and programmes for farmers in developing countries, especially in least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture. The Governing Body approved the Funding Strategy, and made provision for an *Ad Hoc* Advisory Committee to meet between sessions to develop priorities for the use of resources, and eligibility criteria and operational procedures for those resources under the direct control of the Governing Body.

5. Article 15 provides the legal framework under which the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international institutions may bring their *ex situ* collections under the Treaty. The Governing Body approved the Model Agreement by which they will do so. On 16 October 2006, all International Agricultural Research Centres holding *ex situ* collections of plant genetic resources for food and agriculture signed such agreements, as did the Tropical Agricultural Research and Higher Education Centre (CATIE).

6. The Global Crop Diversity Trust was established at the joint initiative of FAO and the International Plant Genetic Resources Institute, representing the CGIAR Centres. It seeks to raise a \$260 million endowment, the interest from which would support the effective conservation – and the ready availability – of plant genetic resources for food and agriculture in *ex situ* collections. The Governing Body recognized the Trust as an essential element of the Funding Strategy, and the Association Agreement, which defines its relationship with the Governing Body (represented by FAO), was signed during the Session.

7. Arrangements for the appointment of the Secretary were approved, in accordance with Part R of the Basic Texts and recent Council's decisions regarding Article XIV Bodies. The post has been advertised internationally. A Screening Committee composed of the Bureau and two representatives of the Director-General will review applications and recommend a candidate for

appointment. The Governing Body requested the Secretariat of the FAO Commission on Genetic Resources for Food and Agriculture to act as the Interim Secretariat of the Governing Body until the Secretary's appointment.

8. The Governing Body stressed the need for close cooperation with the Commission on Genetic Resources for Food and Agriculture.

9. Rules of Procedure and Financial Rules were adopted. The latter contain brackets, as the Governing Body is still to decide whether Contracting Parties' contributions are "voluntary" or "voluntary on the basis of an indicative scale".

10. Progress was made on draft procedures and operational mechanisms to promote compliance and to address issues of non-compliance. Outstanding issues will be addressed by the second session of the Governing Body. Provisional procedures and operational mechanisms were adopted.

11. The Governing Body adopted its Core Administrative Budget for 2006/07, at the level of \$2,854,988. This provides for Secretariat posts and for the convening of the second session of the Governing Body. The Core Administrative Budget comprises \$1,124,000 (FAO's contribution under the Organization's 2006/07 Programme of Work and Budget), and \$1,730,988 (contributions from Contracting Parties). Contracting Parties may contribute funds for additional activities outside the Core Administrative Budget. In adopting the Programme of Work and Budget, the Governing Body, in its Resolution 4/2006, expressed "its concern as to the adequacy of the amount provided for the Treaty in the Regular Budget of FAO for the current biennium to cover the Core Administrative Budget of the Treaty, and invites the Governing Bodies of FAO to fund a significantly higher proportion of the Core Administrative Budget of the Treaty in future biennia."

12. The second session of the Governing Body is planned to be convened in Rome, in 2007.

III. Ministerial Meeting

13. On the occasion of the Governing Body, and at the joint initiative of FAO and the Government of Spain, a Ministerial Meeting was held, which was attended by about 70 Ministers or their representatives. The Ministerial Meeting adopted a Declaration, expressing strong political support for the implementation of the Treaty. This is attached as Appendix 2.

A. APPENDIX 1

STATUS OF RATIFICATION OF THE TREATY, AS OF 8 NOVEMBER 2006

Table 1. CONTRACTING STATES AND CONTRACTING PARTIES

| | | | |
|----------------------|------------------------|---------------------------------------|---------------------------------------|
| Afghanistan | Algeria | Angola | Australia |
| Austria | Bangladesh | Benin | Bhutan |
| Brazil | Bulgaria | Burundi | Cambodia |
| Cameroon | Canada | Central African Republic | Chad |
| Cook Islands | Congo, Republic of | Côte d'Ivoire | Cuba |
| Cyprus | Czech Republic | Democratic People's Republic of Korea | Democratic People's Republic of Congo |
| Denmark | Djibouti | Ecuador | Egypt |
| El Salvador | Eritrea | Estonia | Ethiopia |
| European Community | Finland | France | Germany |
| Ghana | Greece | Guatemala | Guinea |
| Guinea-Bissau | Honduras | Hungary | India |
| Indonesia | Iran, Islamic Republic | Ireland | Italy |
| Jamaica | Jordan | Kenya | Kiribati |
| Kuwait | Latvia | Lao | Lebanon |
| Lesotho | Liberia | Libyan Arab Jamahiriya | Lithuania |
| Luxembourg | Madagascar | Malawi | Malaysia |
| Mali | Maldives | Mauritania | Mauritius |
| Morocco | Myanmar | Namibia | Netherlands |
| Nicaragua | Niger | Norway | Oman |
| Pakistan | Panama | Paraguay | Peru |
| Philippines | Poland | Portugal | Romania |
| Saint Lucia | Samoa | Sao Tome and Principe | Saudi Arabia |
| Seychelles | Senegal | Sierra Leone | Slovenia |
| Spain | Sudan | Sweden | Switzerland |
| Syrian Arab Republic | Trinidad and Tobago | Tunisia | Uganda |

| | | | |
|----------------------|----------------|--------------------------------|----------|
| United Arab Emirates | United Kingdom | United Republic of Tanzania | Uruguay |
| Venezuela | Yemen | Zambia | Zimbabwe |

Table 2. SIGNATORIES TO THE TREATY THAT HAVE NOT YET RATIFIED IT

| | | | |
|-----------------------------|-----------|--------------|--------------------|
| Argentina | Belgium | Burkina Faso | Cape Verde |
| Chile | Colombia | Costa Rica | Dominican Republic |
| Gabon | Haiti | Malta | Marshall Islands |
| Montenegro | Nigeria | Serbia | Swaziland |
| Thailand | Macedonia | Togo | Turkey |
| United States of America | | | |

B. APPENDIX 2

MINISTERIAL DECLARATION, ADOPTED ON 13 JUNE 2006

IMPLEMENTATION OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

WE, THE MINISTERS RESPONSIBLE FOR THE IMPLEMENTATION OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE,

Having met in Madrid, Spain, on 13 June 2006, on the occasion for the First Session of the Governing Body of the Treaty, generously hosted by the Government of Spain,

- (i) ***Deeply concerned*** at the extent of hunger and poverty in the World, and the continuing erosion of plant genetic resources for food and agriculture,
- (ii) ***Convinced*** of the critical importance of the Millennium Development Goals as a framework for the international efforts to address these and other development issues, and particularly that the Treaty is vital for the achievement of Millennium Development Goals 1 (the eradication of extreme hunger and poverty) and 7 (ensuring environmental sustainability),
- (iii) ***Recognizing*** that the Multilateral System shall include all plant genetic resources for food and agriculture listed in *Annex 1*, and that further negotiated expansion of *Annex 1* may enhance the Multilateral System,
- (iv) ***Acknowledging*** that plant genetic resources for food and agriculture are the raw material indispensable for crop genetic improvement, whether by means of farmer selection, classical plant breeding or modern biotechnologies, and are essential in adapting to unpredictable environmental changes and future human needs,
- (v) ***Recalling*** the vital importance that movement and exchange of plant genetic resources have had since the birth of Agriculture,
- (vi) ***Aware*** of our responsibility to present and future generations to conserve the world's diversity of plant genetic resources for food and agriculture,
- (vii) ***Recalling*** that the objectives of the Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security,

- (viii) **Recognizing** that the Treaty will contribute to enhanced food security, by increasing access and use of the plant genetic resources under the Multilateral System of Access and Benefit-sharing,
- (ix) **Recalling** that the Treaty addresses the special nature of plant genetic resources for food and agriculture, including their distinctive features and problems needing distinctive solutions,
- (x) **Also recalling** the interdependence of countries in regard to these resources, and the need for effective international co-operation,
- (xi) **Recognising** that the full and effective implementation of the Treaty will benefit farmers and consumers in all countries,
- (xii) **Recognizing** that the objectives of the Treaty will be attained by closely linking the Treaty to the Food and Agriculture Organisation of the United Nations and to the Convention on Biological Diversity,
- (xiii) **Recognizing** the enormous contribution that the local and indigenous communities and farmers of all regions of the World, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world,
- (xiv) **Recognizing** the importance of implementing Farmers' Rights, in accordance with Article 9 of the Treaty,
- (xv) **Acknowledging** that Contracting Parties that are developing countries or countries with economies in transition will require assistance if they are to implement, in a full and effective way, their commitments under the Treaty,
- (xvi) **Acknowledging** that the extent to which Contracting Parties that are developing countries and Contracting Parties with economies in transition will effectively implement their commitments under this Treaty will depend on the effective allocation, particularly by developed country parties of the resources referred to in Article 18 of the Treaty. Contracting Parties that are developing countries and Contracting Parties with economies in transition will accord due priority in their own plans and programmes to building capacity in plant genetic resources for food and agriculture,
- (xvii) **Emphasizing** that the Funding Strategy will give priority to the implementation of agreed plans and programmes for farmers in developing countries, especially in least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture,
- (xviii) **Recalling** that the objectives of the Funding Strategy shall be to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty,

(xix) **Recognizing** that the Funding Strategy should seek to attract financial resources from all possible sources as indicated in Article 18.4 of the Treaty,

(xx) **Welcoming** the formalization of the relationship between the Governing Body of the Treaty and the Global Crop Diversity Trust,

(xxi) **Recognising** the importance of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres of the Consultative Group for International Agricultural Research, as well as of collections of plant genetic resources for food and agriculture that are under the management and control of the Contracting Parties and in the public domain,

(xxii) **Emphasizing** the need to encourage private sector organizations to make voluntary contributions to the Multilateral System,

(xxiii) **Acknowledging** that benefits accruing from facilitated access to plant genetic resources for food and agriculture that are included in the Multilateral System will also be shared through non-monetary mechanisms, such as the exchange of information, access to, and transfer of technology, and capacity-building,

1. **Commit ourselves** to fully implementing the Treaty, and in particular to:
 - a) Embodying the objectives and provisions of the Treaty in our national plans and programmes;
 - b) According due priority to building national capacity in the conservation and sustainable use of plant genetic resources for food and agriculture;
 - c) Implementing the Funding Strategy of the Treaty;
 - d) Taking the necessary and appropriate measures within the Governing Bodies of relevant international mechanisms, funds and bodies to ensure due priority and attention to the effective allocation of predictable and agreed resources for the implementation of plans and programmes under the Treaty;
 - e) Increasing awareness of the Multilateral System and of the value of the conservation and sustainable use of plant genetic resources for food and agriculture;
 - f) Considering modalities of a strategy to promote voluntary contributions to the Funding Strategy by Contracting Parties, non-Contracting Parties, the private sector, non-governmental organizations, and other sources.

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2. **Call upon:**
 - a) All International Agricultural Research Centres that maintain *ex situ* collections of plant genetic resources for food and agriculture to sign agreements with the Governing Body, in view of the global importance of these collections, as provided for in Article 15.1 of the Treaty,
 - b) All relevant international mechanisms, funds and bodies to attribute due priority to activities within their mandates relevant to the implementation of the Treaty,
 - c) Contracting Parties, non-Contracting Parties, the private sector, non-governmental organizations, and all other interested stakeholders to give practical and meaningful support to the implementation of the Funding Strategy,
 - d) All possible donors to contribute to the Global Crop Diversity Trust.
 3. **Urge** all Governments that have not yet done so to accede to the Treaty.
 4. **Thank** the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture for having overseen the development of this major new international instrument, which will be an important cornerstone in the policy and regulatory framework for food and agriculture.
 5. **Express** deep and sincere gratitude to the Government of Spain for hosting this Ministerial Segment and the First Session of the Governing Body.