



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
THIRD SESSION OF THE GOVERNING BODY
Tunis, Tunisia, 1 – 5 June 2009
REPORT OF THE CHAIR¹

The entry into force, in 2004, of the International Treaty on Plant Genetic Resources for Food and Agriculture, and the First Session of the Governing Body, in Madrid, Spain, in 2006, marked the beginning of the international work of this Treaty, which many consider to be the first Multilateral Environmental Agreement of the 21st Century, with clear social and economic implications. The fact that, as of May 15, 2009, 121 sovereign countries from all regions of the world had already become Contracting Parties to the Treaty, shows the wide acceptance of, and interest in the Treaty.

In the meantime, much has changed in the world: food security is increasingly at risk because of insufficient production and growing difficulties in access to food; high and rapidly food prices are putting a heavy pressure on all countries' economies; the unpredictable results of the current economic and financial crisis will have an impact on almost all countries; and it is now clear that the consequences of climate change will impose an enormous burden on all humanity. All those factors may result in a most grave crisis, a social and even an environmental crisis.

In such a time, the importance of the Treaty is even more obvious.

Climate change is not a cliché: it is a reality. There is growing, world-wide concern about the possible consequences for all countries of climate change, although the consequences are likely to be worse for some than others, for example, for small island developing states. Our task is to help adapt agriculture to climate change, by making available to all countries, as needed, plant genetic resources for food and agriculture that contain genes able to give plant varieties the characteristics they need to resist, and be productive, under stress. Drought, excessive rain, high or low temperatures, and several other challenges— some perhaps unexpected or as yet unknown—can be overcome with the appropriate genes to be found in the wealth of our plant genetic resources for food and agriculture.

¹ The Report of the Chair was delivered by Mr Modesto Fernández Díaz-Silveira to the Governing Body in the form of a spoken presentation on 1 June 2009, in Tunis.

The continuing political will of the Parties remains the bed-rock of a Treaty able to support national strategies to overcome poverty and hunger, and to make available to them all, without distinction, the plant genetic resources for food and agriculture that can help ensure food security for all humanity. This political will also be needed to continue supporting the developing countries that for centuries have contributed so much to the conservation and improvement of the plant genetic resources for food and agriculture, now at the disposal of all humanity. They will need financial support, capacity-building, and the transfer of environmentally sound technologies, if they are to be able to continue this work, to the benefit of us all.

What is before us now

The Third Session of the Governing Body is crucial. If the First Session in Madrid made it possible to launch the Treaty's work, and if the Second Session in Rome started to speed up implementation of the Treaty, this, our Third Session, will decide the future of the Treaty itself. I have asked the Secretary to give us a thorough report on the status of implementation of the Treaty, so that the Contracting Parties can have a more complete overview of the current situation.

The lack of the necessary financial resources is hampering the implementation of the Treaty as a whole, which is the aim of all Parties. The Secretary's Financial Report on the Work Programme and Budget 2008-09 provides the Parties with detailed and substantive information on the lack of adequate funding that has characterized the biennium we are now ending. For this reason, the Funding Strategy must be adequate to support the Treaty's Work Programme, and for this to be the case, it must receive financial resources on a scale commensurate with that foreseen by the Governing Body. This is a task of all Parties to the Treaty.

When we talk of the implementation of the Treaty as a whole, we mean the implementation of all the Articles of the Treaty, and not only some of them. Without any doubt, the Multilateral System is the best-known part of the Treaty, but we must work so as to ensure that not only access, but benefit-sharing as well, is a reality under the Multilateral System. For this reason, the Third Party Beneficiary needs to have adequate information on all Material Transfer Agreements, and on cases of benefits that arise from the use of plant genetic resources for food and agriculture that must to be shared with the Parties, through the established mechanism.

Almost all Contracting Parties wish to see the implementation of Farmers' Right, and it is our task to ensure that this important concept, developed by the Treaty, is fully implemented. Something similar can be said about the sustainable use of plant genetic resources for food and agriculture, as provided for in Article 6 of the Treaty. These will be important tasks for all Contracting Parties, during the Third Meeting of the Governing Body.

The Business Plan, which we need to prepare in response to a decision of the Second Session of the Governing Body, should be a tool to support and foster the implementation of the Treaty, but never a tool to limit the Governing Body's sovereignty. The Business Plan should be constructed in a way that contributes to the implementation of the Treaty as a whole, and to a better development, every two years, of the Work Programme and Budget. But the Governing Body must never have its power of decision limited by the Business Plan.

We need to follow closely the process of the FAO's Independent External Evaluation. In one way or another, it may affect how the Treaty's Core Administrative Budget is funded. We need also to pay more attention to the way in which the International Treaty on Plant Genetic Resources for Food and Agriculture functions under Article XIV of FAO Constitution, and how the relationship between the Treaty, as an independent Body, and the FAO, will in future develop.

Developments since the Second Session of the Governing Body

I am delighted to say that the Bureau, in line with the mandate you gave it at your last session, yesterday approved the first eleven projects under the benefit-sharing fund of the Funding Strategy: this is a clear demonstration that benefit-sharing, one of the objectives (pillars) of the Treaty, is a reality. Although the initial sum involved is modest, the message we are sending to the Contracting Parties, and to all persons and relevant organizations interested in these matters, is that benefit-sharing arising from the use of plant genetic resources for food and agriculture is not only possible, but already here. We must continue to work hard to ensure the continuity of this process.

The development, by the Third Meeting of the Governing Body, of an appropriate Work Programme and Budget for the forthcoming biennium, with resources adequate to enable the Treaty to undertake all the activities for this period on which we will decide, is the only way in which we can ensure its success. It is not a secret that, without resources, the whole Work Programme is only a pretty document, perhaps even a wise document, but in the end only an empty document.

I will not list, one by one, the various processes and activities developed or supported by the Bureau in the biennium. The Secretary's Report is very explicit on these matters.

The Bureau and the Secretariat

After almost a year of remarkable work, the former Chair of the Third Session of the Governing Body, Mr. Godfrey Mwila, resigned for personal reasons, and in July, 2008, the Bureau decided to pay me the honour of requesting me to take up the role as the new Chair, and complete the mandate that the Governing Body gave to the current Bureau, in other words, chair the Treaty's inter-sessional work, and the Third Session of the Governing Body, until its conclusion. The Secretariat immediately informed Parties to the Treaty of this substitution of the Chair of the Bureau.

During the period between the Second and the Third Sessions of the Governing Body of the Treaty, the Bureau's work became ever more relevant, and we discovered that there were many pending or unresolved issues forwarded to the Bureau by the Governing Body, and even issues arising from former issues, that the Bureau needed to consider. The lack of clear Terms of Reference, and the Governing Body's minimal Rules of Procedure, sometimes made the work of the Bureau a little difficult. Let me note that I recommend that this issue be addressed, so as to make the Bureau's work speedier, and, at the same time, more consonant with the mandate the Governing Body gives it at each Session, which may sometimes involve making decisions in order to be able to fulfil that mandate.

Commitment, professionalism and cooperation, along with flexibility and understanding, are five words to sum up the way the Bureau worked between the Second to Third Sessions. I have the pleasure to recognize this, to thank all Bureau members, and to encourage the Bureau that will be elected at the end of this Session to work with the same spirit.

The close relationship with the Secretariat has been crucial in achieving what we have. The Secretary, Mr. Shakeel Bhatti, will present in detail the work undertaken in this biennium, in his Report. I should like to also recognize the excellent work carried out by our small and compact Secretariat. All worked in a most professional way, and gave much of their free time to making it possible, today, to show all Parties that the Treaty is a reality, and can implement all its articles. The pivot and head of the whole Secretariat, Mr. Bhatti, deserves the thanks of us all, to which I should like to add my personal thanks.

In closing

On behalf of the Bureau of the Third Session of the Governing Body, I wish to thank, and pay tribute to, the Government and authorities of Tunisia, for generously hosting this Session of the Governing Body of the International Treaty on Plant Genetic Resource for Food and Agriculture. I should also like to mention the splendid arrangements that have been made, and the excellent organization with which the facilities, personnel and other resources have been put in place, and made ready for this meeting.

I want to end my report by stressing the need to continue to give full support to the Treaty; to continue supporting and making operative its Funding Strategy; to continue supporting, perfecting and making the Multilateral System and its Benefit-Sharing process ever more efficient; to continue building our understanding, and launching activities in the ambit of those remaining issues that have not yet been sufficiently addressed, issues such as Sustainable Use, and Farmers' Rights. In order to achieve this, we will need develop mechanisms to make the Treaty more manageable and accountable, such as the Business Plan, and the compliance mechanism; to continue strengthening the importance and power of the Treaty's Governing Body; to continue working on the Treaty's specificities, as a independent body, under FAO, but with its own personality. Through the Treaty's individual government and management structures, accountable to the Governing Body of the Treaty, we can pursue our highest objectives.

As Chair of this Third Session of the Governing Body of the Treaty, I am totally in your hands. I am convinced that we will be able to make substantial progress, with your usual commitment, flexibility and capacity for work. Our ultimate objectives—the conservation of all plant genetic resources for food and agriculture, its sustainable use, and the sharing of the benefits arising from this—are long-term objectives. We pursue these objectives not only for our own benefit, but also for the benefit of generations to come, who, I am certain, will look back critically on what we do, our decisions, and the final outcome. If we work together, we will succeed in meeting the challenges before us.

Mr Modesto Fernández Díaz-Silveira,

Chair of the Governing Body