

IT/GB-1/06/Report

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

Madrid, Spain, 12-16 June 2006



FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED
NATIONS

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**First Session
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**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2006**

The documents of the First Session of the Governing Body
of the International Treaty on Plant Genetic Resources for Food and Agriculture
are to be found on the internet at <http://www.fao.org/ag/cgrfa/gb1.htm>

They may also be obtained from:

The Interim Secretary

Interim Secretariat of the International Treaty
on Plant Genetic Resources for Food and Agriculture

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

INTRODUCTION

1. On 13 June 2006, the Government of Spain and the Food and Agriculture Organization of the United Nations convened a Ministerial Meeting of Contracting Parties and Contracting States, with the following attendance:

Algeria, Angola, Austria, Benin, Brazil, Burundi, Bulgaria, Cambodia, Cameroon, Canada, Côte d'Ivoire, Denmark, Djibouti, Egypt, El Salvador, Ethiopia, The European Community, Finland, France, Germany, Ghana, Greece, Guatemala, Guinea Bissau, Honduras, Hungary, India, Indonesia, The Islamic Republic of Iran, Ireland, Italy, Jamaica, Jordan, Kenya, Kiribati, Kuwait, Latvia, Lebanon, Liberia, Luxembourg, Madagascar, Mali, The Maldives, Mauritania, Mozambique, Namibia, The Netherlands, Niger, Norway, Panama, Paraguay, Peru, Portugal, Romania, Samoa, Saudi Arabia, Spain, Sudan, Sweden, Switzerland, The United Republic of Tanzania, Trinidad and Tobago, Tunisia, Yemen, Zambia.

2. The opening statements of the Her Excellency, Elena Espinosa Mangana, Minister of Agriculture, Fisheries and Food of Spain, and of Mr. Jacques Diouf, Director-General of the Food and Agriculture Organization of the United Nations, are in *Appendix B.1* and *Appendix B.2*, respectively.

3. The Ministerial Meeting adopted the following Declaration. Participants made statements stressing the importance of fully implementing the Treaty, to which they had committed themselves, in adopting the Declaration.

MINISTERIAL DECLARATION

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.

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.

* * * * *

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

1. An opening ceremony to celebrate the convening of the First Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture was convened by the Government of Spain, on 12 June 2006.
2. The ceremony began with a concert of Spanish guitar music of the nineteenth and first part of the twentieth centuries, played by the celebrated guitarists, Ricardo Gallén and Iliana Matos: Manuel de Falla, Isaac Albéniz, Joaquín Rodrigo and Francisco Tárrega.
3. Her Excellency, María Teresa Fernández de la Vega, Deputy Prime Minister of Spain, then welcomed delegates, and stressed the significance of the Governing Body's first session. She underlined the need for international cooperation, in order to achieve food security and overcome poverty through improved benefit-sharing and development cooperation. The Deputy Prime Minister's speech is in *Appendix B.3*.
4. Her Excellency, Elena Espinosa Mangana, Minister of Agriculture, Fisheries and Food of Spain, welcomed delegates to the first session of the Governing Body. She stressed the importance of the Treaty and encouraged delegates to achieve consensus on outstanding matters. The Minister's speech is in *Appendix B.4*.
5. Mr. Jacques Diouf, Director-General of the Food and Agriculture Organization of the United Nations, thanked the Government of Spain for its generous hospitality in hosting the first session of the Governing Body. He noted that the Treaty was the result of many years of dedicated effort and that putting the ideas of the Treaty into practice would contribute to the imperatives of achieving food security and eradicating poverty. The Director-General's speech is in *Appendix B.5*.

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

INTRODUCTION

1. The first session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (Governing Body) met in Madrid, Spain, from 12-16 June 2006. The list of Participants is attached in *Appendix Q*. Mr. José Esquinas-Alcázar, Interim Secretary of the Governing Body, opened the meeting and welcomed participants.

ELECTION OF THE CHAIR, VICE-CHAIRS AND *RAPPORTEUR*

2. Mr. José Esquinas-Alcázar called for nominations for the position of Chair of the Governing Body.

3. Mr. Francisco Mombiela Muruzábal (Spain) was elected Chair of the Governing Body. He called for nominations for six Vice-Chairs and a *Rapporteur*. Six Vice-Chairs were elected: Mr. John Madden (Australia), Mr. Bryan Harvey (Canada), Mr. Modesto Fernández Díaz-Silveira (Cuba), Mr. Mohamed Khalifa (Egypt), Mr. Sugiono Moeljopawiro (Indonesia) and Mr. Godfrey Mwila (Zambia). Mr. Yohannes Tensue (Eritrea) was elected *Rapporteur*. Mr. Modibo Mahamane Touré (Mali) subsequently assumed the responsibilities of *Rapporteur*, and presented the final report on behalf of Mr. Tensue.

ADOPTION OF THE AGENDA, AND ARRANGEMENTS FOR THE WORKING GROUPS

4. The Governing Body adopted the Agenda, as given in *Appendix A*.

5. Mr. Bryan Harvey (Canada) and Mr. Ahmad Dimiyati (Indonesia) were elected Chairs of the two Working Groups, reporting to the plenary, for adoption of their reports.

6. A Budget Committee was established to prepare a draft budget for the period 2006-2007, for the consideration of the Governing Body. Mr. Christer Wretborn (Sweden) was elected Chair of the Budget Committee.

**APPOINTMENT OF THE CREDENTIALS COMMITTEE,
AND VERIFICATION OF THE CREDENTIALS**

7. The Governing Body elected seven Members of the Credentials Committee: Canada, Central African Republic, Denmark, Guatemala, India, Kiribati and Sudan. In accordance with FAO practice, the Credentials Committee established two lists: list A, which included 67 Contracting Parties whose credentials were found submitted in due form, and list B, which included 17 Contracting Parties whose credentials, while not submitted in due form, were considered by the Committee as valid information on the composition of their delegations. The Governing Body followed the Committee's recommendation to accept the credentials on both lists, on the understanding that formal credentials of delegations referred to in list B would be communicated to the Director-General as soon as possible.

REPORT ON THE STATUS OF RATIFICATION OF THE TREATY

8. Mr. Esquinas-Alcázar informed the Governing Body of the status of ratification of the Treaty. As of 11 June 2006, 104 instruments of ratification, acceptance, approval or accession had been deposited with the Director-General of FAO. The list of Contacting Parties and Contracting States, as of 11 June 2006, is given in *Appendix C*.

ADOPTION OF THE RULES OF PROCEDURE OF THE GOVERNING BODY

9. The Governing Body adopted the Rules of Procedure of the Governing Body, as given in *Appendix D*.

ADOPTION OF THE FINANCIAL RULES OF THE TREATY

10. The Governing Body adopted the Financial Rules, as given in *Appendix E*, noting that some Rules remained in brackets, to be resolved at its second session.

ADOPTION OF THE FUNDING STRATEGY FOR THE IMPLEMENTATION OF THE TREATY

11. The Governing Body adopted the Funding Strategy for the Implementation of the International Treaty, as contained in *Appendix F*, by the following resolution:

RESOLUTION 1/2006

The Funding Strategy

THE GOVERNING BODY,

- (i) **Recalling** that the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security;
- (ii) **Recalling** that, under Article 18.1 of the Treaty, “*The Contracting Parties undertake to implement a funding strategy for the implementation of this Treaty*”, in accordance with the provisions of Article 18;
- (iii) **Recognizing** that an effective Funding Strategy is critical to the implementation of the Treaty;
- (iv) **Noting** that the Funding Strategy should enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty;
- (v) **Noting** that the Funding Strategy should seek to attract financial resources from all possible sources as indicated in Article 18.4 of the Treaty;
- (vi) **Recognizing** that the extent to which Contracting Parties that are developing countries and Contracting Parties with economies in transition will effectively implement their commitments under the Treaty will depend on the effective allocation, particularly by developed country Contracting 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;

(vii) **Recognizing** the importance of cooperation with relevant international mechanisms, funds and bodies for the successful implementation of the Funding Strategy;

(viii) **Recalling** that, under Article 18.4a of the Treaty, “*Contracting Parties shall take 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 this Treaty*”;

(ix) **Noting** that the Global Crop Diversity Trust is an essential element of the Funding Strategy in relation to the *ex situ* conservation and availability of plant genetic resources for food and agriculture;

(x) **Noting** that voluntary contributions may also be provided by Contracting Parties, the private sector, non-governmental organisations and other sources. The Governing Body shall consider modalities of a strategy to promote such contributions, taking into account the provisions of Article 13 of the Treaty;

(xi) **Noting** that the priority for the Funding Strategy will be the implementation of agreed plans and programmes in developing countries, especially least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture;

(xii) **Noting** the importance of taking into account the rolling *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*, when establishing further priorities for the Funding Strategy and when establishing a target for funding, considering also the need for regular updating of the *Global Plan of Action*;

(xiii) **Recognizing** that the Governing Body and Contracting Parties will need to take a number of other actions to support the implementation of the Funding Strategy;

1. **Adopts** the Funding Strategy;¹
2. **Mandates** the Secretariat of the Treaty to take the necessary steps to facilitate the provision by developed country Contracting Parties of adequate resources for the implementation of the Treaty in Contracting Parties that are developing countries and countries with economies in transition;
3. **Requests** Contracting Parties and **invites** non-Contracting Parties to undertake, as appropriate, the following actions in support of the implementation of the Funding Strategy:
 - a. To take 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 plans and programmes relevant for the implementation of the Treaty;
 - b. To promote voluntary contributions from sources within their country for plans and programmes relevant for the implementation of the Treaty.

¹ Contained in the *Appendix F* to this Report.

- c. To report to the Governing Body, as appropriate, on the results of actions they have taken in line with items (a) and (b) above, to be made available through the website of the Treaty;
 - d. To provide information to the Secretariat on bilateral assistance provided in line with the reporting provisions of *Annex 4* of the Funding Strategy, to be made available through the website of the Treaty;
4. **Invites** Contracting Parties, in particular developed countries, to provide information to the Secretariat on bilateral funding relevant to the Funding Strategy from sources within their country, to be made available through the website of the Treaty;
 5. **Requests** that the Global Crop Diversity Trust cooperate with the Governing Body on the basis of a Relationship Agreement, in accordance with Article 7 of the Constitution of the Global Crop Diversity Trust, including the Governing Body's authority to provide overall policy guidance to the Trust on all matters within the purview of the Treaty, as well as the reporting obligations of the Trust to the Governing Body;²
 6. **Invites** the Consultative Group on International Agricultural Research to provide, through its activities, support to the implementation of the Funding Strategy, and to report to the Governing Body on these activities;
 7. **Invites** the Global Environment Facility, the World Bank and the Regional Development Banks to take steps to ensure that their activities will include support for the conservation and sustainable use of agricultural biodiversity and thereby contribute towards the objectives of the Treaty, and to report to the Governing Body on these activities;
 8. **Calls upon** relevant international mechanisms, funds and bodies to attribute due priority to activities within their mandates relevant to the implementation of the Treaty;
 9. **Invites** the governing bodies of all relevant international mechanisms, funds and bodies to provide information on their mandates, priorities, eligibility criteria and procedures relevant to the support of actions for the implementation of the Treaty, to be made available through the website of the Treaty;
 10. **Requests** the Secretariat of the Treaty to positively pursue, with the secretariats of relevant international mechanisms, funds and bodies, means by which they might contribute to the implementation of the Funding Strategy of the Treaty, and the possibility of establishing memoranda of understanding with the Governing Body in this regard;
 11. **Invites** Contracting Parties, the private sector, including the Food Processing and other value-added Industries, non-governmental organizations, and all other interested parties, to make voluntary contributions to the Funding Strategy;
 12. **Invites** Contracting Parties, relevant international mechanisms, funds and bodies, and providers of relevant services, to propose initiatives to address priorities established for the Funding Strategy;
 13. **Invites** Contracting Parties to provide information to the Secretariat of the Governing Body on their own plans and programmes for building capacity in plant genetic resources for

² *Note by the Secretariat:* the Relationship Agreement was approved by the Governing Body at this session, and signed by FAO, on behalf of the Governing Body, and by the Global Crop Diversity Trust. The Relationship Agreement is attached as *Appendix M* to this Report.

food and agriculture, and for the conservation and sustainable use of plant genetic resources for food and agriculture, to be made available through the website of the Treaty;

14. **Decides** to establish, in accordance with Article 19.3f of the Treaty, a Trust Account for receiving and utilizing financial resources, which accrue to it for the purposes of implementing the Treaty, and acknowledges that appropriate procedures, including eligibility criteria and operational procedures, for the use of this account remain to be approved by the Governing Body;

15. **Decides** to establish an *Ad Hoc* Advisory Committee, composed of seven representatives of Contracting Parties, with one representative nominated by each of the FAO Regions. This Committee will, in particular, draft, on the basis of the preparatory work of the Secretariat and information provided by the Parties, priorities, eligibility criteria and operational procedures for the allocation of funds under the direct control of the Governing Body, for the consideration of the Governing Body. The meetings of this Committee will be subject to the availability of funds;³

16. **Urges** Contracting Parties, and **invites** other Governments, to consider the provision of financial resources for facilitating its work, including for holding meetings of this Committee.

17. **Requests** the Commission on Genetic Resources for Food and Agriculture to support the development of the Funding Strategy, in the context of its work in relation to the supporting components of the Treaty, including the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture* and its Facilitating Mechanism;

18. **Requests** the Secretariat of the Treaty to undertake such actions as are necessary to facilitate the implementation of this Resolution and of the Funding Strategy.

(Adopted on 16 June 2006)

ADOPTION OF THE STANDARD MATERIAL TRANSFER AGREEMENT

12. The Governing Body adopted the Standard Material Transfer Agreement, as contained in *Appendix G* to this Report, by the following resolution:

RESOLUTION 2/2006

The Standard Material Transfer Agreement

THE GOVERNING BODY:

- (i) **Recalling** that the objectives of the International Treaty on Plant Genetic Resources for Food and Agriculture 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;
- (ii) **Recalling**, that, in furtherance of the objectives of conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out

³ *Note by the Secretariat:* Five countries pledged US\$ 5,000 each towards the holding of a meeting of the *Ad Hoc* Advisory Group: Austria, Canada, Finland, Ireland and Spain.

of their use, Part IV of the Treaty establishes a Multilateral System of Access and Benefit-sharing, which is efficient, effective, and transparent, both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis, in order to receive the full support of the International Community;

(iii) **Recalling** further that under Article 12.4 of the Treaty, facilitated access to the Multilateral System shall be provided pursuant to a Standard Material Transfer Agreement adopted by the Governing Body;

(iv) **Recalling** further that, under the same provision, the Standard Material Transfer Agreement shall contain the provisions of Articles 12.3a, 12.3d and 12.3g, as well as the benefit-sharing provisions set forth in Article 13.2d(ii), and other relevant provisions of the Treaty, and the provision that the recipient of plant genetic resources for food and agriculture shall require that the conditions of the Standard Material Transfer Agreement shall apply to the transfer of plant genetic resources for food and agriculture to another person or entity, as well as any subsequent transfer of those plant genetic resources for food and agriculture;

(v) **Noting** that the Standard Material Transfer Agreement should be in conformity with the Treaty, be effective, and should ensure the efficient and transparent implementation of the Multilateral System;

(vi) **Emphasizing** that the Standard Material Transfer Agreement is crucial for the implementation of the Treaty;

(vii) **Recognizing** that the terms of the Standard Material Transfer Agreement should be attractive to both providers and recipients of plant genetic resources for food and agriculture accessed from the Multilateral System, in order to encourage their participation in the Multilateral System;

(viii) **Emphasizing** that, in addition to the mandatory sharing of benefits arising from commercialization, the voluntary sharing of monetary and non-monetary benefits is also crucial for the effective implementation of the Multilateral System;

(ix) **Recognizing** that, under the Multilateral System, Contracting Parties shall share the benefits arising from the use of plant genetic resources through the mechanisms of information exchange, access to and transfer of technology, and capacity-building;

(x) **Recognizing** that the Contracting Parties agree that benefits arising from the use of plant genetic resources for food and agriculture that are shared under the Multilateral System should flow primarily, directly and indirectly, to farmers in all countries, especially in developing countries, and countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture;

1. **Adopts** the Standard Material Transfer Agreement;⁴
2. **Requests** the Secretary of the Treaty to review the implementation and operation of the Standard Material Transfer Agreement, and report to the Governing Body at its third session, in particular on the benefit-sharing provisions and the modalities of payment;
3. **Urges** Contracting Parties to the Treaty to take measures necessary for the implementation of the Standard Material Transfer Agreement;

⁴ Contained in *Appendix G* to this Report.

4. **Urges** Contracting Parties to take the steps necessary to implement the non-monetary benefit-sharing provisions of the Treaty, as articulated in Article 13 of the Treaty;
5. **Invites** users of material received under the Standard Material Transfer Agreement to make voluntary contributions to the Multilateral System, and to share the non-monetary benefits arising from the use, including commercial, of plant genetic resources for food and agriculture fairly and equitably, through the exchange of information, access to and transfer of technology, and capacity-building, taking into account the Priority Activity Areas in the rolling *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*;
6. **Welcomes** the decisions of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research that hold *ex situ* collections in trust to sign agreements with the Governing Body of the Treaty, under which the Centres shall make available material included in the Multilateral System, in accordance with the Standard Material Transfer Agreement, and **invites** other relevant international institutions to enter into similar agreements with the Governing Body;
7. **Urges** all other holders of the plant genetic resources for food and agriculture listed in *Annex I* to the Treaty to include these plant genetic resources in the Multilateral System, and **urges** Contracting Parties to take appropriate measures, in accordance with Article 11.3 of the Treaty;
8. **Invites** the Food and Agriculture Organization of the United Nations, as the Third Party Beneficiary, to carry out the roles and responsibilities as identified and prescribed in the Standard Material Transfer Agreement, under the direction of the Governing Body, in accordance with the procedures to be established by the Governing Body at its next session;
9. **Decides** to review the levels of payment periodically, in conformity with Article 13.2d(ii) of the Treaty, starting from the third session of the Governing Body.

(Adopted on 16 June 2006)

13. The Governing Body recorded a vote of thanks to Mr. Eng Siang Lim, whose untiring efforts and very able chairmanship of the Contact Group for the Drafting of the Standard Material Transfer Agreement, which had been established by the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty, had contributed greatly to the successful negotiation of the Standard Material Transfer Agreement.

14. Statements made on the adoption of the Standard Material Transfer Agreement are in *Appendix H* to this Report.

DRAFT PROCEDURES AND OPERATIONAL MECHANISMS TO PROMOTE COMPLIANCE AND TO ADDRESS ISSUES OF NON-COMPLIANCE

15. The Governing Body reviewed the document, *Draft procedures and operational mechanisms to promote compliance and to address issues of non-compliance*.⁵ A number of issues remained unresolved, and the Governing Body accordingly decided to address the outstanding issues during its second session (see *Appendix I* to this Report). The Governing Body adopted the following resolution:

⁵ IT/GB-1/06/7.

RESOLUTION 3/2006

Compliance

THE GOVERNING BODY,

1. ***Hereby establishes*** a Compliance Committee pursuant to Articles 19.3e and 21 of the International Treaty on Plant Genetic Resources for Food and Agriculture, which shall commence its work following the approval of cooperative and effective procedures and operational mechanisms on compliance;
2. ***Decides***, pursuant to Article 21 of the Treaty, to consider and approve procedures and operational mechanisms on compliance at its second session, on the basis of the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance, which are contained in *Appendix I* to this Report, and the submissions made by Parties and observers, no later than three months before the commencement of the second session of the Governing Body, if possible;
3. ***Decides*** that compliance shall be included in the agenda of the Governing Body;
4. ***Decides***, so as to provide for provisional procedures and operational mechanisms on compliance, that a Contracting Party may, in advance of a session of the Governing Body, raise any matter concerning its compliance with the Treaty, including potential non-compliance with the Treaty. The Governing Body shall consider the matter, and shall decide on an appropriate approach for addressing the matter raised by the Contracting Party, which may include, *inter alia*, designating a Contracting Party or Contracting Parties to meet inter-sessionally with the Contracting Party raising the matter, in order to offer advice or assistance, including legal advice or legal assistance, where needed.

(Adopted on 16 June 2006)

ARRANGEMENTS FOR THE APPOINTMENT OF THE SECRETARY

16. The Governing Body reviewed the Document, *Appointment of the Secretary and other matters related to the establishment of the Secretariat*.⁶ It emphasized the importance of the autonomy of the Secretary and the Secretariat of the Treaty, decided to commence the process for the appointment of the Secretary of the Governing Body, and adopted the procedures for doing so given in *Appendix J* to this Report.
17. The Governing Body accordingly:
 - (a) Approved the Terms of Reference of its Secretary, as contained in *Appendix J.1* to this Report;
 - (b) Invited the Director-General to establish the post at D-1 level;
 - (c) Invited the Director-General to advertise the post internationally;
 - (d) Agreed with the proposed procedures for the appointment of the Secretary, as contained in *Appendix J.2* to this Report;

⁶ IT/GB-1/06/11.

- (e) Decided to establish a Screening Committee, under the Chairmanship of the Chair of the Governing Body, to review applications for the post of Secretary of the Governing Body of the Treaty, and appointed, to act as members of the Screening Committee, its Bureau;
- (f) Invited the Director-General to nominate two representatives to the Screening Committee;
- (g) Mandated the Screening Committee to complete the procedures in time to recommend a candidate Secretary to the Director-General, so that the appointment process can be completed as early as possible before the second session of the Governing Body;
- (h) Requested the Secretariat of the Commission on Genetic Resources for Food and Agriculture to continue to act as Interim Secretariat of the Governing Body until the appointment of the Secretary.

PERMANENT TECHNICAL ADVISORY COMMITTEE

18. The Governing Body considered the document, *Possible establishment of a Permanent Technical Advisory Committee*,⁷ and requested the Secretary to consider further the possible establishment of a technical advisory committee, including aspects relating to terms of reference, composition and funding needs, and to report back to the second session of the Governing Body.

IMPLEMENTATION OF ARTICLE 6 OF THE TREATY: SUSTAINABLE USE OF PLANT GENETIC RESOURCES

19. The Governing Body considered the document, *Implementation of Article 6 of the International Treaty: Sustainable Use of Plant Genetic Resources*.⁸ It thanked the Government of Switzerland for having convened an expert workshop on this topic and noted the document, *Implementation of Article 6 of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture: Swiss input paper*,⁹ which had been prepared in the context of the workshop, and circulated at the request of the Government of Switzerland.

20. The Governing Body stressed the importance of implementing Article 6 of the Treaty, *Sustainable Use of Plant Genetic Resources*, in the light of its linkages with other Articles of the Treaty, in particular Article 5, *Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture*; Article 7, *National Commitments and International Cooperation*; and Article 18, *Financial Resources*.

21. The Governing Body stressed that Contracting Parties will assume the major role in enhancing the sustainable use of plant genetic resources for food and agriculture, and noted that its main contribution would be to develop and facilitate partnerships and cooperation in the country-driven implementation of Article 6. Options for the implementation of Article 6 include capacity-building, awareness-raising and education, cooperation with other institutions, and integration with other initiatives.

22. The Governing Body decided that the implementation of Article 6 should be a component of its programme of work, and a standing item on its agenda, as a priority. It decided to engage in an in-depth consideration of the sustainable use of plant genetic resources for food and agriculture following a staged approach, beginning from its next session.

⁷ IT/GB-1/06/8.

⁸ IT/GB-1/06/10.

⁹ IT/GB-1/06/Circ.1.

23. The Representative of the Convention on Biological Diversity noted that sustainable utilization is an objective of the Convention. He described relevant current work programmes of the Convention, particularly the Programme of Work on Agricultural Biological Diversity, which would be reviewed in 2008, and outlined the cross-cutting initiative on biodiversity for food and nutrition.

24. The Governing Body invited Contracting Parties, other governments, and relevant institutions and organisations to submit to the Secretary information on policy and legal measures relevant to Article 6.1 of the Treaty, as well as other relevant information, for example on workshops or studies. The compilation of such information, together with information on relevant measures undertaken in the Convention on Biological Diversity and by the International Agricultural Research Centres, as well as other relevant institutions, should serve as a basis to assess progress in implementing Article 6, at a future session of the Governing Body.

25. The Governing Body emphasized the need to avoid duplication of efforts, especially in light of the implementation of the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*, and preparations by the Commission on Genetic Resources for Food and Agriculture for the second *Report on the State of the World's Plant Genetic Resources for Food and Agriculture*.

26. The Governing Body further invited Contracting Parties, other governments, and relevant institutions and organisations to support the further examination and elaboration of the issues, and undertake other practical measures that could contribute to the implementation of Article 6 and related provisions, including through capacity-building and organising or hosting consultations, workshops and related studies.

27. The Governing Body requested the Secretary to look into ways to facilitate the participation of civil society organisations, in particular farmers' organisations, in the work of the Treaty, especially the implementation of Article 6.

ASSESSMENT OF PROGRESS IN THE INCLUSION IN THE MULTILATERAL SYSTEM OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE HELD BY NATURAL AND LEGAL PERSONS

28. The Governing Body considered the document, *Assessment of progress in the inclusion of plant genetic resources for food and agriculture held by natural and legal persons in the Multilateral System*.¹⁰ It decided to defer the assessment of progress in the inclusion of plant genetic resources for food and agriculture held by natural and legal persons in the Multilateral System until its third session.

29. The Governing Body re-emphasised the importance of Contracting Parties taking appropriate measures to encourage natural and legal persons within their jurisdiction, who hold plant genetic resources for food and agriculture listed in *Annex I* of the Treaty, to include such plant genetic resources for food and agriculture in the Multilateral System.

APPROVAL OF DRAFT AGREEMENTS BETWEEN THE GOVERNING BODY AND THE INTERNATIONAL AGRICULTURAL RESEARCH CENTRES, AND OTHER RELEVANT INTERNATIONAL INSTITUTIONS

30. The Governing Body considered the document, *Draft Agreements between the Governing Body and the IARCs of the CGIAR, and other relevant international institutions*.¹¹ It noted that a number of

¹⁰ IT/GB-1/06/12.

¹¹ IT/GB-1/06/9.

international institutions have brought their *ex situ* collections into the International Network of *Ex Situ* Collections under the Auspices of FAO, which had been established by the Commission on Genetic Resources for Food and Agriculture, and held them in trust for the international community. The Governing Body also noted that the *ex situ* collection of mutant lines (the “Mutant Germplasm Repository”) held by the Joint FAO/International Atomic Energy Agency Division in Vienna, would soon do so.

31. International institutions that had signed such agreements included the International Agricultural Centres (IARCs) of the Consultative Group on International Agricultural Research Centres (CGIAR), the Regional Collections of the International Coconut Genetic Resources Network (COGENT), and the Tropical Agriculture Research and Higher Learning Centre (CATIE). These institutions had been requested to indicate whether they were willing to sign the model agreement that had been approved by the second session of the Interim Committee for the Treaty, in accordance with Article 15 of the Treaty. The IARCs and CATIE had already indicated their willingness to do so.

32. The Governing Body reviewed and approved the model agreement, as attached in *Appendix K* to this Report, for use with the IARCs and, *mutatis mutandis*, with the other international institutions. It noted with pleasure that these would now all enter into agreements in accordance with Article 15 of the Treaty. The statement made by the Alliance of Future Harvest Centres of the CGIAR is attached as *Appendix L* to this Report.

33. The Governing Body requested its Secretary to continue consultations with other relevant International institutions, and to report to it regularly on progress. The IARCs of the CGIAR welcomed this decision, and proposed that the signing ceremony take place before the end of 2006, preferably on the World Food Day, in October 2006.

34. The Governing Body thanked the International Agricultural Research Centres of the Consultative Group on International Agricultural Research Centres and invited the Director-General of FAO to sign the agreements with the International Agricultural Research Centres and other relevant institutions on its behalf.

RELATIONSHIP BETWEEN THE GOVERNING BODY AND THE GLOBAL CROP DIVERSITY TRUST

35. The Governing Body considered the document, *Relationship between the Governing Body and the Global Crop Diversity Trust*.¹² Ambassador Fernando Gerbasi, Chair of the Interim Panel of Eminent Experts of the Global Crop Diversity Trust, was invited to introduce the document. He noted that the Trust, which had come into force on 21 October 2004, is an international fund with its own legal personality. The objective of the Trust is to ensure the long-term conservation and availability of plant genetic resources for food and agriculture, with a view to achieving global food security and sustainable agriculture. The Governing Body thanked Ambassador Gerbasi for the information and explanations he had provided.

36. The Governing Body expressed unanimous support for the Trust, recognizing it as an essential element of the Funding Strategy of the Treaty in relation to the *ex situ* conservation and availability of plant genetic resources for food and agriculture, and noted that the Trust will operate under the overall policy guidance of the Treaty’s Governing Body.

37. The Governing Body took note of decision VII/3 of the Conference of the Parties to the Convention on Biological Diversity, in February 2004, which had welcomed, “*within the framework of the Treaty, and as part of its Funding Strategy, the development of the Trust, first launched at the*

¹² IT/GB-1/06/14.

World Summit on Sustainable Development, as this contributes towards the development of an important endowment fund to support ex situ conservation centres worldwide”.

38. The Governing Body approved the text of the *Relationship Agreement between the Global Crop Diversity Trust and the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture*. It welcomed the readiness of the Trust to enter into the *Relationship Agreement*, and accordingly invited the Director-General of FAO to sign the *Relationship Agreement* on behalf of the Governing Body.

39. The *Relationship Agreement* was accordingly signed by FAO, on behalf of the Governing Body, and by the Trust during the closing plenary session of the Governing Body. The *Relationship Agreement* is attached as *Appendix M* to this Report.

40. The Governing Body agreed to the procedures for the appointment of four members of the Trust’s Executive Board, as given in *Appendix 2* to the document, *Relationship between the Governing Body and the Global Crop Diversity Trust*.¹³ It stressed the need for governments to be consulted to suggest candidates for the four members of the Trust’s Executive Board that the Governing Body will appoint, and that regional balance should be taken into account. The Governing Body noted that in future the normal selection and appointment procedures given in *Appendix 2* to the above-mentioned document would apply. Ambassador Gerbasi announced that the Trust’s Donor Council had nominated four persons – nationals of Australia, Brazil, Canada and the United States of America – to serve in the Trust’s Executive Board, in their personal capacities.

RELATIONSHIP BETWEEN THE GOVERNING BODY AND THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

41. The Governing Body considered the document, *Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture*.¹⁴ It thanked the Commission for having provided the forum for the negotiation of the Treaty. It also expressed its gratitude to the Commission for having acted as the Interim Committee for the Treaty, for having provided the Interim Secretariat of the Treaty, and, in particular, for its support in the preparation of the first session of the Governing Body.

42. The Governing Body welcomed the Commission’s offer to support the implementation of the Treaty, including through the further development of components of the FAO Global System on Plant Genetic Resources for Food and Agriculture, as part of the Commission’s Multi-Year Programme of Work.

43. The Governing Body stressed the need to develop close cooperation with the Commission, underlining the need to promote coherence and mutual supportiveness between the two bodies, including through the exchange of information. The Governing Body emphasized the need for close cooperation between the two Secretariats in the future.

44. The Governing Body agreed that future sessions of the Governing Body should, as far as possible, be held back-to-back with sessions of the Commission, and encouraged Members of the Commission that have not yet become Contracting Parties to the Treaty to do so immediately. It recommended the establishment of a website for the Treaty, to enhance its visibility.

¹³ IT/GB-1/06/14.

¹⁴ IT/GB-1/06/15.

REPORT ON THE STATUS OF COOPERATION WITH OTHER INTERNATIONAL ORGANIZATIONS

45. The Governing Body reviewed the document, *Report on the status of cooperation with other international organizations*.¹⁵ It noted that cooperation with other international organizations was of particular importance for the Treaty, in many aspects of its work. It acknowledged the ongoing fruitful collaboration with, in particular, the Convention on Biological Diversity, the World Intellectual Property Organization, and the Consultative Group on International Agricultural Research.

46. The Secretariat of the Convention on Biological Diversity provided a written statement on behalf of the Executive Secretary of the Convention, which is in *Appendix N.2*. The Union for the Protection of New Varieties of Plants (UPOV) provided a written statement, which is in *Appendix N.3*. The representative of the World Intellectual Property Organization noted its ongoing cooperation with the Commission on Genetic Resources for Food and Agriculture, and welcomed cooperation with the Governing Body of the Treaty. He briefly described a joint study underway, on how intellectual property rights impact on access to plant genetic resources, which was available to the Governing Body.¹⁶ His statement is in *Appendix N.4*.

47. The representative of the Consultative Group on International Agricultural Research emphasized that its cooperation with the Governing Body of the Treaty, as foreseen in Article 15, meant that it was, in many ways, an integral part of the Treaty. He looked forward to close cooperation with the Governing Body. He proposed that the Agreements between the Governing Body and the Centres of the Consultative Group on International Agricultural Research be concluded at a signing ceremony with representatives of the Centres in the latter part of 2006. His statement is in *Appendix N.1*.

48. A representative of Practical Action spoke on behalf of civil society organizations. He stressed the need to realize Farmers' Rights. He strongly recommended that more civil society organizations, especially farmers' organizations, be able to take part in sessions of the Governing Body. This was supported by a number of the Contracting Parties, which requested the Secretary to find practical ways to further enhance the participation of farmer organizations in the next session of the Governing Body.

49. The Governing Body further noted the need to extend its cooperation with a wide range of organisations. It emphasized the need to continue cooperation with the Convention on Biological Diversity. It welcomed, in particular, the invitation of the Eighth Conference of the Parties to collaborate in the implementation of the cross-cutting initiative on biodiversity for food and nutrition, and the invitation to its Secretariat to participate in the Liaison Group of the Biodiversity-Related Conventions.

50. The Governing Body welcomed the decision of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research to sign agreements with the Governing Body of the Treaty.

ADOPTION OF THE PROGRAMME OF WORK AND BUDGET, 2006/2007

51. The Governing Body adopted the Programme of Work and Budget, 2006/07, as contained in *Appendix O* to this Report, by the following resolution:

¹⁵ IT/GB-1/06/Inf.4.

¹⁶ IT/GB-1/06/Inf.17, *Progress report on work towards the assessment of patent data relevant to availability and use of material from the International Network of Ex Situ Collections under the auspices of FAO and the International Treaty on Plant Genetic Resources for Food and Agriculture: a draft patent landscape surrounding gene promoters relevant to rice.*

RESOLUTION 4/2006**Programme of Work and Budget, 2006/2007****THE GOVERNING BODY,**

- (a) **Adopts** the Core Administrative Budget for the biennium 2006-2007;
- (b) **Approves** a working capital reserve for the biennium 2006-2007 at the level of 6.5 per cent of the Core Administrative Budget, excluding the FAO contribution;
- (c) **Welcomes** the contribution by FAO of US\$ 1,124,000;
- (d) **Recalls** that the FAO Governing Bodies have determined that the International Treaty on Plant Genetic Resources for Food and Agriculture is a priority FAO activity;
- (e) **Expresses** 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;
- (f) **Urges** all Contracting Parties and States that are not Contracting Parties, as well as inter-governmental organizations, non-governmental organizations and other entities, to contribute to the Core Administrative Budget and the Special Funds of the Treaty;
- (g) **Notes** the Secretariat staffing table for the biennium 2006-2007 set out in *Annex 1 of Appendix O* to this Report, recognizing that the precise staffing arrangements are a matter of the normal executive authority of the Secretary;
- (h) **Decides** that the contribution of the FAO shall be used before any other source of income is used for the funding of the Core Administrative Budget;
- (i) **Invites** Contracting Parties and States that are not Contracting Parties to provide in-kind support to the Secretariat, including through the secondment, as appropriate, of staff, taking into consideration criteria of competence and regional balance in the staff;
- (j) **Authorizes** the Secretary to transfer resources between the main appropriation lines of the Core Administrative Budget up to an aggregate of 15 per cent of the Operating Budget, provided that no more than 25 per cent of any main appropriation line may be transferred to another;
- (k) **Decides** that the meetings identified in the Core Administrative Budget, and meetings of the Advisory Committee for the Funding Strategy, shall constitute the work programme for the Governing Body for the biennium 2006-2007;
- (l) **Requests** the Secretariat to convene meetings of the Advisory Committee for the Funding Strategy, subject to availability of adequate voluntary contributions to the Special Funds referred to in Rule VI.2b of the Financial Rules of the Treaty;
- (m) **Requests** the Secretariat to provide to the Contracting Parties, within three months after the closure of this session, an estimate of the cost for:
 - 1. implementation of each of the activities to be funded under the Special Funds referred to in Rule VI.2b of the Financial Rules of the Treaty;

2. provision of support to developing country Contracting Parties and Contracting Parties with economies in transition, to be funded under the Fund referred to in Rule VI.2©c of the Financial Rules of the Treaty for the biennium 2006-2007;

(n) **Decides** that Contracting Parties that are developing countries or countries with economies in transition, should be informed in a timely manner by the Secretary, before a meeting, of the availability of funding for their participation in that meeting from the Fund referred to in Rule V.1c of the Financial Rules of the Treaty. Where such funding is limited, priority should be given to the least developed countries;

(o) **Requests** the Secretary to prepare and submit a budget for the biennium 2008/09 for the consideration of the Governing Body at its second session, and to report on progress on income and expenditures, as well as any adjustments made to the budget for the biennium 2006-2007.

(Adopted on 16 June 2006)

DATE AND PLACE OF THE SECOND SESSION OF THE GOVERNING BODY

52. The Governing Body agreed to hold its second session, if possible, back-to-back with the next Session of the Commission on Genetic Resources for Food and Agriculture.

OTHER BUSINESS

53. The Governing Body elected its Chairs and Vice-Chairs for its second session. Mr. Godfrey Mwila (Zambia) was elected Chair. Six Vice Chairs were elected: Mr. Sugiono Moeljopawiro (Indonesia); Mr. John Madden (Australia), Mr. Campbell Davidson (Canada), Mr. Modesto Fernández Díaz-Silveira (Cuba), Mr. François Pythoud (Switzerland), and Mr. Mohamed Khalifa (Egypt).

54. Norway stressed the importance of Farmers' Rights, noting that the responsibility for their implementation lay with national governments. Norway was accordingly funding a project that focused on how countries could best implement Farmers' Rights, the need for cooperation in this regard within the framework of the Treaty, and how the Governing Body could support these efforts. The results of the first phase of the project had been presented in a side-event on 13 June. Mindful of the workload that the Secretariat was carrying, and that the first priority of the Treaty was make the Multilateral System functional, Norway nonetheless requested that follow-up to Article 9, *Farmers' Rights*, be considered by the Bureau for possible inclusion in the agenda of the Governing Body's second session. Many regions supported this proposal.

55. A number of countries expressed concern that insufficient time had been given for consideration of some issues prior to their being put forward for adoption. They requested that, at future sessions, the Bureau ensure that all issues for adoption be given adequate time for discussion.

56. A representative of the ETC Group made a statement on behalf of several civil society organizations, calling, in particular, for the representation of civil society organizations in contact groups, and the setting-up of transparent monitoring mechanisms in relation to compliance with the Treaty. Accepting the "Genetic Resources Chess Game", an award created by these organizations in the name of Herman Warsh, to honour individuals for outstanding services to the genetic resources community, Mr. Esquinas-Alcázar encouraged delegates to continue working towards the ideal of a world free from hunger.

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APPENDIX A**AGENDA OF THE FIRST REGULAR SESSION OF THE GOVERNING BODY**

1. Election of the Chair, Vice-Chairs and the *Rapporteur*
2. Adoption of agenda, time-table and arrangements for the Working Groups
3. Appointment of the Credentials Committee
4. Report on the status of ratification of the Treaty
5. Adoption of the Rules of Procedure of the Governing Body
6. Adoption of the Financial Rules of the Governing Body
7. Adoption of the Funding Strategy for the implementation of the Treaty
8. Adoption of the Standard Material Transfer Agreement
9. Adoption of procedures and operational mechanisms to promote compliance and to address issues of non-compliance
10. Arrangements for the appointment of the Secretary
11. Establishment of a Permanent Technical Advisory Committee
12. Implementation of Article 6, *Sustainable Use of Plant Genetic Resources*
13. Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural and legal persons
14. Approval of agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions
15. Relationship between the Governing Body and the Global Crop Diversity Trust
16. Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture
17. Report on the status of cooperation with other international organizations
18. Adoption of the Programme of Work and Budget for 2006/07
19. Date and place of the second session of the Governing Body
20. Other business
21. Adoption of the report

APPENDIX B**OPENING STATEMENTS**

APPENDIX B.1**STATEMENT BY HER EXCELLENCY, ELENA ESPINOSA MANGANA,
MINISTER OF AGRICULTURE, FISHERIES AND FOOD OF SPAIN
TO THE MINISTERIAL SESSION**

*Mr Director-General of FAO,
Distinguished Ministers and Delegates,*

Good morning to you all.

WELCOME AND INTRODUCTION**The importance of safeguarding agricultural biodiversity**

Before we begin our work, I should like to thank you for attending this meeting and to warmly welcome you to Spain, not only personally but also on behalf of the Spanish Government.

It is an honour to host this meeting which is held under the auspices of FAO and which seeks to energize the implementation of the Treaty on Plant Genetic Resources for Food and Agriculture. We all know that plant genetic resources are fundamental for humankind. In addition to being an important part of our cultural heritage, they underpin agricultural biodiversity and are thus crucial to food security.

We therefore have an opportunity to raise the level of food security for this and future generations, in accordance with the first of the Millennium Development Goals.

We are facing up to the loss of agricultural resources which results from modernized high-yield agriculture, which has obvious benefits but has also displaced age-old practices that were based on traditional varieties.

These modern commercial varieties can be widely deployed and are very productive. But they have limited variability. They will have to cope with unavoidable challenges, such as resistance to pests, drought, soil erosion and plant disease, and will have to produce for future market demand. If we are to respond to these challenges and avoid genetic erosion, we will need appropriate knowledge, conservation and sustainable use of our resources.

This need to conserve our plant genetic resources is all the greater if we consider that modern agriculture depends on a limited number of crops; there are only 150 major crops worldwide. More alarming still, 90 percent of the global food supply is based on only 30 or so plant species and a few dozen varieties.

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

We are all aware of the importance of the conservation and use of plant genetic resources, which is why we are here today.

However, the coordinated process of safeguarding those resources has already come a long way.

APPENDIX B.2**STATEMENT BY MR JACQUES DIOUF, DIRECTOR-GENERAL OF FAO,
TO THE MINISTERIAL SESSION**

*Madam Minister of Agriculture, Fisheries and Food of Spain,
Distinguished Ministers, Ambassadors and Delegates,
Excellencies,
Ladies and Gentlemen,*

After so many years of hard work and tough negotiations, the International Treaty on Plant Genetic Resources for Food and Agriculture has come into force.

The unacceptable scale of hunger and malnutrition in the world calls for remedial action and the International Treaty on Plant Genetic Resources for Food and Agriculture can be a new instrument in such action.

The road leading to the Treaty was a long one. Everything began with the adoption by the Conference of FAO of the International Undertaking on Plant Genetic Resources in 1983. Then, with the adoption of the Convention on Biological Diversity in 1993, it became clear that precise measures were needed to address the specific issues of plant genetic resources for food and agriculture. Negotiations were initiated in 1994, terminating seven years later with the adoption of the Treaty in 2001.

I should like to recall that the objective of the Treaty is “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”.

Agriculture will be able to respond to environmental pressures and food requirements through plant genetic resources for food and agriculture. These are the building blocks for the development of new plant varieties that are better suited to our needs and to the constraints of our ecosystem.

All countries are interdependent on plant genetic resources for food and agriculture, which are nevertheless being lost at an alarming rate.

The ability of developing countries to use these resources will depend on the mobilization of financial and technical resources for them to build their human and institutional capacities.

The Treaty has also established a framework for the conservation, access to, and use of plant genetic resources for food and agriculture, by promoting an integrated approach at national level and creating an international forum for cooperation.

The Treaty has made significant breakthroughs:

- It permits a reversal of the recently observed downward trend in the exchange of plant genetic resources for food and agriculture;
- It enables the developing countries to better conserve and use their own plant genetic resources for food and agriculture, and those they obtain through the Multilateral System;

- It recognizes the historic role and the rights of farmers in the conservation and development of genetic resources;
- It establishes a sound basis for agricultural research, including through the Future Harvest Centres of the Consultative Group on International Agricultural Research.

All these elements are included in the excellent draft Declaration which is before you today and which I hope you will adopt in conclusion of your work.

But it is essential for the objectives and provisions of the Treaty to be embodied in plans, programmes and legislation, and in the priorities and strategies of assistance to development.

This Treaty will enable farmers to benefit from new varieties resistant to environmental stress and to pests and diseases, while scientists, international research centres and national public and private research centres will have enhanced access to genetic diversity.

The Governing Body will be called upon to adopt the Standard Material Transfer Agreement to enable the Multilateral System of Access and Benefit-Sharing to begin. And in the longer term, consideration will need to be given to broadening the range of plant genetic resources for food and agriculture in order to ensure the food security of a global population projected to reach 9 billion in 2050.

*Excellencies,
Ladies and Gentlemen,*

As we celebrate the first day of the future of the International Treaty, let us reaffirm our political will to work for the benefit of present and future generations and our continuing commitment towards the Treaty's full and effective implementation.

Thank you for your kind attention.

APPENDIX B.3**STATEMENT BY HER EXCELLENCY, MARÍA TERESA FERNÁNDEZ
DE LA VEGA SANZ, DEPUTY PRIME MINISTER OF SPAIN
TO THE GOVERNING BODY**

Mr Director-General of FAO, Ministers, Ambassadors, Advisers of Autonomous Communities, Delegations from over 100 countries and my friend, the Minister of Agriculture, Fisheries and Food,

I should like to endorse the words of welcome of the Minister of Agriculture, Fisheries and Food and of the Director-General of FAO to this First Session of the Governing Body of the Treaty that begins its work today.

It is an honour to host this meeting of policymakers and technical experts under the mandate of a Treaty that was conceived within this agency of the United Nations almost a quarter of a century ago – a Treaty that is destined to become a centrepiece of sustainable development and food security.

Spain has undoubtedly been one of its prime movers, which explains our satisfaction that it should be launched here in Madrid.

The path to agreement has clearly been arduous. And today signifies the beginning of a long-sought dream, for no one can contest the importance of this Treaty for improving food security and facilitating the access of the world's population to the food needed for its survival.

Plant genetic resources are truly "public goods" whose conservation and sustainable use requires the collaboration of all States.

Nobody denies that they are the raw material for the development of new crop varieties that are more productive and more resistant to disease and climate change, and nobody denies that these will determine the advance of agriculture and the production of the food we consume.

The world's agricultural researchers and scientists are well aware of this. So are you. Interdependence is huge and international cooperation is a necessity, not an option.

Therein precisely lies the origin of this Treaty; in the international community's realization that the gradual decline of plant genetic diversity needs to be checked and its accessibility ensured.

The Treaty addresses both challenges. We have made a collective effort to adopt a prescriptive, effective and fair solution to these common problems. It is now for the Governing Body of the Treaty to act upon the commitments assumed by the signatory States.

Crucial to the implementation of the Treaty is the development of the multilateral system of access to plant genetic resources and distribution of the benefits.

The key to addressing the challenges and uncertainties of the future in this globalized world is concerted action and the sharing of knowledge and resources. In agriculture, as in so many other spheres, our progress depends increasingly on factors and decisions that are outside our control.

We are becoming increasingly interdependent, and managing that interdependence requires cooperation, because whenever we opt for cooperation, we ensure that everyone benefits.

Preserving plant genetic wealth and promoting its shared use will benefit farmers and their communities whose rights have been recognized. It will benefit researchers and scientists who will be

able to pursue their work under better conditions. And, finally, it will benefit consumers who will have a wider selection of foods and products, and who will enjoy greater food security.

All this is clearly integral to the Treaty.

But at the same time – and I should like to emphasize this – the Treaty is also an important instrument for the international community to achieve by 2015 the objective of halving, as a minimum, the number of hungry in the world.

Achieving the first Millennium Development Goal is the moral duty of the entire international community. Moral standards serve to safeguard the survival and dignity of the most vulnerable and to place responsibilities on the most powerful.

In a globalized world, eradicating hunger and extreme poverty is without doubt the first step towards forging globalized justice but, above all, represents a huge step towards shaping a more decent global society.

That is the major challenge we face. I am sure that we can rise to it, just as previous generations were able to rise to other major challenges such as abolishing slavery and colonialism.

Today's session and the success of its work should help meet this challenge, because ensuring people have the plant genetic resources to produce adequate harvests is a fundamental step in lifting millions of hungry people onto the first rung of the development ladder.

The environment and future generations will also benefit from the survival of genetic diversity and our efforts to bring about environmental sustainability which, as you all know very well, is another Millennium Development Goal.

Francis Bacon said that science could kindle a light in nature. Research allied with the conservation of plant genetic wealth and a fair distribution of its benefits will likewise brighten our hopes for a more equitable, more responsive and more sustainable world.

The Government of Spain remains firmly committed to the Goals set out by the United Nations General Assembly in the Millennium Declaration.

We have gradually increased our development cooperation budget and aim to reach 0.5 percent of GDP within two years (2008); we are actively involved in initiatives such as the International Alliance Against Hunger and we support the many multilateral actions for poverty eradication, sustainable development and a fair balance.

It is our responsibility to provide opportunity and capability to the world's least privileged populations. The Government of Spain therefore supports the conservation and sustainable use of plant genetic resources, under the auspices of FAO and in consonance with the Convention on Biological Diversity.

This International Treaty and the Convention on Biological Diversity are vital for our survival. They have been negotiated by our countries to ensure there is cooperation and justice and multilateral dialogue on these issues between cultures.

Intercultural dialogue has scored one of its noblest and most outstanding successes in agriculture, with the exchange of crops and foods over the centuries.

Plants and fruits have travelled the world, transported by a force more constant than the wind: the will to befriend and share. Our historical heritage and our culture have been enriched by ingredients from distant lands and cultures. The history of human progress has taught us that diversity is wealth - a lesson that this Treaty has put to good effect.

Ladies and Gentlemen,

In September last year, the United Nations endorsed the Government of Spain's proposal to forge an Alliance of Civilizations that would raise global awareness of the risks of erecting a wall of incomprehension between the West and the Arab and Islamic world.

This increasingly interrelated and complex world is fertile ground for the prejudices, reciprocal misunderstandings and stereotypes that could lead humanity down the path of dangerous instability.

We need to foster dialogue, mutual understanding, solidarity, moderation, recognition and acceptance of diversity and interdependence among peoples and nations, so that we can build a universal political consensus and all become architects of peace.

And the intrinsic significance of our meeting today is precisely that prospect of consensus and peace.

The Iberian peninsular has an important history of exchange of plant resources between the peoples of the world, and is a prime example of cultural integration between Europe, Africa and America. From the 8th to the 13th centuries, the Moors introduced a wealth of products from the East which would subsequently be taken to the Americas.

Also taken from Spain to the Americas were many crops that had become part of Iberian agriculture centuries before. And from the Americas came species that were later spread throughout Europe and Africa. Spain thus acted as a clearinghouse of knowledge between the Old and the New World.

Today Spain reassumes its privileged role of intermediary, of bridge between cultures, and invites all delegations to take on the responsibility of forming and applying new proposals for the equitable development of all peoples, without prejudice to their cultures and in seamless harmony with nature.

Our meeting today enables us to consolidate conditions for a meeting of minds, for recognition that there is only one world, only one human race, and that we all share the same destiny.

Ladies and Gentlemen,

The task before you is very important and urge all delegations to heed that importance because this first session today opens a new door along the path to a better world for all; a world that is more habitable, more equitable and more balanced.

I thank you and wish you every success in your work.

APPENDIX B.4**STATEMENT BY HER EXCELLENCY, ELENA ESPINOSA MANGANA,
MINISTER OF AGRICULTURE, FISHERIES AND FOOD OF SPAIN
TO THE GOVERNING BODY**

Madam First Deputy Prime Minister, Mr Director-General of FAO, Ministers, Ambassadors, Advisers of Autonomous Communities, Representatives of Delegations: a very good day to you all.

WELCOME AND INTRODUCTION

I should like begin by welcoming you to Madrid and wishing you a pleasant and fruitful stay: I hope you will enjoy the attractions of this city and a positive outcome to the work that lies before us.

It gives me great satisfaction to inaugurate, today in Madrid, the First Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture.

I believe we can all feel satisfied that, after so many years of work and negotiations, we finally have an International Treaty that provides the necessary framework to ensure the conservation and sustainable use of plant genetic resources – something that is intimately linked to our commitment to maintain biological diversity, sustainable agriculture and global food security.

But our meeting today is not a point of arrival; rather, it is the beginning of a new stage. We now need to conclude agreements that will facilitate the full implementation of the Treaty and the realization of its important intended functions.

We all know that plant genetic resources for food and agriculture are fundamental for feeding the world's population and that they therefore underpin global food security. They are the raw materials for farmers and researchers to improve the quality and productivity of our crops.

They are also an intrinsic part of our natural resources, our cultural heritage and our specific identity.

The future of agriculture depends on international cooperation and on an open exchange of crops and their genes.

No country is self-sufficient. Speaking generally, all depend on the crops and the genetic diversity of those crops that come from other countries and regions. This genetic variety and diversity is essential if we are to meet the potential challenges of climate change, of pest infestation and of new market demands. Variety implies stability in any ecosystem, including in agriculture.

**COMMITMENT OF THE GOVERNMENT OF SPAIN TO THE CONSERVATION
AND SUSTAINABLE USE OF PLANT GENETIC RESOURCES**

The Government of Spain and the Ministry of Agriculture are resolutely committed to the conservation and sustainable use of plant genetic resources, which explains the decision to invite the Governing Body of the Treaty to hold its first session in Madrid.

In addition, the ministers of agriculture of the Treaty's signatory countries have been invited to attend a meeting that will take place tomorrow, and that will include the presence of the Director-General of FAO. The aim is to adopt a ministerial declaration that will give political impetus to the implementation of the Treaty.

Another illustration of our commitment is the recently formulated Bill on Seeds, Seedlings and Plant Genetic Resources which is currently being debated in the Upper House and which we hope will soon be approved.

The novel feature of this key piece of legislation is that, besides the recognition in the International Treaty on Plant Genetic Resources for Food and Agriculture, this is the first time that our country has embodied in law the principles of protection and management of plant genetic resources, which will serve to conserve and promote the sustainable use of those resources.

The International Treaty on Plant Genetic Resources for Food and Agriculture was an important point of reference for this future law.

CHALLENGES OF THE FIRST SESSION OF THE GOVERNING BODY

We have high expectations of the First Session of the Governing Body of this International Treaty on Plant Genetic Resources for Food and Agriculture. However, certain aspects still need to be finalized if the Treaty is to achieve its highly ambitious objectives – aspects that will be discussed these coming days here in Madrid.

The delegations of all those countries that have ratified the Treaty now have an important task before them: reaching the necessary consensus on a number of issues, including the Standard Material Transfer Agreement, the Rules of Procedure of the Governing Body, its Financial Rules and matters relating to compliance.

Another key item is the Funding Strategy of the Treaty. We need to adopt and apply a funding strategy that will enhance the availability, transparency and delivery of the financial resources needed to implement the activities set out in the Treaty.

We know that there are many aspects to be settled and many difficulties to be overcome. However, I believe that we can find solutions and carry this important task forward.

I therefore urge all delegations to work energetically towards resolving problems and settling differences so that the Treaty can be fully implemented. Let us seek fair compromise and focus on our common goal which is to secure the conservation and sustainable use of plant genetic resources for food and agriculture.

Thank you and welcome.

APPENDIX B.5**STATEMENT BY MR. JACQUES DIOUF, DIRECTOR-GENERAL OF FAO,
TO THE GOVERNING BODY**

*Madam Vice-Chair,
Madam Minister,
Honourable Delegates,
Excellencies,
Ladies and Gentlemen,*

It is a great pleasure to be with you today for the opening of this first session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture. I should like to thank the Government of Spain for its generous hospitality and for the impeccable organization of this historic event.

This is a time of celebration after so many years of hard work. A crucial, legally binding treaty has been born. But it is also a time of challenge. We now need to put the ideas into practice and enable the Treaty to realize its full potential for the conservation and sustainable use of plant genetic resources for food and agriculture. We also need to ensure a fair and equitable sharing of the benefits of their use.

The Treaty is the result of many years of intense discussion in FAO's Commission on Genetic Resources for Food and Agriculture. The Treaty and the Commission must now work together and build synergies.

The adoption of the Treaty by the Conference of FAO on 3 November 2001 was a highly charged occasion, which was only fitting for a decision that sanctioned the first major international instrument of the twenty-first century and of the third millennium.

The governments of member countries were quick to ratify the Treaty, testifying to its importance for the International Community. The Treaty entered into force on 29 June 2004, ninety days after the fortieth ratification. There are 98 Contracting Parties. Five more countries have since joined. Other countries are planning to become Contracting Parties. This is a truly outstanding achievement.

The Treaty joins other crucial instruments, in particular the International Plant Protection Convention and the *Codex Alimentarius*. In this way FAO provides a neutral forum for Member Nations to debate and decide coherent food and agriculture policy. It is a framework for the methodical and systematic analysis of key issues relating to the conservation of plant genetic resources for food and agriculture, access to these resources and their sustainable use, their international movement, quarantine and plant protection, and food standards. The Treaty serves as a bridge between agriculture and environment, but also trade.

Member countries need to be able to draw upon the broad diversity of agricultural genetic resources in the world in order to improve food production and food quality. The Treaty will have to mobilize funds to build the capacity of developing countries to make better use of genetic resources.

Respect of national sovereignty should underpin the effective and equitable sharing of benefits, as all countries are interdependent. On average, they depend for 70 percent on plant genetic resources that originated elsewhere.

Food security and the eradication of rural poverty must be the overriding objectives in the development of effective international policies for plant genetic resources. This is an ethical imperative. Adequate food is a basic human right.

Hunger and malnutrition affect some 854 million people and cause the loss of 15 million human lives each year. The conservation and the sustainable use of genetic resources for food and agriculture are *sine qua non* conditions for food security and poverty eradication, especially in rural areas.

*Excellencies,
Ladies and Gentlemen,*

I should like to thank the governments that have sent representatives and to welcome in particular the many ministers who will be taking part in tomorrow's high-level meeting. Their presence is a strong signal of the political will that is needed to build a rich and creative future for the new Treaty.

I wish you every success in your work and thank you for your kind attention.

APPENDIX C**CONTRACTING STATES AND CONTRACTING PARTIES,
AS OF 11 JUNE 2006**

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

APPENDIX D**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE****RULES OF PROCEDURE OF THE GOVERNING BODY**

**Rule I
Scope**

These rules of procedure shall apply to all sessions of the Governing Body and the activities of its Secretary. They shall also apply, *mutatis mutandis*, to subsidiary bodies of the Governing Body unless the Governing Body should decide otherwise, in accordance with Rule 9.2.

**Rule II
Bureau**

2.1 The Governing Body shall elect a Chairperson and one Vice-Chairperson per FAO region other than the region of the Chairperson (hereinafter collectively referred to as “the Bureau”) and in addition a *Rapporteur* from among the delegates, alternates, experts and advisers (hereinafter referred to as “representatives”) of the Contracting Parties. In electing the Bureau, the Governing Body shall have due regard to the principle of rotation. No member of the Bureau may be re-elected for a third consecutive term. If a Bureau member resigns from his or her position or finds him or herself permanently unable to exercise his or her functions, the Contracting Party of that Bureau member shall designate another representative so that he or she may replace the said member during the remainder of the term. Except as provided for in Rule 2.3, if a Bureau member is unable to temporarily carry out any of his or her functions, the Contracting Party of that Bureau member may designate an alternate.

2.2 The terms of office of the Chairperson and Vice-Chairpersons shall commence with immediate effect upon the closure of the session at which they are elected. They shall serve as the Bureau of any special session held during their terms of office, and provide guidance to the Secretary with regard to the preparations for, and conduct of, sessions of the Governing Body.

2.3 The Chairperson shall preside at all sessions of the Governing Body and shall exercise such other functions as may be required to facilitate the work of the Governing Body. The Chairperson, if temporarily absent from a session or any part thereof or temporarily unable to fulfil his or her inter-sessional duties, shall designate a Vice-Chairperson to act as Chairperson. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

**Rule III
Secretary**

In accordance with Article 20.1 of the Treaty, the Director General of the FAO shall appoint, with the approval of the Governing Body, a Secretary of the Governing Body to perform the functions included in Articles 20.2 to 20.5 of the Treaty. The Secretary shall be assisted by such staff as may be required.

Rule IV Sessions

- 4.1 In accordance with Article 19.9 of the Treaty, the Governing Body shall hold regular sessions at least once every two years. These sessions should, as far as possible, be held back-to-back with the regular sessions of the Commission on Genetic Resources for Food and Agriculture.
- 4.2 In accordance with Article 19.10 of the Treaty, special sessions of the Governing Body shall be held at such other times as may be deemed necessary by the Governing Body, or at the written request of any Contracting Party, provided that this request is supported by at least one third of the Contracting Parties. In the case of special sessions convened at the request of a Contracting Party, these shall be held within six months of the request having received the support of one third of the Contracting Parties.
- 4.3 Sessions of the Governing Body shall be convened by the Chairperson of the Governing Body with the agreement of the Bureau and in consultation with the Director-General of the FAO and the Secretary.
- 4.4 Notice of the date and place of each session of the Governing Body shall be communicated to all Contracting Parties at least twelve weeks before the opening of the session.
- 4.5 Each Contracting Party shall communicate to the Secretary of the Treaty the name of its representatives on the Governing Body before the opening of each session of the Governing Body.
- 4.6 The Secretary may invite experts to sessions of the Governing Body, with the agreement of the Bureau.
- 4.7 Sessions of the Governing Body shall be held in public unless the Governing Body decides otherwise.
- 4.8 In accordance with Article 19.8, the presence of delegates representing a majority of the Contracting Parties shall be necessary to constitute a quorum at any session of the Governing Body.

Rule V Agenda and documents

- 5.1 The Secretary shall prepare the provisional agenda on the request of the Chairperson and under the guidance of the Bureau of the Governing Body.
- 5.2 Any Contracting Party may request the Secretary to include specific items in the Provisional Agenda before it is dispatched.
- 5.3 The provisional agenda shall be circulated by the Secretary at least twelve weeks before the opening of the session to all Contracting Parties and observers invited to attend the session.
- 5.4 Any Contracting Party may, after the despatch of the provisional agenda, propose the inclusion of specific items on the agenda with respect to matters of an urgent or unforeseen nature, if possible not later than two weeks before the opening of the session. These items should be placed on a supplementary list, which, if time permits before the opening of the session, shall be despatched by the Secretary to all Contracting Parties, failing which the supplementary list shall be communicated to the Chairperson for submission to the Governing Body. Any Contracting Party may propose to include, before the adoption of the agenda, any other item that it considers to be of relevance.

5.5 After the agenda has been adopted, the Governing Body may, by consensus amend the agenda by the deletion, addition or modification of any item.

5.6 Documents to be submitted to the Governing Body at any session shall be furnished by the Secretary to the Contracting Parties at the time the agenda is despatched or as soon as possible thereafter, but always at least six weeks prior to the opening of the session.

5.7 Formal proposals relating to items on the agenda and amendments thereto introduced during a session of the Governing Body shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Contracting Parties.

Rule VI Decision-making

All decisions of the Governing Body shall be taken by consensus unless by consensus another method of arriving at a decision on certain measures is reached, except that consensus shall always be required in relation to Articles 23 and 24 of the Treaty.

Rule VII Observers

7.1 The Secretary shall notify the United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Contracting Party to the Treaty, of sessions of the Governing Body so that they may be represented as observers, at least twelve weeks before the opening of the session. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body.

7.2 The Secretary shall notify any other body or agency, whether governmental or non-governmental, qualified in fields relating to the subject-matter of the Treaty, which has informed the Secretary of its wish to be represented as an observer, of the sessions of the Governing Body at least twelve weeks before the opening of the session. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body on matters of direct concern to the body or agency they represent unless at least one third of the Contracting Parties present at the session object.

7.3 International institutions that have signed agreements with the Governing Body under Article 15 of the Treaty shall be invited to attend all sessions of the Governing Body as observers, at least twelve weeks before the opening of the session. Such observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body on matters of direct concern to the international institutions they represent.

7.4 Before the opening of a session of the Governing Body the Secretary will circulate a list of observers who have requested approval to be represented at the session.

Rule VIII Records and Reports

8.1 At each session, the Governing Body shall approve a report embodying its decisions, views, recommendations and conclusions. Such other records, for its own use, as the Governing Body may on occasion decide, shall also be maintained.

8.2 The report of the Governing Body shall be circulated, for their information, by the Secretary within sixty days of approval to all Contracting Parties and observers that were represented at the session the Director-General of FAO, and, upon request, to other Members and Associate Members of the FAO.

8.3 Recommendations and decisions of the Governing Body having policy, programme or financial implications for the FAO shall be brought by the Secretary, through the Director-General of the FAO, to the attention of the Conference or Council of the FAO for appropriate action.

8.4 Subject to the provisions of the preceding paragraph the Secretary may request Contracting Parties to supply the Governing Body with information on action taken on the basis of recommendations made by the Governing Body.

Rule IX Subsidiary Bodies

9.1 The Governing Body may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions. The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the approved budget of the Treaty. When the related expenses are to be borne by the FAO, the determination of such availability shall be made by the Director-General of the FAO. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Governing Body shall have before it a report from the Secretary or the Director-General of the FAO, as appropriate, on the administrative and financial implications thereof.

9.2 The membership, terms of reference and procedures of the subsidiary bodies shall be determined by the Governing Body.

9.3 Each subsidiary body shall elect its own Bureau, unless appointed by the Governing Body.

Rule X Expenses

10.1 Expenses incurred by representatives of Contracting Parties, when attending sessions of the Governing Body or subsidiary bodies, as well as the expenses incurred by observers at sessions, shall be borne by their respective governments or organizations. Provision shall be made to support the participation of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body, and its subsidiary bodies in the financial rules of the Governing Body, through a special fund.

10.2 Any financial operations of the Governing Body and its subsidiary bodies shall be governed by the appropriate provisions of the financial rules.

Rule XI Languages

11.1 The languages of the Governing Body shall be the six languages of the United Nations.

11.2 Any representative using a language other than one of the languages referred to in Rule 11.1 shall provide for interpretation into one of the languages of the Treaty.

11.3 "Documentation" to be provided by the Secretary for Sessions of the Governing Body, in accordance with Article 20.4 of the Treaty, shall comprise the working documents of sessions.

Rule XII
Amendment of the Rules

Amendments to these Rules may be adopted by consensus. Consideration of proposals of amendments to these Rules shall be subject to Rule 5 and documents on the proposals shall be circulated in accordance with Rule 5.7 and in no case less than 24 hours prior to their consideration by the Governing Body.

Rule XIII
Application of the General Rules of FAO

The provisions of the General Rules of the FAO shall apply *mutatis mutandis* to all matters not specifically dealt with under the Treaty or the present Rules.

Rule XIV
Over-riding Authority of the Treaty

In the event of any conflict between any provision of these rules and any provision of the Treaty, the Treaty shall prevail.

Rule XV
Entry into Force

These Rules and any amendments thereto shall come into force upon their approval by consensus by the Governing Body unless, by consensus, the Governing Body decides otherwise.

APPENDIX E**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE****FINANCIAL RULES**

**Rule I
Applicability**

- 1.1 These rules shall govern the financial administration of the Treaty.
- 1.2 The Financial Regulations of the FAO shall apply, *mutatis mutandis*, to all matters not specifically dealt with under the Treaty or the present Rules.

**Rule II
The Financial Period**

The financial period shall be two calendar years, coinciding with the financial period of FAO.

**Rule III
The Budget**

- 3.1 The Budget shall cover income and expenditures for the financial period to which it relates, and shall be presented in United States dollars.
- 3.2 The Budget shall include the programme of work for the financial period, and such information, annexes or explanatory statements as may be requested by the Governing Body.
- 3.3 The Budget shall comprise the following parts:
- a) The Core Administrative Budget, relating to:
 - the amount provided for the Treaty in the Regular Programme of Work and Budget of the FAO under Rule V.1a,
 - the voluntary contributions of Contracting Parties under Rule V.1b,
 - the voluntary contributions of States that are not Contracting Parties, of inter-governmental organizations, of non-governmental organizations and other entities, under Rule V.1c, and
 - funds carried over under Rule V.1h, and miscellaneous income, including interest derived from the investment of funds held in trust under Rule V.1i;
 - b) Special Funds, relating to additional voluntary contributions by Contracting Parties, and voluntary contributions by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations and other entities:
 - for agreed purposes, under Rules V.1d and e;

- to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, under Rules V.1f and V.1g;

3.4 The draft Budget shall be prepared by the Secretary and shall be circulated to Contracting Parties not less than six weeks before a regular session of the Governing Body.

3.5 The Core Administrative Budget for the financial period shall provide for Administrative Expenditures under the Treaty including expenses of the Secretariat.

3.6 The Secretary may make transfers within each of the main appropriation lines of the approved Core Administrative Budget. The Secretary may also make transfers between such appropriation lines up to limits that the Governing Body may set as appropriate.

Rule IV Appropriations

4.1 After the Core Administrative Budget has been adopted, the appropriations therein shall, subject to Rule III.6, constitute the authority for the Secretary to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted, provided that commitments shall be covered by related contributions received or funds available in the Working Capital Reserve, subject to the provisions of Rule VI.4, and interest earned on funds held in trust.

4.2 The Secretary may incur obligations and make payments under Rules V.1d and V.1e, in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary, from the date at which the contributions are received.

4.3 The Secretary may incur obligations and make payments under Rules V.1f and V.1g to support the representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, in accordance with relevant decisions of the Governing Body, subject to funds being available.

4.4 Any unliquidated prior year obligation relating to voluntary contributions shall at the end of the financial period be cancelled or where an obligation remains a valid charge, retained for future disbursement.

Rule V Provision of Funds

5.1 The resources of the Treaty shall comprise:

a) Upon approval by the Governing Bodies of FAO, the amount provided for the Treaty in the Regular Programme of Work and Budget of the FAO;

b)

Option 1 for V.1b

[Voluntary contributions to the Core Administrative Budget from Contracting Parties based on such indicative scale of contributions as shall be adopted by the Governing Body by consensus, based on the scale of contributions adopted from time to time by the United Nations, adjusted so as to ensure [that no developing country Contracting Party shall be required to pay more than any developed country Contracting Party

ensuring] that no Contracting Party contributes less than 0.01 per cent of the total, that no one contribution exceeds 22 per cent of the total and that no contribution from a least developed country Contracting Party exceeds 0.01 per cent of the total];

OR

Option 2 for V.1b

[Voluntary contributions to the Core Administrative Budget from Contracting Parties for the purposes of administration and implementation of the Treaty in general;]¹

- c) Voluntary contributions to the Core Administrative Budget from States that are not Contracting Parties, from inter-governmental organizations, from non-governmental organizations or other entities, for the purposes of administration and implementation of the Treaty in general;
- d) Other voluntary contributions made by the Contracting Parties in addition to those under (b) above to be used in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary;
- e) Other voluntary contributions made by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations or other entities in addition to those under (c) above to be used in accordance with guidelines established by the Governing Body, or for purposes specified by agreement between the contributor and the Secretary;
- f) Voluntary contributions made by the Contracting Parties to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;
- g) Voluntary contributions made by States that are not Contracting Parties, by inter-governmental organizations, by non-governmental organizations or other entities, to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies;
- h) The uncommitted balance of voluntary contributions from previous financial periods carried forward;
- i) Miscellaneous income, including interest derived from the investment funds held in trust, in accordance with Rule V.7;
- j) Mandatory and voluntary contributions pursuant to Article 13.2 of the Treaty, and
- k) Voluntary contributions from any source to implement the Funding Strategy provided for in Article 18 of the Treaty.

[5.2 In respect of contributions made pursuant to Rule V.1 b:

- a) Contributions for each calendar year are expected on or before 1 January of that year;

¹ *Note by the Secretariat:* There are two drafting texts for Rule V.1b; option 1 foresees voluntary contributions “based on [an] indicative scale of contributions”; option 2 does not foresee such a scale of contributions. Brackets are maintained around Rules V.2, V.4 and V.5, because these depend entirely on which option is adopted for Rule V.1b.

- b) Each Party shall, as far in advance as possible of the date due for the contribution, inform the Secretary of the contribution it intends to make and of the projected timing of that contribution.]²

5.3 Contracting Parties that are not Members of FAO shall contribute towards the amount provided for the Treaty in the FAO Regular Programme of Work and Budget in a proportionate amount to be determined by the Governing Body.

[5.4 For determining the indicative annual contributions of each Contracting Party, the assessed contribution for such Contracting Party for the financial period pursuant to Rule V.1b above, shall be divided into two equal instalments, one of which is payable in the first calendar year and the other in the second calendar year of the financial period.]³

[5.5 At the beginning of each calendar year the Secretary shall inform Contracting Parties of their indicative annual contributions to the budget.]⁴

5.6 All contributions to the Administrative Budget shall be paid in United States dollars or its equivalent in a convertible currency. Where a contribution is paid in a convertible currency other than United States dollars, the applicable rate shall be the bank currency conversion rate in effect on the day the payment is made.

5.7 Contributions not immediately required shall be invested at the discretion of the Director-General of FAO. The resulting income shall be credited to the specific Trust Fund from which the invested moneys derive.

Rule VI Funds

6.1 All contributions and other receipts shall be placed in Trust Funds administered by FAO.

6.2 With respect to the Trust Funds referred to in Rule VI.1, FAO shall maintain the following Funds:

- a) A General Fund, to which shall be credited receipts of all contributions made by Contracting Parties under Rule V.1b, Rule V.1c, the uncommitted balance of voluntary contributions carried forward under Rule V.1h;
- b) Special Funds, for purposes consistent with the objectives and the scope of the Treaty, to which shall be credited receipts of all contributions made by Contracting Parties under Rule V.1d, and by States that are not Contracting Parties, by intergovernmental organizations, by non-governmental organizations, or other entities, under Rule V.1e;
- c) A Fund to support the participation of representatives of developing country Contracting Parties and of Contracting Parties with economies in transition in the Governing Body and its subsidiary bodies, to which shall be credited all contributions made by Contracting Parties under Rule V.1f and by States that are not Contracting Parties, by inter-governmental organizations, non-governmental organizations or other entities, in accordance with Rule V.1g;

² *Note by the Secretariat:* Rule V.2 would apply in the case of there being no indicative scale of assessment.

³ *Note by the Secretariat:* Rule V.4 would apply in the case of there being an indicative scale of assessment.

⁴ *Note by the Secretariat:* Rule V.5 would apply in the case of there being an indicative scale of assessment.

6.3 In addition, with respect to Rules V.1j and V.1k, upon request by the Governing Body, FAO shall maintain a Trust Account or Accounts, as provided for in Article 19.3f of the Treaty, to implement Article 18 of the Treaty, and to receive the funds foreseen in Article 13.2 of the Treaty.

6.4 Within the General Fund there shall be maintained a working capital reserve at a level to be determined from time to time by the Governing Body by consensus. The purpose of the working capital reserve shall be to ensure continuity of operations in the event of a temporary shortfall of cash. Drawdowns from the working capital reserve shall be restored from contributions as soon as possible.

Rule VII Reimbursement

The Trust Funds referred to in Rule VI.1 shall make provision for Project Servicing Costs to reimburse FAO for the administrative and operational support services provided to the Governing Body, its subsidiary bodies, and the Treaty Secretariat, under such terms as may, from time to time, be established by the Governing Bodies of the FAO.

Rule VIII Accounts and Audit

8.1 The accounts and financial management of all funds governed by the present rules shall be subject to the internal and external auditing procedures of FAO.

8.2 During the second year of the financial period FAO shall provide the Contracting Parties with an interim statement of accounts for the first year of the financial period. FAO shall also, as soon as practicable, provide to the Contracting Parties a final certified statement of accounts for the full financial period.

Rule IX Amendments

Amendments to these Rules may be adopted by consensus. Consideration of proposals of amendments to these rules shall be subject to Rule V of the Rules of Procedure and documents on the proposals shall be circulated in accordance with Rule V.7 of the Rules of Procedure, and in no case less than 24 hours prior to their consideration by the Governing Body.

Rule X Over-riding Authority of the Treaty

In the event of any conflict between any provision of these rules and any provision of the Treaty, the Treaty shall prevail.

Rule XI
Entry into force

These Rules and any amendments thereto shall come into force upon their approval by consensus by the Governing Body unless, by consensus, the Governing Body decides otherwise.

SOURCE AND USE OF MONEYS, AND TRUST FUND STRUCTURE

REFERENCE IN RULE V	CORE ADMINISTRATIVE BUDGET	TRUST FUND STRUCTURE RULE VI
Rule V.1a	The amount provided for the Treaty's Core Administrative Budget in the FAO Regular Programme of Work and budget	
Rule V.1b	Voluntary contributions by Contracting Parties for the purposes of administration and implementation of the Treaty in general	GENERAL FUND <i>Income in the biennium</i> Rule VI.2a ----- <i>includes the</i> <i>Working Capital Reserve</i> Rule VI.4
Rule V.1c	Voluntary contributions by states that are not Contracting Parties, from IGOs, or NGOs or other entities, for the administration and implementation of the Treaty in general	
Rule V.1h	The uncommitted balance of voluntary contributions carried forward	
Rule V.1i	Miscellaneous income, including interest derived from investment of the funds in the General Trust Fund	
	SPECIAL FUNDS	
Rule V.1d	Other voluntary payments by Contracting Parties, for purposes agreed between the contributor and the Secretary	MULTIDONOR FUND <i>where agreed with donor</i> ----- SEPARATE FUNDS <i>where required by donor</i> Rule VI.2b
Rule V.1e	Other voluntary payments by Contracting Parties, by IGOs, or NGOs or other entities for purposes agreed between the contributor and the Secretary	
Rule V.1f	Voluntary payments by Contracting Parties to support the participation of developing countries	FUND TO SUPPORT THE PARTICIPATION OF DEVELOPING COUNTRIES Rule VI.2c
Rule V.1g	Voluntary payments by contributions by states that are not Contracting Parties, from IGOs, or NGOs or other entities, to support the participation of developing countries	
BENEFIT-SHARING IN ACCORDANCE WITH ARTICLE 13.2 OF THE TREATY		
Rule V.1j	Mandatory and voluntary contributions pursuant to Article 13.2d	BENEFIT-SHARING FUND Rule VI.3
Rule V.1k	Contributions from international mechanisms, funds and bodies	

APPENDIX F**FUNDING STRATEGY
FOR THE IMPLEMENTATION OF THE INTERNATIONAL TREATY
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

I. OBJECTIVE

1. The objective of the Funding Strategy is to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under the Treaty.

II. AIMS

2. The aims of the Funding Strategy are:
 - 2.1 The development of ways and means by which adequate resources are available for the implementation of the Treaty, in accordance with Article 18 of the Treaty. Potential sources for financial resources for the Funding Strategy will include:
 - a. Financial resources provided by developed country Contracting Parties, which Contracting Parties that are developing countries and countries with economies in transition avail themselves of, through bilateral and regional and multilateral channels;
 - b. Financial resources for priority activities, plans and programmes relevant to the implementation of the Treaty provided by relevant international mechanisms, funds and bodies;
 - c. Financial resources for national activities for the conservation and sustainable use of plant genetic resources for food and agriculture, in accordance with each Contracting Party's national capabilities and financial resources;
 - d. Financial resources resulting from the sharing of monetary benefits arising from the commercialization of plant genetic resources for food and agriculture under Article 13.2d(ii) of the Treaty;
 - e. Voluntary contributions from Contracting Parties; the private sector, taking into account the provisions of Article 13, non-governmental organisations and other sources.
 - f. Financial resources provided through the Regular Programme of FAO.
 - 2.2 The transparent, efficient and effective utilization of all resources made available under the Funding Strategy, noting that the financial resources provided shall not be used to ends inconsistent with this Treaty, or with other relevant international agreements.

III. PRIORITIES

3. Priorities for support under the Funding Strategy are established, in accordance with the guidance contained in Article 13.4 of the Treaty, to ensure a balanced approach to the implementation of the Treaty, in particular the conservation and sustainable use of plant genetic resources for food and agriculture.

4. The initial priorities will be the priority activity areas of the rolling *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*, for further development by the Governing Body.
5. Benefits arising from the use of plant genetic resources for food and agriculture that are shared under the Multilateral System should be used for the conservation and sustainable use of Plant Genetic Resources for Food and Agriculture.

IV. RESOURCES UNDER THE DIRECT CONTROL OF THE GOVERNING BODY

6. Resources under the direct control of the Governing Body include those listed in paragraphs 2.1d-f above.
7. The Governing Body decides on the allocation of funds under its control on the basis of preparatory work of the Secretariat and, in addition, where appropriate, with the assistance of the *Ad Hoc* Advisory Committee;
8. The Governing Body will decide, if appropriate, in due time, on procedures which allow for the allocation of funds by subsidiary bodies to project activities, including the inter-sessional allocation of funds, taking into account the budgetary implications of such decisions.
9. To be eligible for a disbursement, applicants and proposals must meet the criteria set out in *Annex 2* of this document.
10. Operational procedures regarding the receipt and management of these resources, and regarding the receipt of applications for disbursements, the selection of projects for funding, the granting of disbursements and the monitoring of projects funded, are at *Annex 3* of this document.

V. RESOURCES NOT UNDER THE DIRECT CONTROL OF THE GOVERNING BODY

11. Resources not under the direct control of the Governing Body include those listed in paragraphs 2.1a - c above. These resources may be allocated to crops in *Annex 1* of the Treaty, as well as to other crops not listed therein, in particular to under-utilized crops.
12. A number of international mechanisms, funds and bodies, provide resources in support of activities of relevance to the implementation of the International Treaty. All such funding bodies are encouraged to ensure that due priority and attention is given to the effective allocation of predictable and agreed resources in support of the implementation of the International Treaty. They are invited to use, as appropriate, the priorities identified at *Annex 1* of this document when allocating resources in support of the Implementation of the Treaty, within the context of their mandates.

VI. PROVISION OF INFORMATION RELEVANT FOR THE FUNDING STRATEGY

13. Information on the mandates, policies, eligibility criteria and procedures of such funding bodies will be collected and maintained by the Secretariat of the International Treaty and made available to Contracting Parties through the website of the Treaty. The facilitating mechanism for the implementation of the *Global Plan of Action* could complement this activity by collecting and providing information on relevant available funds from the Parties.

VII. MONITORING

14. The Governing Body shall monitor the implementation of the Funding Strategy and assess its efficacy through the information, audit and reporting requirements identified in *Annex 4* of this document.

VIII. COOPERATION WITH THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

- 15 Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture should, as appropriate, facilitate the implementation of the supporting components of the Treaty, in particular, the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*.

IX. REVIEW

16. The Governing Body will review this Funding Strategy, including the annexes thereto, once every second regular session or whenever necessary.

LIST OF ANNEXES TO THE FUNDING STRATEGY

ANNEX 1: Priorities for the Use of Resources under the Funding Strategy

The initial priorities will be the priority activity areas of the rolling *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture*, for further development by the Governing Body.

ANNEX 2: Use of Resources under the Direct Control of the Governing Body: Eligibility Criteria

ANNEX 3: Use of Resources under the Direct Control of the Governing Body: Operational Procedures

ANNEX 4: Information and Reporting Requirements under the Funding Strategy

*APPENDIX G***STANDARD MATERIAL TRANSFER AGREEMENT**

PREAMBLE**WHEREAS**

The International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter referred to as “the **Treaty**”)¹ was adopted by the Thirty-first session of the FAO Conference on 3 November 2001 and entered into force on 29 June 2004;

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;

The Contracting Parties to the **Treaty**, in the exercise of their sovereign rights over their **Plant Genetic Resources for Food and Agriculture**, have established a **Multilateral System** both to facilitate access to **Plant Genetic Resources for Food and Agriculture** and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis;

Articles 4, 11, 12.4 and 12.5 of the **Treaty** are borne in mind;

The diversity of the legal systems of the Contracting Parties with respect to their national procedural rules governing access to courts and to arbitration, and the obligations arising from international and regional conventions applicable to these procedural rules, are recognized;

Article 12.4 of the **Treaty** provides that facilitated access under the **Multilateral System** shall be provided pursuant to a Standard Material Transfer Agreement, and the **Governing Body** of the **Treaty**, in its Resolution 1/2006 of 16 June 2006, adopted the Standard Material Transfer Agreement.

¹ *Note by the Secretariat:* as suggested by the Legal Working Group during the Contact Group for the Drafting of the Standard Material Transfer Agreement, defined terms have, for clarity, been put in bold throughout.

ARTICLE 1 — PARTIES TO THE AGREEMENT

1.1 The present Material Transfer Agreement (hereinafter referred to as “**this Agreement**”) is the Standard Material Transfer Agreement referred to in Article 12.4 of the **Treaty**.

1.2 **This Agreement** is:

BETWEEN: (*name and address of the provider or providing institution, name of authorized official, contact information for authorized official**) (hereinafter referred to as “the **Provider**”),

AND: (*name and address of the recipient or recipient institution, name of authorized official, contact information for authorized official**) (hereinafter referred to as “the **Recipient**”).

1.3 The parties to **this Agreement** hereby agree as follows:

ARTICLE 2 — DEFINITIONS

In **this Agreement** the expressions set out below shall have the following meaning:

“**Available without restriction**”: a **Product** is considered to be available without restriction to others for further research and breeding when it is available for research and breeding without any legal or contractual obligations, or technological restrictions, that would preclude using it in the manner specified in the **Treaty**.

“**Genetic material**” means any material of plant origin, including reproductive and vegetative propagating material, containing functional units of heredity.

“**Governing Body**” means the **Governing Body** of the **Treaty**.

“**Multilateral System**” means the **Multilateral System** established under Article 10.2 of the **Treaty**.

“**Plant Genetic Resources for Food and Agriculture**” means any **genetic material** of plant origin of actual or potential value for food and agriculture.

“**Plant Genetic Resources for Food and Agriculture under Development**” means material derived from the **Material**, and hence distinct from it, that is not yet ready for **commercialization** and which the developer intends to further develop or to transfer to another person or entity for further development. The period of development for the **Plant Genetic Resources for Food and Agriculture under Development** shall be deemed to have ceased when those resources are **commercialized** as a **Product**.

* *Insert as necessary. Not applicable for shrink-wrap and click-wrap Standard Material Transfer Agreements.*

A “shrink-wrap” Standard Material Transfer Agreement is where a copy of the Standard Material Transfer Agreement is included in the packaging of the **Material**, and the **Recipient’s** acceptance of the **Material** constitutes acceptance of the terms and conditions of the Standard Material Transfer Agreement.

A “click-wrap” Standard Material Transfer Agreement is where the agreement is concluded on the internet and the **Recipient** accepts the terms and conditions of the Standard Material Transfer Agreement by clicking on the appropriate icon on the website or in the electronic version of the Standard Material Transfer Agreement, as appropriate.

“**Product**” means **Plant Genetic Resources for Food and Agriculture** that incorporate² the **Material** or any of its genetic parts or components thereof that are ready for **commercialization**, excluding commodities and other products used for food, feed and processing.

“**Sales**” means the gross income resulting from the **commercialization** of a **Product** or **Products**, by the **Recipient**, its affiliates, contractors, licensees and lessees.

“**To commercialize**” means to sell a **Product** or **Products** for monetary consideration on the open market, and “**commercialization**” has a corresponding meaning. **Commercialization** shall not include any form of transfer of **Plant Genetic Resources for Food and Agriculture under Development**.

ARTICLE 3 — SUBJECT MATTER OF THE MATERIAL TRANSFER AGREEMENT

The **Plant Genetic Resources for Food and Agriculture** specified in *Annex 1* to **this Agreement** (hereinafter referred to as the “**Material**”) and the available related information referred to in Article 5b and in *Annex 1* are hereby transferred from the **Provider** to the **Recipient** subject to the terms and conditions set out in **this Agreement**.

ARTICLE 4 — GENERAL PROVISIONS

4.1 **This Agreement** is entered into within the framework of the **Multilateral System** and shall be implemented and interpreted in accordance with the objectives and provisions of the **Treaty**.

4.2 The parties recognize that they are subject to the applicable legal measures and procedures, that have been adopted by the Contracting Parties to the **Treaty**, in conformity with the **Treaty**, in particular those taken in conformity with Articles 4, 12.2 and 12.5 of the **Treaty**.³

4.3 The parties to **this Agreement** agree that (*the entity designated by the **Governing Body***),⁴ acting on behalf of the **Governing Body** of the **Treaty** and its **Multilateral System**, is the third party beneficiary under **this Agreement**.

4.4 The third party beneficiary has the right to request the appropriate information as required in Articles 5e, 6.5c, 8.3 and *Annex 2, paragraph 3*, to **this Agreement**.

4.5 The rights granted to the (*the entity designated by the **Governing Body***) above do not prevent the **Provider** and the **Recipient** from exercising their rights under **this Agreement**.

ARTICLE 5 — RIGHTS AND OBLIGATIONS OF THE PROVIDER

The **Provider** undertakes that the **Material** is transferred in accordance with the following provisions of the **Treaty**:

² As evidenced, for example, by pedigree or notation of gene insertion.

³ In the case of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR) and other international institutions, the Agreement between the Governing Body and the CGIAR Centres and other relevant institutions will be applicable.

⁴ *Note by the Secretariat*: by Resolution 2/2006, the Governing Body “invite[d] the Food and Agriculture Organization of the United Nations, as the Third Party Beneficiary, to carry out the roles and responsibilities as identified and prescribed in the Standard Material Transfer Agreement, under the direction of the Governing Body, in accordance with the procedures to be established by the Governing Body at its next session”. Upon acceptance by the FAO of this invitation, the term, “the entity designated by the Governing Body”, will be replaced throughout the document by the term, “the Food and Agriculture Organization of the United Nations”.

- a) Access shall be accorded expeditiously, without the need to track individual accessions and free of charge, or, when a fee is charged, it shall not exceed the minimal cost involved;
- b) All available passport data and, subject to applicable law, any other associated available non-confidential descriptive information, shall be made available with the **Plant Genetic Resources for Food and Agriculture** provided;
- c) Access to **Plant Genetic Resources for Food and Agriculture under Development**, including material being developed by farmers, shall be at the discretion of its developer, during the period of its development;
- d) Access to **Plant Genetic Resources for Food and Agriculture** protected by intellectual and other property rights shall be consistent with relevant international agreements, and with relevant national laws;
- e) The **Provider** shall periodically inform the **Governing Body** about the Material Transfer Agreements entered into, according to a schedule to be established by the **Governing Body**. This information shall be made available by the **Governing Body** to the third party beneficiary.⁵

ARTICLE 6 — RIGHTS AND OBLIGATIONS OF THE RECIPIENT

6.1 The **Recipient** undertakes that the **Material** shall be used or conserved only for the purposes of research, breeding and training for food and agriculture. Such purposes shall not include chemical, pharmaceutical and/or other non-food/feed industrial uses.

6.2 The **Recipient** shall not claim any intellectual property or other rights that limit the facilitated access to the **Material** provided under **this Agreement**, or its genetic parts or components, in the form received from the **Multilateral System**.

6.3 In the case that the **Recipient** conserves the **Material** supplied, the **Recipient** shall make the **Material**, and the related information referred to in Article 5b, available to the **Multilateral System** using the Standard Material Transfer Agreement.

6.4 In the case that the **Recipient** transfers the **Material** supplied under **this Agreement** to another person or entity (hereinafter referred to as “the **subsequent recipient**”), the **Recipient** shall

- a) do so under the terms and conditions of the Standard Material Transfer Agreement, through a new material transfer agreement; and
- b) notify the **Governing Body**, in accordance with Article 5e.

On compliance with the above, the **Recipient** shall have no further obligations regarding the actions of the **subsequent recipient**.

⁵ *Note by the Secretariat:* The Standard Material Transfer Agreement makes provision for information to be provided to the **Governing Body**, in the following Articles: 5e, 6.4b, 6.5c and 6.11h, as well as in *Annex 2*, paragraph 3, *Annex 3*, paragraph 4, and in *Annex 4*. Such information should be submitted to:

The Secretary
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
I-00100 Rome, Italy

6.5 In the case that the **Recipient** transfers a **Plant Genetic Resource for Food and Agriculture under Development** to another person or entity, the **Recipient** shall:

- a) do so under the terms and conditions of the Standard Material Transfer Agreement, through a new material transfer agreement, provided that Article 5a of the Standard Material Transfer Agreement shall not apply;
- b) identify, in *Annex 1* to the new material transfer agreement, the **Material** received from the **Multilateral System**, and specify that the **Plant Genetic Resources for Food and Agriculture under Development** being transferred are derived from the **Material**;
- c) notify the **Governing Body**, in accordance with Article 5e; and
- d) have no further obligations regarding the actions of any **subsequent recipient**.

6.6 Entering into a material transfer agreement under paragraph 6.5 shall be without prejudice to the right of the parties to attach additional conditions, relating to further product development, including, as appropriate, the payment of monetary consideration.

6.7 In the case that the **Recipient commercializes a Product** that is a **Plant Genetic Resource for Food and Agriculture** and that incorporates **Material** as referred to in Article 3 of **this Agreement**, and where such **Product** is not **available without restriction** to others for further research and breeding, the **Recipient** shall pay a fixed percentage of the **Sales** of the **commercialized Product** into the mechanism established by the **Governing Body** for this purpose, in accordance with *Annex 2* to **this Agreement**.

6.8 In the case that the **Recipient commercializes a Product** that is a **Plant Genetic Resource for Food and Agriculture** and that incorporates **Material** as referred to in Article 3 of **this Agreement** and where that **Product** is **available without restriction** to others for further research and breeding, the **Recipient** is encouraged to make voluntary payments into the mechanism established by the **Governing Body** for this purpose in accordance with *Annex 2* to **this Agreement**.

6.9 The **Recipient** shall make available to the **Multilateral System**, through the information system provided for in Article 17 of the **Treaty**, all non-confidential information that results from research and development carried out on the **Material**, and is encouraged to share through the **Multilateral System** non-monetary benefits expressly identified in Article 13.2 of the **Treaty** that result from such research and development. After the expiry or abandonment of the protection period of an intellectual property right on a **Product** that incorporates the **Material**, the **Recipient** is encouraged to place a sample of this **Product** into a collection that is part of the **Multilateral System**, for research and breeding.

6.10 A **Recipient** who obtains intellectual property rights on any **Products** developed from the **Material** or its components, obtained from the **Multilateral System**, and assigns such intellectual property rights to a third party, shall transfer the benefit-sharing obligations of **this Agreement** to that third party.

6.11 The **Recipient** may opt as per *Annex 4*, as an alternative to payments under Article 6.7, for the following system of payments:

- a) The **Recipient** shall make payments at a discounted rate during the period of validity of the option;
- b) The period of validity of the option shall be ten years renewable in accordance with *Annex 3* to **this Agreement**;

- c) The payments shall be based on the **Sales** of any **Products** and of the sales of any other products that are **Plant Genetic Resources for Food and Agriculture** belonging to the same crop, as set out in Annex 1 to the **Treaty**, to which the **Material** referred to in *Annex 1* to **this Agreement** belongs;
- d) The payments to be made are independent of whether or not the **Product** is **available without restriction**;
- e) The rates of payment and other terms and conditions applicable to this option, including the discounted rates are set out in *Annex 3* to **this Agreement**;
- f) The **Recipient** shall be relieved of any obligation to make payments under Article 6.7 of **this Agreement** or any previous or subsequent Standard Material Transfer Agreements entered into in respect of the same crop;
- g) After the end of the period of validity of this option the **Recipient** shall make payments on any **Products** that incorporate **Material** received during the period in which this Article was in force, and where such **Products** are not **available without restriction**. These payments will be calculated at the same rate as in paragraph (a) above;
- h) The **Recipient** shall notify the **Governing Body** that he has opted for this modality of payment. If no notification is provided the alternative modality of payment specified in Article 6.7 will apply.

ARTICLE 7 — APPLICABLE LAW

The applicable law shall be General Principles of Law, including the UNIDROIT Principles of International Commercial Contracts 2004, the objectives and the relevant provisions of the **Treaty**, and, when necessary for interpretation, the decisions of the **Governing Body**.

ARTICLE 8 — DISPUTE SETTLEMENT

- 8.1 Dispute settlement may be initiated by the **Provider** or the **Recipient** or the (*the entity designated by the **Governing Body***), acting on behalf of the **Governing Body** of the **Treaty** and its **Multilateral System**.
- 8.2 The parties to **this Agreement** agree that the (*the entity designated by the **Governing Body***), representing the **Governing Body** and the **Multilateral System**, has the right, as a third party beneficiary, to initiate dispute settlement procedures regarding rights and obligations of the **Provider** and the **Recipient** under **this Agreement**.
- 8.3 The third party beneficiary has the right to request that the appropriate information, including samples as necessary, be made available by the **Provider** and the **Recipient**, regarding their obligations in the context of **this Agreement**. Any information or samples so requested shall be provided by the **Provider** and the **Recipient**, as the case may be.
- 8.4 Any dispute arising from **this Agreement** shall be resolved in the following manner:
- a) Amicable dispute settlement: The parties shall attempt in good faith to resolve the dispute by negotiation.

- b) Mediation: If the dispute is not resolved by negotiation, the parties may choose mediation through a neutral third party mediator, to be mutually agreed.
- c) Arbitration: If the dispute has not been settled by negotiation or mediation, any party may submit the dispute for arbitration under the Arbitration Rules of an international body as agreed by the parties to the dispute. Failing such agreement, the dispute shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce, by one or more arbitrators appointed in accordance with the said Rules. Either party to the dispute may, if it so chooses, appoint its arbitrator from such list of experts as the Governing Body may establish for this purpose; both parties, or the arbitrators appointed by them, may agree to appoint a sole arbitrator, or presiding arbitrator as the case may be, from such list of experts. The result of such arbitration shall be binding.

ARTICLE 9 — ADDITIONAL ITEMS

Warranty

9.1 The **Provider** makes no warranties as to the safety of or title to the **Material**, nor as to the accuracy or correctness of any passport or other data provided with the **Material**. Neither does it make any warranties as to the quality, viability, or purity (genetic or mechanical) of the **Material** being furnished. The phytosanitary condition of the **Material** is warranted only as described in any attached 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**.

Duration of Agreement

9.2 **This Agreement** shall remain in force so long as the **Treaty** remains in force.

ARTICLE 10 — SIGNATURE/ACCEPTANCE

The **Provider** and the **Recipient** may choose the method of acceptance unless either party requires **this Agreement** to be signed.

Option 1 –Signature*

I, (*Full Name of Authorized Official*), represent and warrant that I have the authority to execute **this Agreement** on behalf of the **Provider** and acknowledge my institution's responsibility and obligation to abide by the provisions of **this Agreement**, both by letter and in principle, in order to promote the conservation and sustainable use of **Plant Genetic Resources for Food and Agriculture**.

Signature..... Date.....
Name of the **Provider**

I, (*Full Name of Authorized Official*), represent and warrant that I have the authority to execute **this Agreement** on behalf of the **Recipient** and acknowledge my institution's responsibility and obligation to abide by the provisions of **this Agreement**, both by letter and in principle, in order to promote the conservation and sustainable use of **Plant Genetic Resources for Food and Agriculture**.

Signature..... Date.....
Name of the **Recipient**.....

Option 2 – Shrink-wrap Standard Material Transfer Agreements*

The **Material** is provided conditional on acceptance of the terms of **this Agreement**. The provision of the **Material** by the **Provider** and the **Recipient's** acceptance and use of the **Material** constitutes acceptance of the terms of **this Agreement**.

Option 3 – Click-wrap Standard Material Transfer Agreement*

- I hereby agree to the above conditions.

* Where the **Provider** chooses signature, only the wording in Option 1 will appear in the Standard Material Transfer Agreement. Similarly where the **Provider** chooses either shrink-wrap or click-wrap, only the wording in Option 2 or Option 3, as appropriate, will appear in the Standard Material Transfer Agreement. Where the "click-wrap" form is chosen, the **Material** should also be accompanied by a written copy of the Standard Material Transfer Agreement.

Annex 1

LIST OF MATERIALS PROVIDED

This *Annex* contains a list of the **Material** provided under **this Agreement**, including the associated information referred to in Article 5b.

This information is either provided below or can be obtained at the following website: (*URL*).

The following information is included for each **Material** listed: all available passport data and, subject to applicable law, any other associated, available, non-confidential descriptive information.

(*List*)

Annex 2

RATE AND MODALITIES OF PAYMENT UNDER ARTICLE 6.7 OF THIS AGREEMENT

1. If a **Recipient**, its affiliates, contractors, licensees, and lessees, **commercializes a Product or Products**, then the **Recipient** shall pay one point-one percent (1.1 %) of the **Sales** of the **Product or Products** less thirty percent (30%); except that no payment shall be due on any **Product or Products** that:

(a) are **available without restriction** to others for further research and breeding in accordance with Article 2 of **this Agreement**;

(b) have been purchased or otherwise obtained from another person or entity who either has already made payment on the **Product or Products** or is exempt from the obligation to make payment pursuant to subparagraph (a) above;

(c) are sold or traded as a commodity.

2. Where a **Product** contains a **Plant Genetic Resource for Food and Agriculture** accessed from the **Multilateral System** under two or more material transfer agreements based on the Standard Material Transfer Agreement only one payment shall be required under paragraph 1 above.

3. The **Recipient** shall submit to the **Governing Body**, within sixty (60) days after each calendar year ending December 31st, an annual report setting forth:

(a) the **Sales** of the **Product or Products** by the **Recipient**, its affiliates, contractors, licensees and lessees, for the twelve (12) month period ending on December 31st;

(b) the amount of the payment due; and

(c) information that allows for the identification of any restrictions that have given rise to the benefit-sharing payment.

4. Payment shall be due and payable upon submission of each annual report. All payments due to the **Governing Body** shall be payable in (*specified currency*)⁶ for the account of (*the Trust Account or other mechanism established by the Governing Body in accordance with Article 19.3f of the Treaty*).⁷

⁶ *Note by the Secretariat:* The Governing Body has not yet considered the question of currency of payment. Until it does so, Standard Material Transfer Agreements should specify United States dollars (US\$).

⁷ *Note by the Secretariat:* This is the Trust Account provided for in Article 6.3 of the Financial Rules, as approved by the Governing Body (*Appendix E* to this Report). The details of the Trust Account when established, will be introduced here, and communicated to Contract Parties.

Annex 3

TERMS AND CONDITIONS OF THE ALTERNATIVE PAYMENTS SCHEME
UNDER ARTICLE 6.11 OF THIS AGREEMENT

1. The discounted rate for payments made under Article 6.11 shall be zero point five percent (0.5 %) of the **Sales** of any **Products** and of the sales of any other products that are **Plant Genetic Resources for Food and Agriculture** belonging to the same crop, as set out in Annex 1 to the **Treaty**, to which the **Material** referred to in *Annex 1* to **this Agreement** belong.
2. Payment shall be made in accordance with the banking instructions set out in paragraph 4 of *Annex 2* to **this Agreement**.
3. When the **Recipient** transfers **Plant Genetic Resources for Food and Agriculture under Development**, the transfer shall be made on the condition that the **subsequent recipient** shall pay into the mechanism established by the **Governing Body** under Article 19.3f of the **Treaty** zero point five percent (0.5 %) of the **Sales** of any **Product** derived from such **Plant Genetic Resources for Food and Agriculture under Development**, whether the **Product** is **available or not without restriction**.
4. At least six months before the expiry of a period of ten years counted from the date of signature of **this Agreement** and, thereafter, six months before the expiry of subsequent periods of five years, the **Recipient** may notify the **Governing Body** of his decision to opt out from the application of this Article as of the end of any of those periods. In the case the **Recipient** has entered into other Standard Material Transfer Agreements, the ten years period will commence on the date of signature of the first Standard Material Transfer Agreement where an option for this Article has been made.
5. Where the **Recipient** has entered or enters in the future into other Standard Material Transfer Agreements in relation to material belonging to the same crop[s], the **Recipient** shall only pay into the referred mechanism the percentage of sales as determined in accordance with this Article or the same Article of any other Standard Material Transfer Agreement. No cumulative payments will be required.

Annex 4

**OPTION FOR CROP-BASED PAYMENTS UNDER THE ALTERNATIVE PAYMENTS
SCHEME UNDER ARTICLE 6.11 OF THIS AGREEMENT**

I (*full name of **Recipient** or **Recipient's** authorised official*) declare to opt for payment in accordance with Article 6.11 of **this Agreement**.

Signature.....

Date.....⁸

⁸ In accordance with Article 6.11h of the Standard Material Transfer Agreement, the option for this modality of payment will become operative only once notification has been provided by the **Recipient** to the **Governing Body**. The signed declaration opting for this modality of payment must be sent by the **Recipient** to the **Governing Body** at the following address, whichever method of acceptance of **this Agreement** (signature, shrink-wrap or click-wrap) has been chosen by the parties to **this Agreement**, and whether or not the **Recipient** has already indicated his acceptance of this option in accepting **this Agreement** itself:

The Secretary,
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
I-00100 Rome, Italy

The signed declaration must be accompanied by the following:

- The date on which **this Agreement** was entered into;
- The name and address of the **Recipient** and of the **Provider**;
- A copy of Annex 1 to **this Agreement**.

*APPENDIX H***STATEMENTS MADE ON THE ADOPTION OF
THE STANDARD MATERIAL TRANSFER AGREEMENT**

*APPENDIX H.1***STATEMENT BY THE GROUP OF 77 AND CHINA**

The full implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture is of utmost importance for the G77 and China group of nations.

Mr. Chairman, the G77 and China group of nations believes that the Funding Strategy and the Standard Material Transfer Agreement are two fundamental elements. For this reason, it is essential to approve both the Funding Strategy and the Standard Material Transfer Agreement during this session of the Governing Body.

The G77 and China group of nations is convinced that the implementation process for the Treaty should be transparent, representative, balanced and multilateral. Developing countries' involvement in the implementation of the Treaty must be ensured.

We recall that more than two-thirds of the Contracting Parties of the Treaty belong to the G77 and China group of nations, covering a large section of humanity, and affirm our commitment to the Treaty and the importance of its implementation.

The G77 and China group of nations urges developed countries to realize the importance of firm and continued commitment to the provision of financial resources to advance the implementation of the Treaty and the various provisions therein.

In relation to the Standard Material Transfer Agreement, the G77 and China group of nations believe that the relationship between the parties to the Standard Material Transfer Agreement and the Contracting Parties to the Treaty should be clearly established. The Contracting Parties to the Treaty shall take appropriate measures to ensure that the parties to the Standard Material Transfer Agreement will meet their obligations under that Standard Material Transfer Agreement.

With regard to the Funding Strategy, the G77 and China group of nations considers it essential to ensure that inter-sessional work is undertaken before the next meeting of the Governing Body to develop the Funding Strategy Annexes, as well as other implementation activities. Commitment to sufficient funding will be required to allow for successful completion of this process.

APPENDIX H.2**DECLARATION BY THE GOVERNMENT OF FRANCE**

France considers that articles 4.2 and 8.4 of the MTA should be interpreted in accordance with recital n° 5 of the preamble of the MTA, which recognizes the diversity of the legal systems of the Contracting Parties to the Treaty, in particular as regards access to courts and to arbitration, and in consideration of the scope of article 12.4 and article 12.5 of the Treaty regarding freedom of contract. France also stresses that it intends to implement the MTA at the earliest opportunity subject to verification of its conformity with its legal system and ratification by its Parliament.

APPENDIX I**DRAFT PROCEDURES AND OPERATIONAL MECHANISMS TO
PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE**

The following procedures and mechanisms are developed in accordance with Article 21 of the International Treaty on Plant Genetic Resources and are separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 22 of the International Treaty on Plant Genetic Resources:

I. OBJECTIVES

1. The objective of the compliance procedures and mechanisms shall be to promote compliance with the provisions of this Treaty and to address issues of non-compliance. These procedures and mechanisms include monitoring, offering advice or assistance, including legal advice or legal assistance, when needed [and requested], in particular to developing countries and countries with economies in transition.

II. PRINCIPLES

1. The compliance procedures and mechanisms shall be simple, facilitative, non-adversarial, non-judicial, [legally non-binding] and cooperative in nature.
2. The operation of the compliance procedures and mechanisms shall be guided by the principles of transparency, fairness, expeditiousness, predictability.
3. [The operation of the compliance procedures and mechanisms shall to take into account and adequate balance between developed and developing countries.]

III. INSTITUTIONAL MECHANISMS

1. The Compliance Committee established by the Governing Body on [...] hereinafter referred to as “the Committee” shall carry out the functions specified herein.
2. The Committee shall consist of [14]/[10]/[7] members nominated by Parties and elected by the Governing Body to the Treaty on the basis of [two]/[one] from each of the [seven]/[five] regional groups of the [United Nations]/[FAO].
3. Members of the Committee shall have recognized competence in the field of Genetic resources or other relevant fields for the treaty, including legal or technical expertise[, and they shall serve in their individual capacity][and they shall act objectively and in the best interests of the Treaty].
4. Members shall be elected by the Governing Body to the Treaty for a period of four years, this being a full term. At its first session, the Governing Body to the Treaty shall elect seven members, one from each region, for half a term, and seven members for a full term. Each time thereafter, the Governing Body to the Treaty shall elect for a full term, new members to replace those whose term has expired. Members shall not serve for more than two consecutive terms.

5. [The Committee shall meet [twice]/[once] a year, unless it decides otherwise.]/[The Committee shall hold meetings as necessary and, wherever possible, in conjunction with meetings of the Governing Body or other Treaty bodies.]/[The Committee shall hold meetings as necessary, taking [also] into account meetings of the Governing Body]. The Secretariat shall service the meetings of the Committee.
6. The Committee shall submit its reports including recommendations with regard to the discharge of its functions to the next meeting of the Governing Body to the Treaty for consideration and appropriate action in accordance with the Treaty.
7. Bearing in mind Rule 1.1 of the Rules of Procedure of the Governing Body, the Committee shall develop and submit any further rules of procedure[, including rules on confidentiality, conflict of interest and electronic decision-making,] to the Governing Body for its consideration and approval.
8. The Committee shall elect its Chair and a Vice-Chair, who will rotate among the FAO regions.

IV. FUNCTIONS OF THE COMMITTEE

1. The Committee shall, with a view to promoting compliance and addressing issues of non-compliance, and under the overall guidance of the Governing Body to the Treaty, have the following functions:
 - a) [/[Address individual issues of non-compliance and identify the specific circumstances and possible [causes of]/[issues] referred to it;]
 - b) Consider information submitted to it regarding matters relating to compliance and issues of non-compliance;
 - c) Offer advice and/or facilitate assistance, as appropriate, to the concerned Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the Treaty;
 - d) [Review general issues of compliance by Contracting Parties with their obligations under the Treaty, taking into account the information submitted [by the Contracting Parties][to it] and following the guidance of the [Committee][Governing Body]];
 - e) Take [measures][actions], as defined [in Section VII] below[, [or make recommendations,] as appropriate, to the Governing Body];
 - f) [Monitor the activities of the Treaty supported by the Secretariat and information supplied by the Parties;][Monitor the implementation of the Treaty by Contracting Parties on the basis of reports in accordance with Section IX;]
 - g) Carry out any other functions as may be assigned to it by the Governing Body of the Treaty pursuant to Article 21;
 - h) [[Report to the Governing Body]/[Provide confidential reports to the Bureau] on its activities [, including a summary of each closed issue of non-compliance,]]/[To present a bi-annual report to the Governing Body].

V. PROCEDURES

1. The Committee shall receive, through the Secretariat, any submissions relating to compliance from:

- a) Any Contracting Party with respect to itself;
- b) [Any Contracting Party with respect to another Contracting Party; or
- c) The Governing Body.]

[The Contracting Party in respect of which the concern is raised is hereinafter referred to as “the Contracting Party concerned”.]

Option 1

[2. Upon reception of submissions on possible non-compliance, the Secretariat will initiate a process of dialogue with the Contracting Party or Contracting Parties involved in order to overcome the situation.]

[3. In the event that such dialogue process will not reach its aim within thirty days, the Secretariat shall, within fifteen days of receipt of submissions make the submissions available to the Party concerned, and will publish it, encouraging the submission of any information from other sources, about it. The Party concerned and any other source interested will have sixty days to submit responses and related information to the secretariat. The Secretariat, within fifteen days of receipt of these responses and related information, shall transmit the submission, the response and information to the Committee. The Committee will have ninety days to analyse and produce the recommendation or to adopt any measure, as proceeds, to ensure compliance in order to address the issue.]

[4. A Party that has received a submission regarding its compliance with the provision(s) of the Treaty should respond and, with recourse to the Committee for assistance if required, provide the necessary information, preferably within three months and in any event not later than six months. This period of time shall commence on the date of the receipt of the submission as certified by the Secretariat. In the case where the Secretariat has not received any response or information from the concerned Party within the six months as referred to above, it shall transmit the submission to the Committee.]

5. A Party, in respect of which a submission is made or which makes a submission, is entitled to attend the deliberations of the Committee. However, this Party shall not participate in the elaboration and adoption of a recommendation of the Committee.]

OR

Option 2

[2. Any submission shall be addressed in writing to the Secretariat and shall set out:

- a) The matter of concern;
- b) The relevant provisions of the Treaty; and
- c) Information substantiating the matter of concern.

[3. The Secretariat shall, within fifteen days of receipt of submissions under paragraph 1b above, make the submissions available to the Contracting Party concerned, and once it has received a response and information from the Contracting Party concerned, it shall transmit the submission, the response and information to the Committee. In the case that a Contracting Party submits documentation with regard to itself the Secretariat shall, within 15 days, forward that submission to the Committee.]

4. When the Contracting Party concerned has received a submission it should respond and, with recourse to the Committee for assistance if required, provide the necessary information preferably within three months and in any event not later than six months. This period of time shall commence on the date of the receipt of the submission as certified by the Secretariat. In the case where the Secretariat has not received any response or information from the Contracting Party concerned within the six months as referred to above, it shall transmit the submission to the Committee.

5. The Committee may reject to consider any submission made pursuant to paragraph 1b of this section that is *de minimis* or ill-founded, bearing in mind the objectives of the Treaty.

5 bis. The Contracting Party concerned [may present responses or comments at every step of the proceedings]/[is entitled to participate in the deliberations of the Committee]. This Contracting Party shall not participate in the elaboration and adoption of a recommendation of the Committee.]

[6. Confidentiality will be an essential requirement of the process.]

VI. INFORMATION

1. The Committee shall consider relevant information from:

- a) The Party concerned;
- b) [The Party that has made a submission with respect to another Party.]

2. The Committee may seek or receive and consider relevant information, including from:

- a) [Non-governmental organizations, the private sector and other civil society organizations and relevant inter-governmental organizations, [including the International Agricultural Research Centres]];
- b) The Secretariat

[3. The Committee may seek expert advice.]

[4. The Committee, in undertaking all of its functions and activities, shall maintain the confidentiality of any information that is [provided to the Committee].]

VII. [MEASURES]/[MECHANISMS]/[ACTIONS] TO PROMOTE COMPLIANCE AND ADDRESS CASES OF NON-COMPLIANCE

1. [The Committee may take one or more of the following measures] with a view to promoting compliance and addressing [cases][a case] of non-compliance [which is raised in accordance with Article V.1 and taking into account such factors as the cause, type, degree, and frequency of non-compliance, the Committee may [only]]:

- a) [Provide]/[Offer] advice or [and or facilitate] assistance [,including legal advice or legal assistance] [or non-binding recommendations] to the Party concerned, as appropriate;
- b) [Make recommendations to the Governing Body to the Treaty regarding the provision of financial and technical assistance, technology transfer, training and other capacity-building measures];

- c) Request or assist, as appropriate, the Party concerned to develop a compliance action plan regarding the achievement of compliance with the Treaty within a timeframe to be agreed upon between the Committee and the Party concerned, [taking into account its existing capacity to comply]; and
 - d) Invite the Party concerned to submit progress reports to the Committee on the efforts it is making to comply with its provisions under the Treaty.
2. [With a view to promoting compliance and addressing an issue of non-compliance raised in accordance with section V.1 the][The] Governing Body to the Treaty may, upon the recommendations of the Committee, and taking into account such factors as the cause, type, degree and frequency of non-compliance, [and the capacity of the Party concerned, in particular of developing country Parties in complying with the Treaty,] also decide [to] [upon one or more of the following measures]:
- a) Provide [financial and technical] assistance[, including legal assistance to the Party concerned,][technology transfer, training and other capacity-building measures][subject to budgetary considerations];
 - b) [Issue a caution to the concerned Party; or]
 - c) [Publish cases of non-compliance.]/[Request the Secretariat to place on the website closed issues of non-compliance.]
 - [d) Take any other actions it deems appropriate in accordance with the Treaty and for the fulfilment of the Treaty's objectives.]

VIII. REVIEW OF THE PROCEDURES AND MECHANISMS

[The Governing Body to the Treaty shall, in line with Article 21, review the effectiveness within X years of adoption of the procedures and/or periodically of these procedures and mechanisms and take appropriate action.]

IX. REPORTING

The Governing Body may, from time to time, seek reports from the Parties regarding compliance with the Treaty.

[IX. MONITORING

1. Each Party shall submit to the Committee, through the Secretariat, a report on the measures it has taken to implement the Treaty in one of the six languages of the United Nations five years after the entry into force of the Treaty, and every 5 years thereafter, in accordance with any further decisions of the Governing Body on the submission of such reports.
2. The Committee shall consider the reports that it has received up to twelve months before the next session of the Governing Body taking into account any guidance of the Governing Body.
3. The Committee shall submit a synthesis report on the basis of the reports that it has considered to each session of the Governing Body, which may include recommendations to the Governing Body on possible decisions to solve identified problems, including on the invitation to Parties to make a submission in accordance with Section V.1a.

4. The Committee may develop and submit any further rules on monitoring and reporting, including a reporting format, to the Governing Body for its consideration and approval, taking into account the need to avoid duplication and to enhance synergies.]]

APPENDIX J**TERMS OF REFERENCE OF THE SECRETARY OF THE GOVERNING BODY AND PROCEDURES FOR THE APPOINTMENT OF THE SECRETARY**

APPENDIX J.1**TERMS OF REFERENCE****SECRETARY OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

The Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture is composed of all Contracting Parties to the Treaty. It holds regular sessions at least once every two years, and other sessions and meetings as it so decides. Under the guidance of the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture, the Secretariat of the Governing Body prepares, supports, and follows up on the Governing Body's deliberations and negotiations.

The Secretary and the Secretariat shall enjoy functional autonomy in matters within the mandate of the Treaty and decisions taken by the Governing Body, and be technically accountable to the Governing Body.

The Term of Office is four years, renewable.

Terms of Reference

As provided for in Article 20 of the Treaty, the Secretary performs the following functions:

- (a) Arranges for and provide administrative support for sessions of the Governing Body and for any subsidiary bodies as may be established, including the preparation of documentation;
- (b) Assists the Governing Body in carrying out its functions, including the performance of specific tasks that the Governing Body may decide to assign to the Secretariat;
- (c) Reports on the Secretariat's activities to the Governing Body;
- (d) Communicates to all Contracting Parties and to the Director-General of the FAO:
 - (i) decisions of the Governing Body within sixty days of adoption;
 - (ii) information received from Contracting Parties in accordance with the provisions of this Treaty;
- (e) Cooperates with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of the Treaty;
- (f) Coordinates work related to the International Treaty with relevant FAO departments, and with other relevant organizations, and submits periodic reports to regular sessions of the Governing Body;

- (g) Manages the human and financial resources of the Secretariat of the Governing Body and, as appropriate, reports on these to the Director-General;
- (h) Performs such other *ad hoc* related duties that the Director-General may from time to time assign to the Secretary, subject to adequate resources being available.

Essential and desirable qualifications

- a) The incumbent should have university degree qualifications, preferably at postgraduate level, in international policy, international law administration, biosciences, agriculture or related fields, preferably relevant to the conservation and use of plant genetic resources. He/she should have at least ten years of relevant experience in policy work, preferably including international relations related to plant genetic resources of food and agriculture, and knowledge of ongoing policy discussions related to genetic resources and biodiversity, in FAO, CBD, WTO and WIPO. He/she should have the ability to exercise a high degree of professional initiative. The incumbent should also be conversant with the preparation of budgets, and the organization of international meetings, and have strong, proven presentational and drafting skills. He/she should have an excellent knowledge of English, and a working knowledge of French or Spanish.
- b) Other essential qualifications include: demonstrated competence in the selection and management of staff, demonstrated managerial ability to supervise professional matters in the subject field; and familiarity with the use of word processing; spread-sheets and database management systems;
- c) Desirable requirements include: negotiating skills, a high degree of adaptability, and the ability to cooperate effectively with people of different nationalities, and of various social and cultural backgrounds and education levels. Knowledge of other FAO languages will be a desirable qualification.

APPENDIX J.2**PROCEDURES FOR THE APPOINTMENT OF THE SECRETARY
OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY**

1. The Governing Body agrees on the required qualifications and job description, and invites the Director-General of the FAO to advertise the post through international means.

2. The Governing Body establishes a Screening Committee to review applications for the post of Secretary of the Governing Body of the International Treaty, composed of:

- The Bureau of the Governing Body, and
- Two representatives nominated by the Director-General of FAO.

The Chair of the Governing Body will chair the Screening Committee.

3. The deadline for the receipt by FAO of applications will be six weeks from the advertisement of the post.

4. The Screening Committee shall meet at the FAO within a suitable period from the closure of the vacancy notice. The Screening Committee will first eliminate candidates who do not explicitly fulfil the qualifications required for the post, and will then identify a roster of five leading candidates. These candidates will be invited to Rome for interviews.

5. The Screening Committee will meet again in Rome at a suitable time to interview the five leading candidates. The Chair, in consultation with the other of the Screening Committee, shall establish a list of five questions, which shall be posed to all five candidates during their separate interviews lasting a maximum of 50 minutes each.

6. At the end of all interviews, a first round of voting shall be held and the two candidates receiving the least number of votes shall be eliminated from the selection process. A second round of voting shall then be held between the remaining three candidates and the candidate receiving the least number of votes shall be eliminated. A vote shall then take place between the final two candidates and he or she receiving the most votes shall be selected.

7. Upon approval by the Governing Body, the Chair of the Governing Body shall propose the candidate selected to the Director-General of FAO, for appointment as the Secretary of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture.

8. Exceptionally, on a specific mandate from the Governing Body, the Chair of the Governing Body shall propose the candidate to the Director-General of FAO, on the basis of the recommendation of the Screening Committee, without the prior approval of the Governing Body.

APPENDIX K**AGREEMENTS BETWEEN THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE AND THE INTERNATIONAL AGRICULTURE RESEARCH CENTRES AND OTHER RELEVANT INTERNATIONAL INSTITUTIONS**

AGREEMENT BETWEEN [name of Centre] AND THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO), ACTING ON BEHALF OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE**PREAMBLE**

The [name of Centre] (hereinafter referred to as the “Centre”), supported by the Consultative Group on International Agricultural Research (hereinafter referred to as “CGIAR”), and the Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”) acting on behalf of the Governing Body for the International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter referred to as the “Governing Body”);

Considering the importance to humanity of protecting and conserving plant genetic resources for food and agriculture for future generations;

Recalling the Agreement between [name of Centre] and the Food and Agriculture Organization of the United Nations (FAO) placing collections of plant germplasm under the auspices of the FAO signed on 26 October 1994;

Considering the International Treaty on Plant Genetic Resources for Food and Agriculture adopted by the FAO Conference at its Thirty-first Session in 2001, which entered into force on 29 June 2004 (hereinafter referred to as the “Treaty”);

Noting that in Article 15 of the Treaty, the Contracting Parties to the Treaty recognize the importance to the Treaty 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 on International Agricultural Research (CGIAR) and call upon the Centres to sign agreements with the Governing Body with regard to such *ex situ* collections;

Reaffirming the commitment of the Parties to this Agreement to the conservation, sustainable use and equitable sharing of benefits arising from the utilization of plant genetic resources for food and agriculture;

Noting that both the Centre, in its decision no... of, and the Governing Body, on 16 June 2006, have approved the terms of the present Agreement;

Have agreed as follows:

Article 1
Application and interpretation of this Agreement

1. This Agreement shall be construed and applied in a manner consistent with the provisions of the Treaty.
2. The terms used in this Agreement that are also used in the Treaty shall have the same meanings assigned to them as in the Treaty.
3. Any reference in this Agreement to the Centre shall include its successors in title.

Article 2
Rights and obligations of the Parties to this Agreement

The Centre hereby agrees to place the *ex situ* collection held by it in trust within the purview of the Treaty in accordance with the following terms and conditions:

- (a) Plant genetic resources for food and agriculture listed in *Annex I* of the Treaty and held by the Centre shall be made available in accordance with the provisions set out in Part IV of the Treaty.
- (b) Plant genetic resources for food and agriculture other than those listed in *Annex I* of the Treaty and collected before its entry into force that are held by the Centre shall be made available in accordance with the provisions of the Material Transfer Agreement (hereinafter referred to as the MTA) currently in use pursuant to agreements between the Centre and the FAO. This MTA shall be amended by the Governing Body no later than its second regular session, in consultation with the Centre, in accordance with the relevant provisions of the Treaty, especially Articles 12 and 13, and under the following conditions:
 - (i) The Centre shall periodically inform the Governing Body about the MTAs entered into, according to a schedule to be established by the Governing Body;
 - (ii) The Contracting Parties in whose territory the plant genetic resources for food and agriculture were collected from in situ conditions shall be provided with samples of such plant genetic resources for food and agriculture on demand, without any MTA;
 - (iii) Benefits arising under the above MTA that accrue to the mechanism mentioned in Article 19.3f of the Treaty shall be applied, in particular, to the conservation and sustainable use of the plant genetic resources for food and agriculture in question, particularly in national and regional programmes in developing countries and countries with economies in transition, especially in centres of diversity and the least developed countries; and
 - (iv) The Centre shall take appropriate measures, in accordance with its capacity, to maintain effective compliance with the conditions of the MTAs, and shall promptly inform the Governing Body of cases of non-compliance.
- (c) The Centre recognizes the authority of the Governing Body to provide policy guidance relating to *ex situ* collections held by it and subject to the provisions of the Treaty.
- (d) The scientific and technical facilities in which such *ex situ* collections are conserved shall remain under the authority of the Centre, which undertakes to manage and administer these *ex situ* collections in accordance with internationally accepted standards, in particular the

- Genebank Standards as endorsed by the FAO Commission on Genetic Resources for Food and Agriculture.
- (e) Upon request by the Centre, the Secretary of the Governing Body of the Treaty (hereinafter referred to as the “Secretary”) shall endeavour to provide appropriate technical support.
 - (f) The Secretary shall have, at any time, right of access to the facilities, as well as right to inspect all activities performed therein directly related to the conservation and exchange of the material covered by this Article.
 - (g) If the orderly maintenance of these *ex situ* collections held by the Centre is impeded or threatened by whatever event, including force majeure, the Secretary, with the approval of the host country, shall assist in its evacuation or transfer, to the extent possible.
 - (h) The Centre shall be included in the list of International Agricultural Research Centres of the CGIAR to be held by the Secretary, and will have facilitated access to plant genetic resources for food and agriculture listed in *Annex I* under the Multilateral System, in accordance with Article 15.2 of the Treaty.
 - (i) The Governing Body will encourage Contracting Parties to provide the Centre with access, on mutually agreed terms, to plant genetic resources for food and agriculture not listed in *Annex I* that are important to the programmes and activities of the Centre.
 - (j) The Centre shall be invited to attend sessions of the Governing Body as an observer.

Article 3

Plant genetic resources for food and agriculture received after the coming into force of the Treaty

Plant genetic resources for food and agriculture other than that listed in *Annex I* of the Treaty, which are received and conserved by the Centre after the coming into force of the Treaty, shall be available for access on terms consistent with those mutually agreed between the Centre that receives the material and the country of origin of such resources or the country that has acquired those resources in accordance with the Convention on Biological Diversity or other applicable law.

Article 4

Consultations regarding implementation

The Centre shall consult periodically with the Secretary or such other person or entity as the Governing Body may designate regarding the effective implementation of this Agreement. The results of such consultations shall be reported to the Governing Body.

Article 5

Amendment

1. The Governing Body or the Centre may propose that this Agreement be amended by giving notice thereof.
2. Should the Treaty be amended in such a way as to significantly change the rights or obligations of the Parties to this Agreement, the Parties to this Agreement hereto shall consult regarding any amendments to the provisions of this Agreement that may be required or such other measures as may be required.

3. If there is a mutual agreement in respect of the amendment, the amendment shall enter into force on whatever date is set.

Article 6 **Duration of the Agreement**

1. It is the intention of the Parties that this Agreement should remain in force in perpetuity. However, should circumstances beyond its control make it impossible for either Party to fulfil its obligations under this Agreement or fulfil them in a manner compatible with its mandate, either Party may, after a period of two years from the entry into force of this Agreement, give notice to the other Party of its withdrawal from this Agreement. Such withdrawal shall take effect one year from the date of receipt of such notice. In the event of such a withdrawal, the Parties to this Agreement hereto shall consult with a view to ensuring that the in-trust collections are maintained consistently with the Treaty through other arrangements, where possible by other Centres of the CGIAR.

2. This Agreement may be terminated by mutual agreement between the Parties to this Agreement hereto.

Article 7 **Settlement of disputes**

Any dispute concerning the implementation of this Agreement, which cannot be settled by negotiations between the Parties to this Agreement, shall be settled by arbitration in accordance with the procedures set out in Part I of Annex II to the Treaty, except that the references to the Director-General of FAO shall be replaced by references to the Secretary-General of the Permanent Court of Arbitration.

Article 8 **Depositary**

The Director-General of the FAO shall be the Depositary of this Agreement. The Depositary shall:

- (a) send certified copies of this Agreement to the Contracting Parties to the Treaty, to all the Members of the FAO and to any other Government which so requests;
- (b) arrange for the registration of this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) inform the Contracting Parties to the Treaty, and FAO Members of
 - (i) the signature of this Agreement in accordance with Article 9; and
 - (ii) the adoption of amendments to this Agreement in accordance with Article 5.

Article 9 **Coming into Force**

This Agreement shall come into force on the ninetieth day after its signature by the authorized representative of the FAO acting on behalf of the Governing Body and by the authorized representative of the Centre.

**Food and Agriculture Organization of the
United Nations, acting on behalf of the
Governing Body of the International Treaty
on Plant Genetic Resources for Food and
Agriculture**

[Name of Centre]

by: _____
(signature)

by: _____
(signature)

Date: _____

Date: _____

APPENDIX L**STATEMENT BY THE ALLIANCE OF FUTURE HARVEST CENTRES OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH, ON THE APPROVAL OF THE MODEL AGREEMENT BETWEEN THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE AND THE INTERNATIONAL AGRICULTURE RESEARCH CENTRES AND OTHER RELEVANT INTERNATIONAL INSTITUTIONS**

Mr Chairman, Distinguished Delegates.

On behalf of the Alliance of Future Harvest Centres of the Consultative Group on International Agricultural Research, I thank you for providing me this opportunity to address the Governing Body.

First of all, I want to say that we are extremely pleased to finally be here at the First Meeting of the Governing Body. There were times during the past 10 years of negotiations when this meeting seemed very far off indeed. During the most difficult moments, it seemed possible the day might never arrive. All members of the global community — those that have and those that have not yet ratified or acceded to the Treaty — should be congratulated for having made it to this point.

In its Article 15, the Treaty recognizes the importance of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the Future Harvest Centres of the Consultative Group on International Agricultural Research.

The Treaty is also critically important for the Alliance of Future Harvest Centres because it provides a basis for building trust and goodwill among those actors who must work in harmony for the world to be able to make full use of plant genetic resources for food and agriculture to increase food security and reduce poverty, to boost the nutritional value of the diets of the poor and to reduce the vulnerability of poor people in rural areas to external shocks.

The Parties to the Treaty also called on the Centres to sign agreements with the Governing body to place the collections they hold in trust in order to place these collections in the framework of the Treaty.

M Chairman, the Future Harvest Centres of the Consultative Group on International Agricultural Research are committed to working within the framework of priorities created by the International Treaty. To that end, I am pleased to confirm that all eleven Future Harvest Centres with *ex situ* collections of plant genetic resources for food and agriculture have approved the current text of the Agreement between the Centres and the Governing Body, as anticipated by Article 15 of the Treaty. We are planning a signing ceremony with representatives of all of the Centres to be held at FAO in Rome during the latter part of this year.

We also look forward to the adoption this week of the Standard Material Transfer Agreement, one that will make it as simple as possible to access and distribute materials within the Multilateral System of Access and Benefit Sharing created by the Treaty.

The Centres' commitment to the Treaty does not end with how the *ex situ* collections of plant genetic resources for food and agriculture are administered. One might say that this is only the beginning of our commitment. The Centres, both individually and through System-wide Genetic Resources Programme, will work hard to advance the goals of conservation, sustainable use, Farmers' Rights, transparent access and exchange of information, technology transfer, and capacity building as highlighted in articles 5, 6, 9, and 13 of the Treaty. At the end of the day, the Multilateral System of

Access and Benefit sharing which has preoccupied us all during the past few years must be seen as operating in service of these higher goals, and not as an end in itself. The Alliance of the Centres looks forward to working within the framework and spirit of the Treaty to advancing those goals.

Once again, M Chairman, thank you for allowing me this opportunity to speak.

APPENDIX M

**RELATIONSHIP AGREEMENT BETWEEN THE GLOBAL CROP DIVERSITY TRUST
AND THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT
GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

Preamble

WHEREAS the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture adopted at the International Technical Conference on Plant Genetic Resources for Food and Agriculture in Leipzig in June 1996 (hereinafter referred to as the “Global Plan of Action”) provides for the development and support of a rational, efficient and sustainable system of genetic resources collections around the world;

WHEREAS the International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter referred to as the “International Treaty”) adopted by the Conference of the Food and Agriculture Organization of the United Nations (hereinafter referred to as “FAO”) at its Thirty-first Session in November 2001 provides for Contracting Parties to cooperate to promote the development of an efficient and sustainable system of *ex situ* conservation, and further provides for a Funding Strategy for the implementation of the International Treaty;

WHEREAS the International Treaty also provides that due attention be given to the need for adequate documentation, characterization, regeneration and evaluation, and for promoting the development and transfer of appropriate technologies for this purpose with a view to improving the sustainable use of plant genetic resources for food and agriculture, and further provides for the encouragement and development of international plant genetic resources networks and the development and strengthening of a global information system;

WHEREAS FAO and the Future Harvest Centres of the Consultative Group on International Agricultural Research (hereinafter referred to as the “CGIAR”) have promoted the establishment of a Global Crop Diversity Trust, in the form of an endowment with the objective of providing a permanent source of funds to support the long-term conservation of the *ex situ* germplasm on which the world depends for food security, to operate as an essential element of the Funding Strategy of the International Treaty, with overall policy guidance from the Governing Body of the International Treaty, and within the framework of the International Treaty;

WHEREAS the FAO Commission on Genetic Resources for Food and Agriculture, at its Ninth Regular Session in October 2002, recorded that the initiative to establish a Global Crop Diversity Trust was universally appreciated and supported, and appealed to donors to assist in its establishment;

WHEREAS at the invitation of FAO and the International Plant Genetic Resources Institute (hereinafter referred to as “IPGRI”) acting on behalf of the Future Harvest Centres of the CGIAR, a number of countries, acting on behalf of the international community, have established the Global Crop Diversity Trust, defined its Constitution, and provided it with international legal personality;

WHEREAS it was the understanding of the Parties to the Agreement for the Establishment of the Global Crop Diversity Trust that the Trust and the Governing Body of the International Treaty¹, would enter into a separate Agreement, recognizing the Trust as an essential element of the Funding Strategy of the International Treaty and providing that the Trust will operate under the overall policy guidance of the Governing Body of the International Treaty;

NOW THEREFORE the Parties hereto agree as follows:

Article 1 - Purpose of the Agreement

The Global Crop Diversity Trust (hereinafter referred to as “the Trust”) and the Governing Body of the International Treaty) shall cooperate in accordance with the terms and conditions set out in the present Agreement.

Article 2 - Recognition of the Trust

The Trust is recognized as an essential element of the Funding Strategy of the International Treaty in relation to the *ex situ* conservation and availability of plant genetic resources for food and agriculture.

Article 3 - Relationship of the Trust with the Governing Body of the International Treaty

(1) The Governing Body of the International Treaty shall provide overall policy guidance to the Trust on all matters within the purview of the International Treaty.

(2) In accordance with the Constitution of the Trust, the Governing Body shall appoint four members to serve on the Executive Board of the Trust, of whom at least two shall be from developing countries.

(3) The Executive Board shall submit an annual report on the activities of the Trust to the Governing Body of the International Treaty.

¹ As the Governing Body does not possess its own international legal personality, the agreement is concluded by FAO acting on behalf of, and with the approval of, the Governing Body.

Article 4 - Executive independence of the Trust

Subject to the provisions of Article 3, the Trust and its Executive Board shall have full executive independence in managing the operations and activities of the Trust and in taking decisions relating to the raising and investment of funds and the operation of the Trust including decisions relating to the allocation of grants from the Trust.

Article 5 - Settlement of disputes

(1) Any dispute concerning the implementation of this Agreement shall be settled by mutual consent.

(2) Failing mutual consent, such dispute may be submitted, at the request of either Party, to an arbitral tribunal composed of three members. Each party shall appoint one arbitrator. The two arbitrators thus appointed shall designate by mutual consent the third arbitrator, who will act as the presiding arbitrator of the tribunal.

(3) If within two months after the receipt of a Party's notification of the appointment of any arbitrator the other Party has not notified the first Party of the arbitrator he has appointed, the first Party may request the Secretary-General of the Permanent Court of Arbitration to appoint the second arbitrator.

(4) If within two months after the appointment of the second arbitrator the two arbitrators have not agreed on the choice of the presiding arbitrator, such presiding arbitrator shall be designated by the Secretary-General of the Permanent Court of Arbitration at the request of either party.

(5) Unless the Parties decide otherwise, the tribunal shall determine its own procedure.

(6) A majority vote of the arbitrators shall be sufficient to reach a decision, which shall be final and binding for the Parties to the dispute.

Article 6 - Amendments of the Agreement

This Agreement may be amended by mutual agreement between the Parties.

Article 7 - Entry into Force

This Agreement shall come into force upon its signature by the Parties hereto.

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Article 8 - Termination

This Agreement may be terminated by either Party upon one year's written notice to the other Party. In that event, the Parties will agree on measures for the orderly conclusion of ongoing activities

Article 9 - Depositary

The Director-General of FAO shall be the depositary of this Agreement.

Article 10 - Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.

Signed by the Parties hereto on 16 June 2006

**FAO on behalf of the Governing
Body of the International Treaty
on Plant Genetic Resources
For Food and Agriculture**

The Global Crop Diversity Trust

Signature: 

Name: Shivaji Pandey

Title: Director, AGP

Signature: 

Name: Ambassador Fernando Gerbasi

Title: Chair, IPEE

APPENDIX N**STATEMENTS MADE IN REGARD TO COOPERATION
WITH OTHER INTERNATIONAL ORGANIZATIONS**

APPENDIX N.1**STATEMENT BY THE ALLIANCE OF FUTURE HARVEST CENTRES OF THE
CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH**

Mr. Chairman, Distinguished Delegates,

On behalf of the Alliance of Future Harvest Centres of the Consultative Group on International Agricultural Research (CGIAR), I thank you for providing me this opportunity to address this Working Group.

The Future Harvest Centres of the CGIAR are collectively holding in trust over 600,000 accessions of the crops that are most important for the alleviation of poverty and for improving food security in a sustainable manner and are distributing over 50,000 samples every year. The Centres are also making very important contributions to the implementation of articles 5, 6, 9, and 13 of the Treaty through their breeding, capacity building and technology transfer activities, as well as various ways of contributing to the implementation of Farmer's Rights.

The Treaty is critically important for the Alliance of Future Harvest Centres because it provides a basis for building trust and goodwill that is a prerequisite to effective collaboration in order to increase food security and to reduce poverty.

I am pleased to report that Working Group 2 just approved the text of the Agreement between the Centres and the Governing Body through which the collections they hold in trust will be placed in the multilateral system, as anticipated by Article 15 of the Treaty.

I am pleased to confirm that all eleven Future Harvest Centres with *ex situ* collections of plant genetic resources for food and agriculture have already approved the text of the Agreement and we are planning a signing ceremony with representatives of the Centres to be held at FAO in Rome during the latter part of this year.

We also look forward to the adoption this week of the Standard Material Transfer Agreement, one that will make it as simple as possible to access and distribute materials within the Multilateral System of Access and Benefit-sharing created by the Treaty.

Mr. Chairman,

The Centres are committed to working within the framework of priorities created by the International Treaty. They will, both individually and through the System-wide Genetic Resources Programme, work hard to advance the goals of the Treaty. We also look forward to working with the Governing Body and its secretariat.

I thank you Mr. Chairman for allowing me this opportunity to speak.

APPENDIX N.2**STATEMENT BY THE SECRETARIAT OF
THE CONVENTION ON BIOLOGICAL DIVERSITY**

Ladies and Gentlemen,

At its sixth meeting, in 2002, the Conference of the Parties to the Convention on Biological Diversity recognized that the International Treaty on Plant Genetic Resources for Food and Agriculture will have an important role for the conservation and sustainable utilization of agricultural biological diversity, for facilitating access to plant genetic resources for food and agriculture, and for the fair and equitable sharing of the benefits arising out of their utilization. It thus recognized that your Treaty will make a significant contribution to the achievement of the three objectives of the Convention in the strategic area of agricultural biodiversity.

For this reason, the Conference of the Parties, at the same meeting, stressed the need for the expeditious entry into force of your Treaty and called on the 188 Parties to the Convention on Biological Diversity and other Governments to give priority consideration to its signature and ratification. Two years later, at its seventh meeting, held in Kuala Lumpur in 2004, the Conference of the Parties again urged Parties and other Governments to ratify the Treaty as an important instrument for the conservation and sustainable use of genetic resources leading to hunger reduction and poverty alleviation.

This historic meeting could not have found a better host than Spain, one of the most biodiversity-rich countries in Europe and a country that has made a significant contribution to the negotiation, and now the implementation, of the Convention on Biological Diversity, as exemplified by its unique contribution to the success of the last meeting on access and benefit sharing, held in the historic city of Granada early this year. Let me therefore pay tribute to the authorities of Spain for their continued commitment to protecting life on Earth. Like Spain, all the Parties of your Treaty are Parties to the Convention. This bodes well for the future of the Treaty, and for close cooperation between our two instruments. Indeed, the complementarity between your Treaty and the Convention on Life on Earth is enshrined in the very objective of your Treaty as reflected in the provisions of its first article.

Articles 19 and 20 of the Treaty and decision VI/6 of the Conference of the Parties to the Convention on Biological Diversity require cooperation between the secretariats and the governing bodies of the two instruments. I am pleased that we were able quickly to conclude a memorandum of cooperation between the Convention Secretariat and the interim Secretariat of the Treaty. I can assure you that the Convention Secretariat will continue to work closely with the Treaty Secretariat to ensure that the two instruments go forward in continued harmony.

Cooperation between the Convention and the Treaty builds upon a long and rich history of cooperation and joint activities between the Convention and FAO and its Commission on Genetic Resources for Food and Agriculture. FAO is a lead partner in the Convention's programme of work on agricultural biodiversity. Recently, at its eighth meeting, held in Curitiba, Brazil, in March this year, with more than 4,000 participants, including 122 Ministers and other Heads of Delegation, the Conference of the Parties to the Convention highlighted this role, and invited FAO and the CGRFA to play a leading role in the review of this crucial programme of work. It also adopted a number of recommendations specifically addressed to this Governing Body and the Treaty Secretariat:

First, in its decision on agricultural biodiversity, the Conference of the Parties "invited the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture to take note, at its first meeting, of the cross-cutting initiative (on biodiversity for food and nutrition) and to collaborate in its implementation" (decision VIII/23, para.10). This is an important initiative that

highlights the role of biodiversity in not only sustaining food production but also underpinning dietary diversity, and combating hunger and malnutrition. The new initiative, adopted at the eighth meeting of the Conference of the Parties, aims to promote and improve the sustainable use of biodiversity in programmes contributing to food security and human nutrition, as a contribution to achieving the Millennium Development Goals (particularly target 2 of Goal 1 to halve the proportion of people suffering from hunger) and as a means to raise awareness of the importance of biodiversity. FAO has been a key partner in developing and now implementing this initiative, along with the International Plant Genetic Resources Institute.

Secondly, the same decision invites the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture to examine, within the context of its work, priorities and available resources, the potential impacts of genetic use restriction technologies, with special consideration of the impacts on indigenous and local communities and associated traditional knowledge, smallholder farmers and breeders and Farmers' Rights.

Finally, in its decision VIII/16, on cooperation, the Conference of the Parties, welcomed ongoing cooperation with the FAO, particularly the Commission on Genetic Resources for Food and Agriculture, the International Treaty on Plant Genetic Resources for Food and Agriculture, and other FAO processes, and invited the Secretariat of the International Treaty to join the liaison group of the biodiversity-related conventions. This liaison group is an informal body comprising the heads of the secretariats of the Convention on Migratory Species, CITES, the Ramsar Convention, the World Heritage Convention and the Convention on Biological Diversity, to exchange views on matters of common interest.

The implementation of the objectives of your Treaty will make an important contribution to promoting sustainable livelihoods for the people of this world through the sustainable use of biodiversity. It will also contribute to the achievement of the Millennium Development Goals and the 2010 biodiversity target. As recognized by the Conference of the Parties to the Convention at its seventh meeting, your Treaty will also make a significant contribution to assisting the international community in finalizing the negotiation on an international regime in 2010, at their tenth meeting. In this regard, the development of the Standard Material Transfer Agreement on your agenda will be particularly important.

Accordingly, we in the Convention Secretariat look forward to the establishment of a strong partnership with the International Treaty on Plant Genetic Resources for Food and Agriculture and I assure you that we shall spare no effort to achieve this strategic objective.

I wish you a very successful meeting and thank you for your attention.

APPENDIX N.3**STATEMENT BY THE INTERNATIONAL UNION
FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

*Mr. Chairman,
Distinguished Delegates,*

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization, which has the mission to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

Today, UPOV has 61 members, made up of 60 States, comprising developed and developing countries, and one intergovernmental organization namely the European Community. Many of these UPOV members are Parties to the International Treaty on Plant Genetic Resources for Food and Agriculture.

It is expected that even more countries and intergovernmental organizations will be bound by both the UPOV Convention and the Treaty in the near future because a considerable number of them have initiated the procedure for accession to the UPOV Convention. The implementation of the provisions of the Treaty in a way which is supportive of their obligations under the UPOV Convention is of particular interest.

UPOV holds the view that the Treaty and relevant international instruments dealing with intellectual property rights, including the UPOV Convention, should be mutually supportive.

UPOV considers that plant breeding is a fundamental aspect of the sustainable use and development of genetic resources and is of the opinion that access to genetic resources is a key requirement for sustainable and substantial progress in plant breeding. The concept of the “breeder’s exemption” in the UPOV Convention, whereby acts done for the purpose of breeding other varieties are not subject to any restriction, reflects the view of UPOV that the worldwide community of breeders needs access to all forms of breeding material to sustain the greatest progress in plant breeding and, thereby, to maximize the use of genetic resources for the benefit of society.

The International Treaty on Plant Genetic Resources for Food and Agriculture, in its Article 13.2d(ii), recognizes the concept of the breeder’s exemption, in that breeders are excepted from mandatory financial benefit-sharing whenever their products are “available without restriction to others for further research and breeding ...”.

Mr. Chairman, I should like to thank the FAO for its efforts in seeking mutual supportiveness with other treaties, including the UPOV Convention. UPOV will continue to provide the Parties of the Treaty and its relevant bodies with information on plant variety protection based on the UPOV Convention and with technical support for the introduction of an effective system of plant variety protection.

It is my pleasure to inform the Governing Body of the Treaty that the Council of UPOV has recently extended an invitation to FAO to make a presentation on the International Treaty, which FAO has accepted. The presentation is scheduled to be made at the fortieth session of the Council of UPOV in October 2006 and will provide an opportunity to inform UPOV on the results of this week’s important meeting.

Mr. Chairman, I should like to take this opportunity to inform the Governing Body of a recent “UPOV Report on the Impact of Plant Variety Protection”. The report shows that the introduction of a system for plant variety protection and membership of UPOV are key factors in making more and better varieties available to farmers, growers and consumers and to economic development in rural areas in particular. Under the UPOV system, a breeding cycle of progression can continue to maximize the benefits of plant variety protection and plant breeding for the future. A summary of the report is available on the UPOV website: www.upov.int/en/about/key_issues.htm.

Thank you, Mr. Chairman.

APPENDIX N.4

STATEMENT BY THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

*Mr. Chairman,
Distinguished Delegates,*

During the negotiations for the Treaty, WIPO cooperated extensively and closely with the FAO regarding certain intellectual property-issues that arose during the negotiations. Therefore, WIPO is delighted to see the first meeting of the Governing Body take place and make significant progress so far.

Mr. Chairman, I would like to provide the Governing Body with a progress report on the work conducted by WIPO in cooperation with FAO at the request of the Commission on Genetic Resources for Food and Agriculture, which pertains *inter alia* to the International Treaty.

At its ninth session, the Commission requested WIPO to “cooperate with FAO in preparing a study on how intellectual property rights may affect the availability and use of material from the International Network and the International Treaty”.¹

Following this request, WIPO conducted a few sample searches, using existing patent search algorithms, and provided a Preliminary Report to the Second Meeting of the Interim Committee.²

The Interim Committee “welcomed this Preliminary Report, which was of significant value to the agricultural community, and the continuing cooperation with WIPO”.³ In its Report, the Interim Committee “looked forward to receiving the report of the next stage of this work, in line with the follow-up activities identified in the preliminary report.”⁴

Following this renewed request from the Interim Committee, FAO and WIPO initiated the follow-up activities identified in the Preliminary Report.

The most recent outcome of this cooperation is a working draft of a draft patent landscape. A first, interim outcome, is contained in the report, *Progress report on work towards the assessment of patent data relevant to availability and use of material from the International Network of Ex Situ Collections under the auspices of FAO and the International Treaty on Plant Genetic Resources for Food and Agriculture: a draft patent landscape surrounding gene promoters relevant to rice*,⁵ which we have provided to the Governing Body at this session, for information. It is a factual description of an international patent landscape surrounding gene promoters relevant to rice.

Rice was selected for the initial searches and for this interim draft due to its crucial importance for food security; further searches are also being conducted for maize, potato and soybean to be added to the draft landscape at a later stage.

¹ Document CGRFA-9/02/Rep, *Report of the Commission on Genetic Resources for Food and Agriculture*, Ninth Regular Session, Rome, 14-18 October 2002, para. 31, at <ftp://ftp.fao.org/ag/cgrfa/cgrfa9/r9repe.pdf>.

² Document CGRFA/MIC-2/04/Inf.5, *Preliminary report on work towards the assessment of patent data relevant to availability and use of material from the International Network of Ex Situ Collections under the Auspices of FAO and the International Treaty on Plant Genetic for Food and Agriculture*, at <ftp://ftp.fao.org/ag/cgrfa/mic2/m2i5e.pdf>.

³ CGRFA/MIC-2/04/REP, paragraph 31.

⁴ *Ibid.*

⁵ Document IT/GB-1/06/Inf.17, at <ftp://ftp.fao.org/ag/cgrfa/gb1/gb1i17e.pdf>.

The FAO selected **gene promoters** as an illustrative technology for the initial set of patent searches and analysis. Gene promoters regulate the transcription of genetic information from DNA (gene expression). They are therefore key tools in agricultural biotechnology and in the use of plant genetic resources for food and agriculture in research and development. While the technology is complex, promoters can regulate whether, and where, target traits are expressed in a plant.

The draft is being made available as a work in progress to illustrate the general direction that the work is taking, and update the Governing Body on the progress of the cooperation.

- The draft contains an analysis of the bibliographic data of the patent landscape surrounding gene promoters for rice, including sectorial analysis of assignees, research collaborations, patenting trends over time, geographical and sector-wise distribution, and location of the patents in the International Patent Classification (IPC).
- The draft also provides an analysis of the technological and substantive data contained in the patent landscape, including the source genes and target genes of the promoters, types of promoters (constitutive, tissue-specific, *etc*) and monocot and dicot distribution.

These draft interim outcomes are provisional and do not provide a legal opinion or freedom to operate analysis.

For the further development of this draft patent landscape and the further development of the work on the Study requested by the Commission, additional guidance would be helpful on the meaning of the terms “access”, “facilitated access”, “available without restriction” and similar terms in the Treaty.

WIPO looks forward to continuing with the Governing Body of the Treaty the close cooperation which it has developed with the FAO and the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee of the Treaty.

Thank you, Mr. Chairman.

APPENDIX O

PROGRAMME OF WORK AND BUDGET, 2006/07

CORE ADMINISTRATIVE BUDGET OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE			
	2006 (a)	2007	2006-2007
<u>A. Secretariat</u>			
Secretariat Staff and Consultancy Costs	448,500	1,189,000	1,637,500
<u>B. Meetings</u>			
Governing body (5 days and 2 days regional consultations)		604,600	604,600
Bureau Meeting	21,700		21,700
Screening Committee Meeting	21,700		21,700
Sub-total	43,400	604,600	648,000
<u>C. Other Costs</u>			
Duty travel	30,000	70,000	100,000
Publications	25,000	50,000	75,000
Sub-total	55,000	120,000	175,000
D. General Operating Expenses (8% of A+B +C)			196,840
E. Operating Budget (A+B+C+D)			2,657,340
F. Project Servicing Costs (6% of E less FAO Contribution, given in "Funding the Budget" below)			92,000
G. Core Administrative Budget before Working Capital Reserve (E+F)			2,749,340
H. Working Capital Reserve (6.5% of G less FAO Contribution)			105,647
I. Core Administrative Budget after Working Capital Reserve (G+H)			2,854,988
FUNDING THE TOTAL CORE ADMINISTRATIVE BUDGET AFTER WORKING CAPITAL RESERVE			
FAO Contribution (PE 2AP03)			1,124,000
Balance to be funded			1,730,988

(a) July to December 2006

Annex 1

SECRETARIAT STAFFING TABLE FOR THE BIENNIUM 2006-2007

SECRETARY

D1

PROFESSIONAL STAFF

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P4

P3

P3

GENERAL SERVICE STAFF

G5

G4

G3

APPENDIX P**LIST OF DOCUMENTS**

Working Documents

IT/GB-1/06/1	Draft provisional agenda
IT/GB-1/06/2	Draft provisional annotated agenda and time-table
IT/GB-1/06/3	Draft Rules of Procedure of the Governing Body
IT/GB-1/06/3 Add.1	Annotated draft Rules of Procedure of the Governing Body
IT/GB-1/06/4	Draft Financial Rules of the Governing Body
IT/GB-1/06/4 Add.1	Annotated draft Financial Rules of the Governing Body
IT/GB-1/06/5	Draft Funding Strategy of the International Treaty
IT/GB-1/06/6	Draft Standard Material Transfer Agreement
IT/GB-1/06/7	Draft procedures and operational mechanisms to promote compliance with the International Treaty and to address issues of non-compliance
IT/GB-1/06/8	Possible establishment of a Permanent Technical Advisory Committee
IT/GB-1/06/9	Draft Agreements between the Governing Body and the IARCs of the CGIAR, and other relevant international institutions
IT/GB-1/06/10	Implementation of Article 6 of the International Treaty: Sustainable use of plant genetic resources
IT/GB-1/06/11	Appointment of the Secretary and other matters related to the establishment of the Secretariat
IT/GB-1/06/12	Assessment of progress in the inclusion of plant genetic resources for food and agriculture held by natural and legal persons in the Multilateral System
IT/GB-1/06/13	Draft work programme and budget for the biennium 2006/2007
IT/GB-1/06/14	Relationship between the Governing Body and the Global Crop Diversity Trust
IT/GB-1/06/15	Relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture
IT/GB-1/06/16	Arrangements for supporting the participation of developing country Contracting Parties in the sessions of the Governing Body and its Subsidiary Bodies

Information Documents

IT/GB-1/06/Inf.1 Rev.1	List of documents
IT/GB-1/06/Inf.2 Rev.1	Report on the status of ratification of the International Treaty
IT/GB-1/06/Inf.3	Report on activities undertaken by the Interim Secretariat
IT/GB-1/06/Inf.4	Report on the status of cooperation with other International

	Organizations
IT/GB-1/06/Inf.5	Report on the status of the Global Crop Diversity Trust
IT/GB-1/06/Inf.6	Report on the status of implementation of the Global Plan of Action
IT/GB-1/06/Inf.7	Compilation of submissions and comments on the draft procedures and mechanisms to promote compliance and to address issues of non-compliance
IT/GB-1/06/Inf.7 Add.1 (English only)	Compilation of submissions and comments on the draft procedures and mechanisms to promote compliance and to address issues of non-compliance – Additional submission
IT/GB-1/06/Inf.8	Compilation of comments on and suggested text for the draft Funding Strategy
IT/GB-1/06/Inf.8 Add. 1 (English only)	Compilation of comments on and suggested text for the draft Funding Strategy – Additional submission
IT/GB-1/06/Inf.9	Report on contacts made by the Interim Secretariat with relevant organizations, in order to promote the Funding Strategy
IT/GB-1/06/Inf.10	Report by the FAO Legal Counsel on the consistency of the draft Rules of Procedure of the Governing Body, the draft Financial rules of the Governing Body, the draft procedures and mechanisms to promote compliance and to address issues of non-compliance and the draft Funding Strategy, with FAO's administrative rules and procedures and the provisions of the International Treaty
IT/GB-1/06/Inf.11 (English only)	Report on priority setting, eligibility criteria and operational procedures relevant for the implementation of the Funding Strategy of the International Treaty on Plant Genetic Resources for Food and Agriculture
IT/GB-1/06/Inf.12 (English only)	Analysis of FAO's overall work on plant genetic resources for food and agriculture and the work of other relevant institutions, identifying the financial and human resources involved
IT/GB-1/06/Inf.13 (English, French and Spanish only)	Statement of competence and voting rights submitted by the European Community (EC) and its Member States
IT/GB-1/06/Inf.14	Information note for participants
IT/GB-1/06/Inf.15	Report of the Chair of the Contact Group for the Drafting of the Standard Material Transfer Agreement
IT/GB-1/06/Inf.16 (English only)	Report on the participation of Governmental and Non-governmental Bodies and Agencies participating in the First Session of the Governing Body
IT/GB-1/06/Inf.17 (English only)	Progress report on work towards the assessment of patent data relevant to availability and use of material from the International Network of <i>Ex Situ</i> Collections under the auspices of FAO and the International Treaty on Plant Genetic Resources for Food and Agriculture: a draft patent landscape surrounding gene promoters relevant to rice
IT/GB-1/06/Inf.18 Rev.1 (English only)	Report of the Credentials Committee

Other Documents
Available, upon request, at the Documents Desk

Reports of preparatory meetings

CGRFA/MIC-2/04/REP	Report of the Second Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture
CGRFA/IC/CG-SMTA-1/05/REPORT	Report of the First Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement
CGRFA/IC/OWG-1/05/REPORT	Report of the First Meeting of the Open-Ended Working Group on the Rules of Procedure and the Financial Rules of the Governing Body, Compliance, and the Funding Strategy
CGRFA/IC/CG-SMTA-2/06/REPORT	Report of the Second Meeting of the Contact Group for the Drafting of the Standard Material Transfer Agreement

Background Study papers

Background Study Paper No. 29 (English only)	Report on the Types of Funding and Assistance and Institutions with Relevant Mandates to the Funding Strategy of the International Treaty on Plant Genetic Resources for Food and Agriculture
Background Study Paper No. 30 (English only)	Options for Non-monetary Benefit-sharing: An inventory
Background Study Paper No. 31 (English only)	Policy and criteria for the Funding Strategy for the implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture

Other documents

CGRFA/IC/Inf.1	Vienna Convention on the Law of Treaties Section 3: Interpretation of Treaties
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Documents circulated at the request of Contracting Parties

IT/GB-1/06/Circ.1 (English only)	Implementation of Article 6 of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture: Swiss Input Paper, circulated at the request of the Government of Switzerland
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