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COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

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ESTABLISHMENT OF AN AD HOC INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON AQUATIC GENETIC RESOURCES FOR FOOD AND AGRICULTURE

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I. INTRODUCTION

1. The Commission on Genetic Resources for Food and Agriculture (the Commission), at its Eleventh Regular Session, recognized the importance and vulnerability of aquatic genetic resources, their roles in an ecosystem approach for food and agriculture, and their contributions to meeting the challenges presented by climate change. It agreed that the Multi-Year Programme of Work (MYPOW) should cover aquatic genetic resources for the development of sustainable and responsible fisheries and aquaculture and foresee the preparation of *The State of the World's Aquatic Genetic Resources for Food and Agriculture* (Report).

2. At its Fourteenth Regular Session, the Commission agreed on the structure of the Report and decided that its scope would be farmed aquatic species and their wild relatives within national jurisdiction. Countries were also invited to provide a species list of nationally important aquatic genetic resources of capture fisheries within national jurisdiction. An overview of the status of preparation of the Report is provided in the document, *Status of preparation of The State of the World's Aquatic Genetic Resources*.¹

3. The Commission also considered the possibility of establishing an intergovernmental technical working group on aquatic genetic resources to guide and support the preparation of the Report. However, it did not reach consensus on the establishment of a working group during its last session. It noted the recommendation of the Committee on Fisheries (COFI) that an Advisory Working Group on Genetic Resources and Technologies (Advisory Group) be established to advise FAO on matters concerning aquatic genetic resources and technologies and therefore invited COFI, should it establish such an Advisory Working Group, to consider inviting the Advisory Working Group to contribute to the preparation of *The State of the World's Aquatic Genetic Resources for Food and Agriculture*. The Commission requested to be informed about the contributions of the Advisory Working Group to the preparation of the report.

4. This document provides information on the mandate of the Advisory Group as approved by COFI at its 31st session. Given the nature and status of the Advisory Group, on the one hand, and the need to guide and support the preparation and review of the Report, the Commission may wish to consider the establishment of an Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture (WG AqGR). The document briefly introduces the statutory role, function and *modus operandi* that a WG AqGR could have, and provides guidance with regard to the procedure through which such a working group may be established. The document also contains a report by the Director-General on the programme, financial and administrative implications of establishing the WG AqGR.

II. ADVISORY WORKING GROUP ON GENETIC RESOURCES AND TECHNOLOGIES

5. At the suggestion of its Sub-Committee on Aquaculture², FAO's Committee on Fisheries (COFI), at its Thirtieth Session, "supported the establishment of an FAO Advisory Working Group on Genetic Resources and Technologies, that would advise FAO on matters concerning aquatic genetic resources and technologies, to enhance international cooperation on aquatic genetic resource management."³ Subsequently, the Sub-Committee on Aquaculture, at its Seventh Session in October 2013, approved draft terms of reference for the Advisory Working Group, as given in *Appendix I* to this document. On the occasion of this session the Secretariat clarified "that the scope of the Advisory Working Group will include genetic technologies while specific tasks will be assigned by FAO taking into account the recommendations of COFI and giving special attention to the needs of developing countries. However, some Members were of the opinion at this stage that it is premature to include "genetically modified organisms (GMOs)" in the scope of the activities of the advisory group. It was

¹ CGRFA-15/15/17.

² COFI/2012/Inf.8, paragraph 67.

³ C 2013/24 paragraph 39(j).

agreed that there should be an exchange of information between the Commission on Genetic Resources for food and agriculture and the Advisory Working Group, in particular for the preparation of the State of the World report on aquatic genetic resources for food and agriculture.”⁴ COFI, at its Thirty-first Session in June 2014, endorsed the report of its Sub-Committee.⁵

6. The Advisory Group will consist of no more than 10 recognized experts in genetic resource use and conservation in fisheries and aquaculture who will be appointed by the Director-General. The experts will be invited to participate in their personal capacity, as experts, and they shall not represent the government or organization she or he may be associated with. FAO, in appointing experts, shall consider the principles of equitable geographical and gender representation; scientific and technical excellence as well as diversity and complementarity of scientific backgrounds are paramount. FAO, with due consideration of the advice from COFI, assigns specific tasks to the Advisory Working Group.

7. The Advisory Group differs considerably in status and nature from the Commission’s intergovernmental technical working groups. The Commission’s intergovernmental technical working groups, as their name indicates, have governments as members. Delegates are nominated by their governments. The tasks of the intergovernmental technical working groups are not assigned by FAO. It is the Commission that assigns tasks to its working groups. In addition, the Commission decides whether, when and for how many days a working group should meet.

8. The Commission’s intergovernmental technical working groups play a key role in the preparation of the Commission’s global assessments. They provide guidance with regard to the design of global assessments, review guidelines and questionnaires which assist countries in the preparation of their country reports and the working groups review the draft global assessments prepared by FAO on the basis of country reports and other information received. The working groups also play an essential role in preparing and reviewing policies the Commission may wish to develop in response to global assessments. Government delegates attending the working group meetings are often national focal points of their countries for the preparation of country reports and/ or the implementation of global action plans and therefore often participate in a dual role: as government representatives and qualified experts. The Commission’s working groups have thus, over the years, become an integral part of the Commission’s mode of operation. They ensure technical and scientific excellence and, at the same time, provide a crucial science-policy interface allowing the Commission to evolve from assessing problems to developing solutions.

III. THE ROLE OF INTERGOVERNMENTAL TECHNICAL WORKING GROUPS

9. In the light of the information provided above, the Commission may wish to consider establishing a WG AqGR. For this purpose, the information below is provided.

10. At its Twenty-eighth Session in October 1995, the FAO Conference broadened the mandate of the Commission to cover all components of biodiversity of relevance to food and agriculture. The Conference further agreed that the Commission should be assisted by geographically-balanced sectoral working groups of an intergovernmental technical nature.⁶

11. Paragraph 3 of the Statutes of the Commission provides:⁷

- (i) The Commission may establish intergovernmental technical working groups (“Sectoral Working Groups”), with appropriate geographical balance, to assist it in areas of plant, animal, forestry and fisheries genetic resources.
- (ii) The purpose of the Sectoral Working Groups shall be to review the situation and issues related to agrobiodiversity in the areas under their respective competences, to

⁴ COFI 2014/Inf.8, paragraph 15.

⁵ C 2015/23, paragraph 68.

⁶ C 1995/ REP, Resolution 3/95.

⁷ CGRFA-15/15/Inf.2.

advise and make recommendations to the Commission on these matters and to consider the progress made in implementing the Commission's programme of work, as well as any other matters referred to them by the Commission.

- (iii) The composition and terms of reference for each Sectoral Working Group shall be established by the Commission.

12. Under paragraph 6 of the Commission's Statutes, the establishment of any Sectoral Working Group or other Subsidiary Body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization or from extra-budgetary sources. Before taking any decision involving expenditures in connection with the establishment of Subsidiary Bodies, the Commission shall have before it a report from the Director-General on the programme, administrative and financial implications thereof.

IV. EXISTING INTERGOVERNMENTAL TECHNICAL WORKING GROUPS

13. At its Seventh Regular Session, in January 1997, the Commission established an Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (WG PGR) and an Intergovernmental Technical Working Group on Animal Genetic Resources for Food and Agriculture (WG AnGR).⁸ At its Twelfth Regular Session, in October 2009, the Commission established the Intergovernmental Technical Working Group on Forest Genetic Resources (WG FGR) which held its first session in April 2011.

14. The purpose of the Commission's intergovernmental technical working groups is to review policy and technical issues related to their respective areas of competence, to advise and make recommendations to the Commission on these matters, and to consider the progress made in implementing the Commission's programme of work, as well as any other matters referred to them by the Commission.

15. As mentioned above, the Commission's Working Groups have made major contributions to the work of the Commission. The WG PGR contributed to the implementation of the *Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture* and the development of *The Second Report on the State of the World's Plant Genetic Resources for Food and Agriculture*. The WG PGR further provided guidance on capacity building activities of FAO regarding the conservation and sustainable use of plant genetic resources for food and agriculture and on other issues, such as the plant genetic resource networks and the *Code of Conduct for Plant Germplasm Collecting and Transfer*.

16. The WG AnGR guided and contributed to the development of *The State of the World's Animal Genetic Resources for Food and Agriculture* and the *Global Plan of Action for Animal Genetic Resources* as well as to *The Second Report on the State of the World's Animal Genetic Resources for Food and Agriculture* and the *Global Plan of Action for Animal Genetic Resources*. The WG AnGR also advised the Commission on activities and programmes developed for the implementation of the *Global Plan of Action for Animal Genetic Resources* and, most recently, reviewed a draft funding strategy and draft technical guidelines prepared by FAO for the implementation of the *Global Plan of Action for Animal Genetic Resources*.

17. The WG FGR guided the preparation of *The State of the World's Forest Genetic Resources*. At its second session, the Working Group reviewed the draft report and considered and revised draft strategic priorities for action for the conservation, sustainable use and development of forest genetic resources. The Commission, at its last session, agreed on the strategic priorities for action which the FAO Conference, at its 38th Session, adopted as the Global Plan of Action for the Conservation, Sustainable Use and Development of Forest Genetic Resources.⁹

⁸ CGRFA-7/97/REP, paragraph 10.

⁹ C 2013/REP, paragraph 77.

18. Currently, all Working Groups are composed of 27 Member Nations, representing all seven FAO regions, which are elected at each Regular Session of the Commission. Working Group sessions are usually also attended by other Members of the Commission, as observers. At this session the Commission will review the composition of its intergovernmental technical working groups.¹⁰

19. Draft Statutes for a WG AqGR are given in *Appendix II* to this document. The draft statutes follow closely the model of the statutes of the other intergovernmental technical working groups, including with regard to the composition.¹¹ It should be noted that, as per the Commission's Statutes, the Secretariat services for the WG AqGR, if established, would be provided by the respective technical divisions of FAO as part of their annual programmes of work.¹² Furthermore it should be noted that expenses incurred by representatives of members of the WG AqGR, their alternates and advisers, when attending sessions of the WG AqGR, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.¹³

**V. DIRECTOR-GENERAL'S REPORT ON THE PROGRAMME,
ADMINISTRATIVE AND FINANCIAL IMPLICATIONS OF ESTABLISHING AN
AD HOC INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON
AQUATIC GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

20. Individual 3-day meetings of the proposed WG AqGR would incur the following estimated costs:

Direct Costs of the Meeting (interpretation, messengers)	US\$ 35,000
Document preparation	US\$ 30,000
Documentation (translation/printing)	US\$ 50,000
Total	US\$ 115,000

21. If it is decided to convene a first session of the WG AqGR before the end of 2015, the Director-General would need to call for extra-budgetary support, as no provision has been made in the 2014/15 Programme of Work and Budget. Provision will need to be made to support subsequent sessions, either from the Regular Programme Budget or from extra-budgetary resources, or a combination of the two sources. It should be noted, however, that the draft Statutes, as provided in *Appendix II* to this document, do not require regular sessions of the WG AqGR. As is the case with the Commission's other three working groups, it would be the Commission which, depending on the need, would decide on the timing and duration of the sessions of the Working Group. The composition of the Working Group may be revisited in the light of the Commission's general considerations on the composition of its Working Groups.¹⁴

VI. GUIDANCE SOUGHT

22. The Commission may wish to:

- (i) Decide whether or not it wishes to establish an Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture to guide the

¹⁰ CGRFA-15/15/23.

¹¹ For the composition of the Commission's intergovernmental sectoral working groups, *see* CGRFA-15/15/23.

¹² Statutes of the Commission on Genetic Resources for Food and Agriculture (CGRFA-15/15/Inf. 2), Article 8ii.

¹³ Statutes of the Commission on Genetic Resources for Food and Agriculture (CGRFA-15/15/Inf. 2), Article 8iii.

¹⁴ CGRFA-15/15/23.

preparation of and to review *The State of the World's Aquatic Genetic Resources for Food and Agriculture*;

- (ii) Review the draft Statutes for an Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture, as given in *Appendix II* to this document, with a view to adopting them;
- (iii) Decide on the timing and duration of the first session of the Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture, subject to the availability of the necessary funds; and
- (iv) Call for adequate regular programme and extra-budgetary support for sessions of the Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture.

APPENDIX I
**TERMS OF REFERENCE FOR THE ADVISORY WORKING GROUP ON AQUATIC
GENETIC RESOURCES AND TECHNOLOGIES¹⁵**

FAO will establish the Advisory Working Group on Aquatic Genetic Resources and Technologies to advise FAO on matters concerning aquatic genetic resources and technologies, and to enhance international cooperation on aquatic genetic resource management.

The Advisory Working Group shall be established according to FAO's rules.

The Advisory Working Group shall consist of no more than 10 recognized experts in genetic resource use and conservation in fisheries and aquaculture.

Advisory Working Group members shall be appointed by the Director-General for a period of two years but may be renewable. In appointing experts, in addition to scientific and technical excellence, FAO will consider diversity and complementarity of scientific backgrounds and observe, as appropriate, the principle of equitable geographical representation and gender representation. Experts will be invited to participate in the Advisory Working Group in their personal capacity, as experts, and shall not represent the position of the government of which s/he is an official, or of the organization with which s/he is associated.

The working language of the Advisory Working Group will be English.

The scope of the Advisory Working Group shall include the conservation, sustainable use and development of all aquatic genetic resources relevant for fisheries and aquaculture.

Specific tasks of the Advisory Working Group shall be assigned by FAO with due consideration of the advice from COFI.

The membership of the Advisory Working Group may be changed by FAO depending on the specific advice being requested by FAO and/or COFI.

The Secretariat of the Advisory Working Group will be based in the Fisheries and Aquaculture Department of FAO headquarters, Rome, Italy.

The plan of work of the Advisory Working Group will be prepared and approved by the Advisory Working Group in consultation with the secretariat taking into account tasks assigned to it in accordance with paragraph 7 above and available financial resources.

The Advisory Working Group shall prepare a report to the FAO secretariat providing information on its activities and recommendations.

The Advisory Working Group may propose amendments to these terms of reference which shall be transmitted to COFI for consideration.

¹⁵ Based on the FAO Consultation to Establish Terms of Reference for a COFI Advisory Working Group on Aquatic Genetic Resources and Technologies, 31 January – 1 February, 2013, FAO Regional Office for Asia and the Pacific, Bangkok, Thailand.

APPENDIX II**DRAFT STATUTES OF THE Ad HOC INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON AQUATIC GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

Article 1 - Terms of Reference

1. The Ad Hoc Intergovernmental Technical Working Group on Aquatic Genetic Resources for Food and Agriculture (the Working Group) shall:

- review the situation and issues related to aquatic genetic resources for food and agriculture and advise and make recommendations to the Commission on these matters;
- consider the progress made in implementing the Commission's programme of work on aquatic genetic resources for food and agriculture as well as any other matters referred to the Working Group by the Commission; and
- report to the Commission on its activities.

2. In order for the Working Group to carry out this mandate, the Commission will assign specific tasks to the Working Group.

Article II - Composition

The Working Group shall be composed of twenty-seven Member Nations from the following regions:

- 5 from Africa
- 5 from Europe
- 5 from Asia
- 5 from Latin America and the Caribbean
- 3 from Near East
- 2 from Northern America
- 2 from South West Pacific.

Article III - Election and term of office of Members

The Members of the Working Group shall be elected at each regular session of the Commission and serve until the next regular session of the Commission. They shall be eligible for re-election.

Article IV - Officers

1. The Working Group shall elect its Chairperson and one or more Vice-Chairpersons from among the representatives of Members of the Working Group at the beginning of each session. These officers shall remain in office until the next session of the Working Group and be eligible for re-election.

2. The Chairperson, or a Vice-Chairperson in the absence of a Chairperson, shall preside over the meetings of the Working Group and exercise such other functions as may be required to facilitate its work.

Article V - Sessions

The Commission shall decide on the timing and duration of the sessions of the Working Group, when required. In any case, the Working Group shall hold no more than one regular session annually.

Article VI - Observers

1. Members of the Commission which are not Members of the Working Group may participate, upon request to the Commission Secretariat, in the work of the Working Group in an observer capacity.
2. The Working Group, or the bureau on behalf of the Working Group, may invite experts, as well as representatives of specialized international organizations, to attend its meetings.

Article VII - Application of the Rules of Procedure of the Commission on Genetic Resources for Food and Agriculture

The provisions of the Rules of Procedure of the Commission on Genetic Resources for Food and Agriculture shall apply *mutatis mutandis* to all matters not specifically dealt with under the present Statutes.