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DRAFT INTERNATIONAL CODE OF CONDUCT FOR PLANT GERMPLASM
COLLECTING AND TRANSFER

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INTRODUCTION

The Third Session of the Commission on Plant Genetic Resources, (CPGR), in April 1989, considered the development of international agreements for the conservation and use of plant genetic resources to be an important task. It recommended that "the Secretariat, in cooperation with the Working Group of the Commission of Plant Genetic Resources, draft a Code of Conduct for international collectors of germplasm to also cover the conservation and use of plant genetic resources".

The Secretariat accordingly sent a questionnaire to a wide range of experts throughout the world, to seek their advice as to the issues to be addressed, and the objectives and content of the proposed Code of Conduct. Those surveyed included germplasm collectors and curators, sponsors, plant breeders, biotechnologists, botanists and policy makers; national and international organizations, non-governmental organizations, and industry were all covered. Material for the preparation of the draft Code of Conduct was also assembled from national codes and regulations, and reviews of the literature, as well as through discussions with experts, particularly experienced collectors.

A first, preliminary draft Code of Conduct was presented to the Fifth Session of the Working Group of the Commission on Plant Genetic Resources. While expressing its satisfaction with the document and its contents, the working Group felt that the final version should be shorter and include less technical detail, which instead might be incorporated in a field manual for collectors. At present IBPGR, IUCN and FAO are jointly working on the preparation of a "handbook for plant collecting" to give practical and detailed information on the field collecting of seed and vegetatively propagated crops, fruits and forests trees; on in vitro collection and conservation; and on plant quarantine.

The revised draft of the Code is now presented to the Sixth Session of the Working Group for its consideration and, will subsequently be submitted to the Fourth Session of the Commission for its decision. The draft attempts to reflect the views and expectations of a wide range of countries, agencies and other bodies which are actively involved in the conservation and use of plant genetic resources. Their contribution, particularly that of IBPGR, is acknowledged. Individuals from various IARCs also made valuable contributions.

A primary function of the Code is to serve as a point of reference until such time as individual countries establish their own codes, or regulations for germplasm collection, conservation, exchange and use. It has drawn upon the example of the FAO Code of Conduct on the Distribution and Use of Pesticides, which was published in 1986, and

has served as a model for regulations in more than twenty countries. The need for a code of conduct for international collectors of germplasm has been recognized by many countries, but has not yet been formally addressed, in technical and legal terms. Such an international agreement may also guide collecting missions to other countries, or those involving scientists or sponsors from other countries, in ways that individual national codes may not adequately do.

Unlike other codes of conduct for plant collectors that have been developed and implemented by governments and professional bodies, this Code does not only provide standards of ethical field behaviour for collectors; it maintains that sponsors, curators and users have long-term responsibilities over and above those of individual collectors. The Code therefore deals with the ethics and responsibilities of the planning and approval of collecting missions, the management of germplasm collections, and the transfer, conservation and use of germplasm. Although the terms of this Code relate primarily to international collecting missions, as requested by the Third Session of the FAO Commission on Plant Genetic Resources, its ethical standards, and the principle of fully involving local communities, and caretakers of plant genetic resources, also apply to national collecting missions.

The Code of Conduct is intended as a set of standards to be observed by those who voluntarily adhere to the principles it embodies. It is intended that the Code should not put undue restrictions on plant collectors, while extending the network of shared responsibilities, so as to protect both collectors and donors of germplasm.

**DRAFT INTERNATIONAL CODE OF CONDUCT FOR PLANT
GERMPLASM COLLECTING AND TRANSFER**

PREAMBLE

Within the framework of the International Undertaking on Plant Genetic Resources, and in the development of international cooperation to conserve and use biodiversity, this Code of Conduct aims:

- to promote the collection, long-term conservation, and use of plant genetic resources, in ways that respect the environment;
- to promote a better balance of economic benefits between the users and donors of germplasm, and the caretakers of wild plant resources;
- to ensure the safe exchange of plant genetic resources, and associated technologies and scientific information;
- to help reduce ecological degradation, and the loss of genetic diversity; and
- to foster the direct participation of farming communities, as well as scientists and organizations in countries where germplasm is collected, in plans and actions aimed at the conservation and use of plant genetic resources.

CHAPTER I

Objectives and Definitions

Article 1: Objectives

The standards set forth in this Code have the following objectives:

- 1.1 to recognize the rights and needs of communities of farmers, or caretakers of wild plant resources, both to ensure that the benefits they obtain from these resources are not undermined by their distribution to others, and by the use of this germplasm by others, now and in the future, and that they are compensated, in some manner, for their contribution;
- 1.2 to ensure that any collecting of germplasm, with the intent of using it in another country, or to transfer it to another country, is undertaken with the knowledge and approval of the competent authorities, and with the cooperation of the donor, or host country,

and of the local communities, without violation of the local or national laws, customs, rules and regulations, or the quarantine, requirements of the country of origin, or country of destination;

- 1.3 to define acceptable conduct and the obligations of collectors; and to provide scientific terms of reference for collecting strategy, sampling procedure, species priority and areas of collection;
- 1.4 to encourage the exchange of information, during and following the collection, conservation, management and evaluation of germplasm, with the aim of promoting the more adequate conservation and use of these resources, both in situ and ex situ;
- 1.5 to suggest ways in which the recipients and users of collected germplasm may subsequently pass on the benefits derived from the use of these genetic resources, and information regarding scientific studies on them, to germplasm donors, host country scientists and farming communities;
- 1.6 to provide standards by which one party may gauge the conduct of Others, with the aim of promoting more effective cooperation;
- 1.7 to provide background information for the development of procedures for monitoring and evaluating observation of the principles embodied in the Code by all parties engaged in the collection, conservation and use of plant germplasm;
- 1.8 to ensure that established guidelines or procedures to effect safe transfer are followed when germplasm is internationally exchanged; and
- 1.9 to serve as a set of general principles which governments may wish to use in developing their national regulations, or formulating agreements.

Article 2: Definitions

- 2.1 **"Caretakers"** means local communities or local farmers, who maintain genetic diversity in their environments and farming systems.
- 2.2 **"Collector"** means any legal entity or natural person that collects plant genetic resources and related information;
- 2.3 **"Curator"** means a person or organization, within the host country or elsewhere, that conserves and manages plant genetic resources and related information.

- 2.4 **"Ex situ conservation"** means the maintenance, as living plants, or as seed, or in vitro storage, of organisms or genetic material, away from their areas where they developed their distinctive properties;
- 2.5 **"Genetic erosion"** means loss of genetic diversity;
- 2.6 **"In situ conservation"** means the maintenance of reproducing organisms in the area where they developed their distinctive properties, or, in the case of domesticated organisms, where they have been traditionally maintained;
- 2.7 **"Plant genetic resources" or "plant germplasm"** - means the reproductive or vegetative propagating material of plants;
- 2.8 **"Sponsor"** means an organization which sponsors, financially or otherwise, a plant collecting mission.

CHAPTER II

Nature and Scope of the Code

Article 3: Nature of the Code

- 3.1 The Code is voluntary. The Code is addressed primarily to governments. It also addresses explorers and plant collectors, agricultural and botanical scientists, specialists on endangered species or habitat conservation, research institutes, botanical gardens, local communities, farmers, harvesters of wild plant resources, rural development specialists, agro-industry and the seed trade, national and international organizations, non-governmental organizations, and public-sector organizations such as environmental protection, cultural, and consumer groups.
- 3.2 The Code should be published and observed through collaborative action by governments, appropriate organizations and professional societies, field collectors and their sponsors, and curators and users of plant germplasm.
- 3.3 All persons and institutions, addressed by this Code, including industries which utilize plant genetic resources, should observe and promote the principles and practices which it embodies.
- 3.4 FAO and other pertinent organizations (including the world Conservation Union (IUCN), the Worldwide Fund for Nature (WWF), the United Nations Environment Programme (UNEP), the United Nations Educational, Scientific and Cultural Organization (Unesco), the Consultative Group on International Agricultural Research (CGIAR), in particular IBPGR, and international and

national agricultural research institutions, are invited to promote full observance of the Code.

Article 4: Scope

- 4.1 The Code describes the shared responsibilities of collectors, donors, curators and users of germplasm, so as to ensure that the collection, transfer and use of plant germplasm is accomplished with the maximum benefit to the international community, and with minimal adverse effects on the evolution of crop plant diversity and the environment. While initial responsibility must rest with field collectors and their sponsors (Articles 7, 9, 10 and 11 of this Code), other obligations should extend to parties who may be funding or authorizing collection, or donating or subsequently conserving and using the germplasm (Articles 6, 7.1.f, 8, 9 and 11 of this Code). The Code emphasizes the need for cooperation and a sense of reciprocity among donors, curators and users of plant genetic resources.

Article 5: Relationship with other legal provisions

- 5.1 The Code is designed to be used in harmony with international agreements protecting biological diversity, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and the national laws of the host, or donor country, for which it may serve as a model, and any agreements between the collector, host country, sponsors, and the genebank storing the germplasm.
- 5.2 Because the collection and movement of germplasm can result in the simultaneous transfer of pests and diseases, the provisions of the International Plant Protection Convention in restricting the spread of pests should be recognized.

CHAPTER III

Terms and Conditions for Licensing of Collectors

Article 6: Authority for Licensing

- 6.1 National governments have the sovereign right, and accept the responsibility to establish and implement national policies for the conservation and use of biological diversity, and within this framework, to issue licenses to collect within their national boundaries, and to suggest suitable ways of establishing mutually beneficial collaboration.

- 6.2 National governments should appoint an authority competent for issuing licenses. This authority should inform proposed collectors, sponsors, and the other agencies of the government's rules and regulations in this matter, and of the approval process to be followed, and of follow-up action to be taken, so as to ensure the success of the collecting mission, and the conservation and use of the material collected.
- 6.3 A field mission's travel and collecting activities may require it to enter public and private lands, protected areas, and areas of local cultural importance, and deal with a variety of national officials, including customs and quarantine officers, land managers and scientific authorities, prospective collectors and sponsors. It will, therefore, be of great benefit if the necessary license is granted, and conditions of collaboration are established, before the mission arrives in the country, or begins field-work. The license should be issued expeditiously by the licensing authority of the host country, so as to ensure the success and smooth working of the collecting mission.
- 6.4 The government of a country which takes action to prohibit or restrict a proposed collecting mission - on the basis of past non-compliance with the relevant laws and regulations, and the principles of this Code, or anticipated adverse effects - should notify the collectors, the sponsors of the proposed mission, and the FAO Commission on Plant Genetic Resources, of the decision it has taken. In order to facilitate collecting missions in difficult circumstances and areas, at the request of the parties involved, FAO will use its good offices to seek solutions to any problems that may arise.

Article 7: Procedures for requesting a license

- 7.1 To enable the licensing authority to arrive at a decision to grant or to decline permission, prospective collectors and sponsors should:
- a) undertake to respect the relevant national laws and regulations;
 - b) demonstrate a familiarity with the materials to be collected, the literature on their distribution and variation within the country, and the herbarium and germplasm collections already in existence in the country and elsewhere;
 - c) provide indicative plans for the field mission - including the types of material to be collected, species and quantities - and the subsequent evaluation, storage and use of the material collected; where possible, the sort of benefits the host government may expect to derive from the

collection of this germplasm should be indicated; the collector should be willing to modify plans, after consultation with the national and international agencies, or national authorities involved; and the collector should also be willing to provide the host country with duplicate sets of all samples, and, when available information - including evaluation information - regarding these samples;

- d) notify the host country of the kind of assistance, collaboration and commitments that may be required to ensure the success of the mission. These include (i) provision for collecting, storing and propagating samples; (ii) arrangements for the local deposit and agreed export of samples (Article 7.1.c of this Code); (iii) arrangements for quarantine, (Article 11.1.b of this Code);
- e) indicate, if the host country so desires, a willingness to cooperate with national scholars, scientists, students, non-governmental organizations, conservationists and others (Article 3.1 of this Code) who may assist or benefit from participation in the field mission or its follow-up activities;
- f) the collector must present to the licensing authority the list of national (Articles 7.1.c, and 8.1.b of this Code) and foreign curators (Articles 8.1.e, and 11.1.a of this Code) to whom the germplasm and information is intended to be distributed on the completion of the mission, and seek written authorization; and
- g) supply full passport details of the collectors, and information on their scientific backgrounds.

Article 8: Procedures for granting a license

- 8.1 The competent authority of the country in which a field mission proposes collecting plant genetic resources should:
 - a) acknowledge the request expeditiously, indicating the time that will be needed to examine this request; provide copies of the request for comment to other pertinent agencies and authorities; consider existing collections or work in progress; take into account the potential benefits to, or adverse effects for the local community, and national and international interests; and advise the prospective collectors and their sponsors of its decision in a timely fashion;
 - b) indicate clearly, in writing, what categories, sources, and quantities of germplasm may or may not be exported, and those which are required for deposit within the country; and

identify species which may not be collected or exported, and areas in which collecting may not take place. The competent authority should ensure that such information is regularly updated, and that it is of easy access by prospective collectors;

- c) explicitly inform collectors and their sponsors of any restrictions on travel or collecting, or any modification of plans desired by the host country, with enough advance notice to allow the necessary changes of plan to be made;
- d) designate a national counterpart for the field mission, or for subsequent collaboration and review of the results, or both; the counterpart will provide all relevant information (Article 9.1 of this Code), and collaborate in planning travel, the composition of the team, priorities for collecting germplasm and data, and follow-up activities;
- e) approve the national and foreign curators with which the material collected, and related information, may be shared for the purposes of research and conservation, and state any special arrangement or restriction placed on the distribution, or use of the germplasm, or improved materials derived from it;
- f) clarify the financial obligation of collectors and sponsors in support of national participation in the collecting team, and other services to be provided.

CHAPTER IV

Procedures for Collecting, and Responsibilities of Collectors

Article 9: Pre-collection

- 9.1 Upon arrival in the host country, the collectors should be briefed by the appropriate authorities regarding the country, its genetic resources policy, germplasm management system, quarantine procedures, and all relevant laws and regulations.
- 9.2 Apart from directing their attention to the tasks of collecting and documenting germplasm, collectors should also try to understand the culture, society, economy and political situation of the areas through which they will be traveling.
- 9.3 Collectors should discuss with their counterparts and other national scientists the collection of field data that might be of

value in a variety of related disciplines; they should also acquaint themselves with unpublished research, or work in progress in the country, that might have a bearing on the mission.

- 9.4 Before field work begins, collectors and their national collaborators should discuss, and to the extent possible, decide on practical arrangements including: (i) collecting priorities and strategies, (ii) information to be gathered during collection, (iii) processing and conservation arrangements for samples, and (iv) financial arrangements for the mission.

Article 10: During collection

- 10.1 When collecting from farming communities, it is desirable that practical arrangements be made whereby the intentions of the mission may be explained to the farmers. Collectors and national counterparts should also inform farmers of how and where they may, in the future, request and obtain samples of germplasm that has been collected in their area.
- 10.2 The acquisition of germplasm should not deplete the populations of the farmers' planting stocks or wild species, or remove significant genetic variation from the local gene pool, so as to increase the risk of genetic erosion.
- 10.3 When requested, duplicate samples of material collected should be provided to the farming communities or caretakers from which they were collected.
- 10.4 When collecting wild genetic resources from reserves, farms, grazing and forest lands, and other non-agricultural areas, it is desirable to make practical arrangements to inform the local caretakers of such resources about the purpose of the mission, and to ensure their comprehension.
- 10.5 Whenever germplasm is collected, the collector should systematically record the passport data, and describe in detail the plant population, its diversity, habitat and ecology, so as to provide future conservationists, curators and users of germplasm with an understanding of its original context. If threats to the population, or germplasm, are observed, these should be noted, and the facts communicated to the appropriate conservation authorities within the country.
- 10.6 Whether the germplasm collected is of a wild or a cultivated plant, as much local knowledge as possible about the resource should be documented; photography may be of special value for this purpose. In particular, the classification systems of the caretakers, and their observations on environmental adaptation, genetic qualities

and rarity, provide valuable complements to observations made by scientists; local methods and technologies of preparing and using the plant should also be recorded.

- 10.7 Collectors should demonstrate discretion and a sense of reciprocity towards local communities. Collectors should respond to their requests for information, germplasm or assistance, to the extent feasible.
- 10.8 Collectors should respect local social customs, traditions, and values, not only when dealing with prospective donors or vendors of germplasm, but also in the community as a whole.

Article 11: Post-collection

- 11.1 Upon the completion of the field mission, collectors and their sponsors have a number of responsibilities. They should:
 - a) process, in a timely fashion, the plant samples, and any associated microbial symbionts, pests and pathogens that may have been collected for conservation; the relevant passport data above should be prepared at the same time. Duplicate sets of all collections and associated materials, and records of any pertinent information, should be deposited with the host country and other agreed curators;
 - b) make arrangements with quarantine officials, seed storage managers and curators to ensure that the samples are transferred as quickly as possible to conditions which optimize their viability;
 - c) obtain the phyto-sanitary certificates needed for transferring abroad the material collected;
 - d) report to the competent authorities of the host country the localities visited, the confirmed identifications and passport data of plant samples collected, and the distribution, at the end of the mission, of the germplasm for curation;
 - e) alert the host country and the FAO Commission on Plant Genetic Resources about any impending threat to plant populations, or evidence of accelerated genetic erosion, and make recommendations for remedial action; and
 - f) prepare a consolidated report on the collecting mission, and submit copies of it to the host country's licensing authority, and to national counterparts and curators.

CHAPTER V

Responsibilities of Sponsors, Curators and Users

Article 12: Sponsors, Curators and Users

- 12.1 Sponsors, and the curators of the collected germplasm, should take practical steps to caretakers who provided ensure that future enquiries from the original material, and the host country, are responded to, and the samples of the plant germplasm collected are supplied upon request.
- 12.2 In order to ensure the continued availability of germplasm to plant improvement programmes on an equitable basis, users of germplasm should endeavour to give practical expression to the principles of Farmers' Rights and of mutual help and cooperation for sustained collection.
- 12.3 Without prejudicing the concept of Farmers' Rights and in order that the caretakers and the host country may also benefit directly from such collecting, the users of the germplasm should consider providing;
- a) some form of compensation for the benefits derived from the use of its germplasm in the development of new, improved varieties and other products, on mutually agreed terms;
 - b) support for research of direct relevance to developing conservation and utilization technology for plant genetic resources (including community-based, conventional and new technologies) and conservation strategies, for both ex situ and in situ conservation;
 - c) training, at both the institutional and farmer levels, to enhance local skills in genetic resource conservation, evaluation, development, propagation and use;
 - d) facilitate the transfer of appropriate technology for the conservation and use of plant genetic resources;
 - e) support for programmes to evaluate and enhance local land races and other indigenous germplasm, so as to encourage the optimal use of plant genetic resources at national, sub-national, and farmers and community level;
 - f) grants or other appropriate support for farmers and communities for the conservation of indigenous germplasm of the type collected by the mission; and

- g) scientific and technical information derived from the use of germplasm.
- 12.4 Curators should ensure that the collectors' original identification numbers, or codes, continue to be associated with the samples to which they refer, should other identification numbers, or codes, be subsequently assigned to these samples.

CHAPTER VI

Reporting, Monitoring and Evaluating Adherence to the Code

Article 13: Reporting by Governments

- 13.1 Governments should from time to time inform the FAO Commission on Plant Genetic Resources of actions taken with regard to the application of this Code. This may be effected in the context of the yearly reports provided under Article 11 of the International Undertaking on Plant Genetic Resources.
- 13.2 Governments should inform the FAO Commission on Plant Genetic Resources of any decision to prohibit or restrict proposed collecting missions (Article 6.4 of this Code).
- 13.3 In cases of non-observance by a collector or sponsor, of the rules and regulations of a host country regarding the collecting and transfer of plant genetic resources, or the principles of this Code, the government may wish to inform the FAO Commission on Plant Genetic Resources. The collector and sponsor should receive copies of this communication, and have the right of reply, with the aim of settling any differences that may have arisen. At the request of collectors or their sponsors, FAO will incorporate their names in a periodically revised list of collectors or sponsors, about whom no unresolved complaints are outstanding.

Article 14: Reporting by Collectors and Sponsors

- 14.1 With a view to contributing to the exchange of information and technology, by the provision of up-to-date first-hand reports to the Global Information and Early Warning System on Plant Genetic Resources, collectors and sponsors should:
- a) submit to the FAO Commission on Plant Genetic Resources copies of their consolidated reports on collecting missions (Article 11.1.e of this Code); and

- b) promptly communicate to the FAO Commission on Plant Genetic Resources *information* on any threat to plant populations or germplasm observed during a collecting mission (Article 10.6 of this Code).

Article 15: Monitoring and Evaluating

- 15.1 Appropriate national and international authorities should periodically review the relevance and effectiveness of the Code. The Code should be considered a dynamic text that may be brought up to date as required, to take into account technical, economic, social, ethical and legal developments and constraints.
- 15.2 At a suitable time, it may be desirable to develop procedures for monitoring and evaluating observation of the principles embodied in this Code, under the auspices of the FAO Commission on Plant Genetic Resources.
- 15.3 Professional associations and societies accepting the principles embodied in this Code may wish to establish peer review ethics committees to consider their members' compliance with the Code.
- 15.4 Governments granting permission to collect within their national boundaries may wish to recommend that the sponsors and collectors of prospective collecting missions accept the Code.