

**REPORT  
OF THE  
FOURTH EXTRAORDINARY SESSION  
OF THE  
COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

**Rome, 1-5 December 1997**

**FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS**

Rome, 1997

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**Report**  
**of the**  
**Fourth Extraordinary Session**  
**of the**  
**Commission on Genetic Resources for Food and Agriculture**

Rome, 1-5 December 1997

1. The Fourth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture met in Rome, Italy, from 1 to 5 December 1997. A list of delegates and observers is attached as Appendix G.
2. The Chairman, Mr Fernando Gerbasi (Venezuela), opened the meeting, welcomed delegates and observers, and thanked the donors (Germany, the Netherlands, Norway, Spain and Sweden) for the financial support that they had provided for the convening of the Fourth Extraordinary Session, as well as for the participation of developing country delegations in the session.
3. Mr A. Sawadogo, Assistant Director-General, Agriculture Department, also welcomed the delegates and observers, especially the four new member countries (Fiji, Nigeria, Qatar and the Former Yugoslav Republic of Macedonia), which had joined the Commission since the Seventh Regular Session, bringing its membership to 156, including the European Community. A full list of the members of the Commission is attached as Appendix F.
4. The Agenda as adopted is given as Appendix A, and a list of documents in Appendix B.
5. The Commission decided that the Chair's Contact Group should meet to negotiate the draft Articles 3, *Scope*; 11, *Availability of Plant Genetic Resources*; 12, *Farmers' Rights*; and 14, *Financial Security*, and report to the Plenary. An Open-ended Group was established to consider the remaining articles, establish a consolidated text, and report to the Plenary. It was decided that the Chairman should chair the Contact Group, and the Vice-President from the European Region, Mr Gert Kleijer, should chair the Open-ended Group. It was later decided that consideration of Article 12 be transferred to the Open-ended Group.
6. The Chairs of the Contact Group and the Open-ended Group reported on the outcome of the deliberations and presented the *Consolidated Negotiated Text*, which represented the considerable progress made during the session. It was stressed that the entirety of the text remained under negotiation. In this context, it was noted that the criteria that had been used to establish the *Tentative list of crops* annexed to Article 11 were (i) their importance for food security at local or global levels, and (ii) countries' interdependence with respect to plant genetic resources. Many countries proposed that, in any future development of the tentative list other additional criteria could be used.
7. It was agreed to request the International Plant Genetic Resources Institute (IPGRI), in consultation with the Commission's Secretariat, to prepare a study of the technical aspects of such a list and that this be dispatched to countries as soon as possible.
8. Preliminary discussions on benefit-sharing had taken place, in the course of which the African Region, the European Region and Malaysia made proposals. The Commission requested that these be attached to the Report as Appendix D.

9. The FAO Legal Office was requested to assemble an anthology of definitions used in relevant international agreements that might be pertinent to the revision of the Undertaking.

10. During the meetings of the Open-ended Group, statements had been made by the representatives of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Union for the Protection of New Varieties of Plants (UPOV), the Rural Advancement Foundation International (RAFI) and the GAIA Foundation. These statements are attached to this Report in Appendix E. A legal opinion by the FAO Legal Office is also included in Appendix E.

11. In taking note of the *Consolidated Negotiated Text*, as attached to this Report in Appendix C, the Commission agreed that this text would be reviewed during further negotiating sessions, with a view to its final adoption. The Commission stressed the importance of completing the negotiations for the revision of the International Undertaking by May 1999, for consideration by Council and adoption by the FAO Conference in November 1999.

12. The Commission considered that considerable progress had been made during the Session, which had been characterized by a very positive spirit on the part of all delegations and all regions. It stressed the need of building upon this spirit, maintaining momentum, and moving ahead in a structured and productive manner.

13. In considering the schedule for its further negotiations, the Commission noted that the FAO Programme of Work and Budget 1998-99 made provision for a one-week extraordinary session, to continue negotiations, as well as for the Eighth Regular Session, of one week. After discussion, the Commission decided to request the Director-General to seek extrabudgetary funds to hold a second extraordinary session in 1998. The Chairman should consult the Director-General to find the most suitable dates for the meetings, upon confirmation that funds were available. Tentative dates of June and September 1998 were mentioned.

14. The Commission stressed the importance of ensuring the continued participation of developing countries in these negotiations, and appealed to donors to continue to provide the necessary support. It warmly thanked the Netherlands, Norway and Spain for having provided such support in the current session.

**Appendix A****Agenda of  
the Fourth Extraordinary Session of  
the Commission on Genetic Resources for Food and Agriculture  
as adopted**

1. Adoption of the Agenda and Timetable for the Session
2. Continuation of negotiations for the revision of the International Undertaking on Plant Genetic Resources
3. Date and place of the next session
4. Adoption of the Report

**Appendix B****Documents presented at  
the Fourth Extraordinary Session of  
the Commission on Genetic Resources for Food and Agriculture  
Rome, 1-5 December 1997**

CGRFA-Ex4/97/1	Provisional agenda
CGRFA/IUND/4 Rev.1	Fourth Negotiating Text of the International Undertaking for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture: Revision 1
CGRFA/IUND/4 Rev. 1 Add. 1	Revision of the International Undertaking on Plant Genetic Resources. Negotiated Text and Consolidated Text of Articles 3 (Scope), 11 (Access) and 12 (Farmers' Rights), Resulting from the Negotiations during the Seventh Regular Session

***Other Documents***

CGRFA-Ex4/97/Inf. 1	Revision of the International Undertaking on Plant Genetic Resources. Regional Positions Presented during the Seventh Session of the Commission on Genetic Resources for Food and Agriculture
CGRFA- Ex4/97/Inf. 2	Statement of competence and voting rights submitted by the European Community and its member states
CGRFA- Ex4/97/Inf. 3	List of documents
CGRFA- Ex4/97/Inf. 4	List of Delegates and Observers

## **Appendix C**

### REVISION OF THE INTERNATIONAL UNDERTAKING ON PLANT GENETIC RESOURCES

#### **CONSOLIDATED NEGOTIATING TEXT RESULTING FROM THE DELIBERATIONS DURING THE FOURTH EXTRAORDINARY SESSION OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE.**

*NOTE: For the purpose of the present draft, the terms “Undertaking” and “Parties” are used, without brackets, for simplicity, without prejudice to final formulations.*

#### **Article 1: Objectives**

1.1 [The objectives of this Undertaking [being consistent with the objectives of the Convention on Biological Diversity] are the conservation and sustainable use of plant genetic resources for food and agriculture for future food security and the fair and equitable sharing of the benefits arising out of their use [through the establishment and implementation of a system of access to genetic resources based on the prior informed consent of the country of origin, and the protection of Farmers’ Rights to their biological diversity, traditional knowledge, innovations and practices relevant to the conservation and sustainable use of plant genetic resources] .]

OR

1.1 [The Undertaking seeks to facilitate unrestricted access to plant genetic resources for food and agriculture and farmers’ efforts to conserve and sustainably use plant genetic resources for food and agriculture in order to secure global food security for present and future generations.]

#### **Article 2 - Definitions**

*NOTE: The Commission decided to defer consideration of this Article, pending further progress on the substantive articles*

#### **Article 3 - Scope**

3.1 This Undertaking relates to plant genetic resources for food and agriculture.

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**Article 4 - Relationship of the Undertaking with other international agreements**

4.1 The provisions of this Undertaking\* shall not affect the rights and obligations of any Party\* deriving from any existing international agreement [except where the exercise of those rights and obligations [would] [be shown to] cause a serious damage or threat to plant genetic resources [for food and agriculture] ].

[4.2. Any Party that has not ratified, accepted or approved the Convention on Biological Diversity shall be assumed to accept those provisions of the Convention which relate to the matters covered by this Undertaking.]

**Article 5 - Conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture**

5.1 Each Party [will][shall], subject to national legislation, [in accordance with the relevant provisions of the Convention on Biological Diversity,] and in cooperation with other Parties where appropriate, promote an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture through[,as appropriate,]:

- (a) Survey and inventory plant genetic resources for food and agriculture, taking into account the status and degree of variation in existing populations, including those that are of potential use and, as feasible, assess any threats to them;
- (b) Promote the collection of plant genetic resources for food and agriculture and relevant associated information on those plant genetic resources that are under threat or are of potential use;
- (c) Support[, as appropriate,] farmers and local communities' efforts to manage on-farm [their][farmers' varieties and other] plant genetic resources for food and agriculture;
- (d) Promote *in situ* conservation of wild crop relatives and wild plants for food production[, including in protected areas, by supporting[, *inter alia*,] the efforts of indigenous and local communities];
- (e) Cooperate to promote the development of an efficient and sustainable system of *ex situ* conservation, giving due attention to the need for adequate documentation, characterization, regeneration and evaluation, and promote 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;
- (f) Monitor the maintenance of the viability, degree of variation, and the genetic integrity of collections of plant genetic resources for food and agriculture.

5.2 Parties shall, as appropriate, take steps to minimize or, if possible, eliminate threats to plant genetic resources for food and agriculture[, including the negative effects of agro-chemicals].



### **Article 6bis - Sustainable Use of Plant Genetic Resources**

6bis.1 Parties shall develop or maintain appropriate policy and legal arrangements that promote the sustainable use of plant genetic resources for food and agriculture.

6bis.2 The sustainable use of plant genetic resources for food and agriculture [may][shall] include such measures as:

- (a) pursuing agricultural policies that promote, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
- (b) strengthening [demand-driven] research which enhances biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers, especially smallholder farmers, who generate and use their own [crops][varieties] and apply ecological principles in maintaining soil fertility and in combating diseases, weeds and other pests;
- (c) promoting[, as appropriate,] plant breeding efforts which, with the [full] participation of farmers, particularly in developing countries, strengthen the capacity to develop varieties specifically adapted to the various social, economic and ecological conditions, including in marginal areas;
- (d) broadening the genetic base of crops and increasing the range of genetic diversity available to farmers;
- (e) promoting[, as appropriate,] [in all agro-ecological zones] the expanded use of local and locally adapted crops, varieties and underutilized species; and
- (f) supporting[, as appropriate,] the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and create strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion, and promote increased world food production compatible with sustainable development.

[In this respect, parties shall review, and, as appropriate, adjust breeding strategies and regulations concerning variety release and seed distribution. ]

[6bis.3 Parties shall, as far as possible and as appropriate, establish or maintain means to regulate, manage or control the risks associated with the use and release of plant genetic resources for food and agriculture [that involve][which are] living modified organisms resulting from biotechnology and which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health.]

### **Article 7 - General International Cooperation**

7.1 Each Party shall, as appropriate, integrate into its programmes activities referred to in Articles 5 and 6bis , and cooperate with other Parties, directly or through [the FAO and/or other] relevant international organizations, in the conservation and sustainable use of plant genetic resources for food and agriculture.

7.2 International cooperation shall, in particular, be directed to:

- (a) establishing or strengthening the capabilities of developing countries and countries with economies in transition with respect to conservation and sustainable use of plant genetic resources for food and agriculture;
- (b) [encouraging][enhancing] international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication, and sharing[, providing access to,] and exchanging, [in conformity with Article 11,] plant genetic resources for food and agriculture and [appropriate][relevant] information and technology;
- (c) [maintaining and strengthening the institutional arrangements provided for in Articles \*\*;] *Note: the articles cross-referenced here could refer to networks, information systems and other relevant instruments.*
- (d) [[strengthening or establishing of funding mechanisms to finance][identify ways and means to support] activities related to the conservation and sustainable use of plant genetic resources for food and agriculture.]

### **Article 8 - Role of [and cooperation with] international organizations**

*NOTE: The Commission deferred discussion on this Article.*

#### **Article 8bis: Global Plan of Action**

8bis.1 The Parties [shall][should] [promote][implement], as appropriate, [in accordance with national priorities,] the rolling Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture, adopted at Leipzig in June 1996, in order to promote the implementation of this Undertaking, [ in particular Articles 5 and 6bis]. Parties [shall][should] implement the Global Plan of Action through [national actions and], as appropriate, international cooperation in order to provide a coherent framework, *inter alia*, for capacity building, technology transfer and exchange of information, [and a sound technical basis for the use of the funding mechanism provided for in Article 14]. Parties [shall][should] monitor and guide implementation of the Global Plan of Action through the [Commission on Genetic Resources for Food and Agriculture][the governing body established in Article 13]. [Implementation of the Global Plan of Action will contribute to the realization of Farmers' Rights. ]

**[Article 9 - The International Network of Plant Genetic Resources for Food and Agriculture]**

9.1 The International Network of Plant Genetic Resources for Food and Agriculture (IN/PGRFA) will be developed and strengthened. It will include plant genetic resources for food and agriculture held at national, regional and international level, and aim to improve the conservation, the exchange and utilization of plant genetic resources for food and agriculture for the benefit of sustainable agricultural development and of global food security, and contributing to the fair and equitable sharing of benefits arising from the utilization of plant genetic resources for food and agriculture.

9.2 Parties will designate plant genetic resources for food and agriculture, including material held under *in situ* and *ex situ* conditions, in order to define their contribution to the IN/PGRFA. They will encourage all institutions, including private, non-governmental, research, breeding and other institutions, to participate in the IN/PGRFA.

9.3 The collections of the International Agricultural Research Centres of the CGIAR under the auspices of the FAO will be part of the International Network of Plant Genetic Resources for Food and Agriculture.

9.4 Modalities of functioning of the Network should be as simple and cost-effective as possible.]

OR

**[Article 9 - International plant genetic resources networks]**

9.1 International networks to maintain collections of plant genetic resources for food and agriculture will be encouraged or developed, on the basis of existing arrangements, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture.

9.2 Parties will encourage, as appropriate, all institutions, including governmental, private, non-governmental, research, breeding and other institutions, to participate in the international networks.]

**Article 10: [The World Information Network] [Information systems]  
on Plant Genetic Resources for Food and Agriculture]**

[10.1 The Parties shall cooperate to set up a global information network on scientific, technical, environmental, and commercial matters relating to plant genetic resources for food and agriculture.]

OR

[10.1 [The World Information Network][Information systems] on plant genetic resources for food and agriculture [(WIN/PGRFA)] will be developed and strengthened to improve the knowledge and the understanding of the importance of plant genetic resources for food and agriculture, [rationalize existing collections,] facilitate the use of collections [and ensure] and strengthen regional and international cooperation. Modalities of the functioning of [the Network][information systems] should be as simple and cost-effective as possible, building, *inter alia*, on relevant existing [systems][arrangements].]

[10.2 Parties who are granted access to plant genetic resources for food and agriculture shall disclose and/or transmit to the country of origin or to the body designated to administer the multilateral system, as appropriate, at least once in a year, information on:

- (a) the status of the genetic resources it has received or accessed;
- (b) the newly discovered uses, if any, of the genetic resources it has received or accessed;
- (c) material under development for commercialization including varieties, cultivars and breeders' lines; and
- (d) if there is more than one country of origin, the share of the genetic resource of each country that has gone into making the commercialized variety. ]

[10.3 Based on notification by parties, early warning should be provided about hazards that threaten the efficient maintenance of plant genetic resources for food and agriculture, with a view to safeguarding the material.]

[10.4 Parties shall cooperate, through the appropriate international organizations, to undertake a periodic reassessment of the state of the world's plant genetic resources for food and agriculture in order to facilitate the updating of the rolling Global Plan of Action provided for in Article 8*bis*.]

### **Article 11 - Access to plant genetic resources for food and agriculture**

11.1<sup>1</sup> Parties recognize the sovereign rights of States over their plant genetic resources for food and agriculture, including that the authority to determine access to those resources rests with the national governments and is subject to national legislation, and in the exercise of their sovereign rights, Parties shall facilitate access without imposing restrictions that run counter to the Convention on Biological Diversity and this Undertaking.

[11.1 and 11.2 In furtherance of the Convention on Biological Diversity, Parties shall facilitate access to their plant genetic resources for food and agriculture without imposing restrictions that run counter to the Convention on Biological Diversity and this Undertaking, and in a manner which is efficient, effective and transparent.

<sup>1</sup>

The United States of America reserved its position with respect to Article 11.1.

11.2 Parties agree to establish a multilateral system, which is efficient, effective, and transparent, 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, including, *inter alia*, the [appropriate] transfer of [relevant] technology, capacity-building, [appropriate] exchange of [relevant] information and [appropriate] funding. Parties recognise that access to plant genetic resources for food and agriculture is a major benefit to the [Parties/participants] of this multilateral system.

11.3.1 Access to material included in the multilateral system shall be provided expeditiously and free of charge, or where a fee is charged, this shall not exceed the minimal costs involved.

[11.3.2 Recipients of genetic material must be informed that by acceptance they:

- (a) undertake that it will be used for purposes of research, breeding or training in food and agriculture;
- (b) understand that any other use of this material may be subject to different conditions in accordance with the Convention on Biological Diversity;
- (c) agree that the material received will not be given to a third party without the prior informed consent of the donor; and
- (d) will not claim rights that limit the facilitated access to and/or utilization of the plant genetic resources for food and agriculture obtained.

11.3.2bis Providers of material undertake, by acceptance of the rules of the multilateral system stated in Annex \*\*;

- (a) to provide adequate information on the material; and
- (b) that where the acquisition is subject to specific conditions, access shall be provided consistent with these conditions.

11.3.2tris [Parties/participants] to the multilateral system agree that:

- (a) access to material protected by intellectual property rights will be consistent with the relevant international legislation; and
- (b) proprietary breeders' lines, farming breeding materials and other material under development will be at the discretion of their developers during the period of their development.]

OR

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[11.3.2 Recipients of genetic material, by virtue of this Article, accept:

- (a) that it will be used exclusively for purposes of research, breeding and training;
- (b) that any use other than the above will be subject to other provisions, in accordance with the Convention on Biological Diversity, especially with regard to the fair and equitable sharing of the benefits resulting from such use;
- (c) to undertake to share with the country of origin the information generated and facilitate access to the technology developed in the above mentioned activities, under preferential and concessional terms;
- (d) to agree that the material received will not be given to a third party without the prior consent of the party providing the material;
- (e) to undertake not to claim proprietary rights over the materials received, or parts thereof, or extracts obtained from them; and
- (f) that access to proprietary breeders' lines, farmers' varieties and other material under development, will be at the discretion of their developers during the period of their development.]

OR

[11.3.2 Recipients of plant genetic resources for food and agriculture within this Multilateral System shall be informed that, by virtue of this Article, they are committed to:

- (a) undertake that it will be used exclusively for purposes of research, breeding or training in food and agriculture;
- (b) all uses of plant genetic resources for food and agricultural purposes, including commercial, shall be subject to fair and equitable benefit-sharing, within this Multilateral System;
- (c) any use other than for food and agricultural purposes, shall be subject to the provisions of the Convention on Biological Diversity, with regard to the fair and equitable sharing of the resulting benefits;
- (d) agree that the material received will not be given to non-parties to this Undertaking;
- (e) not to claim rights that limit the facilitated access to and/or utilization of the plant genetic resources for food and agriculture obtained;
- (f) proprietary breeders' lines, farming breeding materials, and other material under development will be at the discretion of their developers during the period of their development.]

11.3.3 [Under the multilateral system, Parties shall provide or allow for access for research, breeding or training, for food and agriculture, to the following plant genetic resources for food and agriculture, held in collections designated by their national governments:

- (i) all material listed in Annex I to Article 11 of this Undertaking; and
- (ii) material not listed in Annex I, acquired prior to the entry into force of this Undertaking, provided that access to any such material acquired subject to specific conditions shall be in accordance with such conditions.]

11.3.4 The Parties agree to grant other Parties to this Undertaking, access to plant genetic resources for food and agriculture in accordance with the following provisions:

(a) access to the plant genetic resources [described in Annex I] to this Undertaking shall be in accordance with the multilateral system described in this Article;

(b) access to plant genetic resources for food and agriculture not listed in [Annex I to ]this Undertaking shall be determined by the contracting parties concerned on mutually agreed terms, keeping in view the provisions of the Convention on Biological Diversity.

[11.3.5 The [Governing Body] shall keep Annex I under review with a view to [extending] [increasing] its scope [and ultimately achieving a more complete coverage of plant genetic resources for food and agriculture]. Amendments to the Annex shall be in accordance with the procedures set out in Article \*\* of this Undertaking.]

11.3.6 (a) Parties shall take legislative, administrative or policy measures, as appropriate, to [promote][ensure] the participation in the Multilateral System of entities within their jurisdiction. Relations between the Party and the participant shall be governed by applicable domestic law. The Party shall, however, require that the participant assume the obligations stipulated within the Multilateral System, and not act in a manner that violates obligations which the Party has accepted under this Undertaking, or under related international agreements.

(b) The conditions of access, as set out in this Undertaking, shall also apply to plant genetic resources for food and agriculture held by those International Agricultural Research Centres that notify the depository of their formal acceptance to be bound by the relevant provisions of this Undertaking.

(c) States Party to this Undertaking shall not impose any conditions to access to germplasm held in the collections of any International Agricultural Research Centre.

**ANNEX TO ARTICLE 11**  
**Tentative list of crops for Annex I**

<u>Common name</u>	<u>Genus<sup>1</sup></u>	<u>Common name</u>	<u>Genus<sup>1</sup></u>
Rice	<i>Oryza</i>		<i>Bothriochloa</i>
Oats	<i>Avena</i>		<i>Cenchrus</i>
Rye	<i>Secale</i>		<i>Chloris</i>
Barley	<i>Hordeum</i>		<i>Cynodon</i>
Millet	<i>Pennisetum</i>		<i>Dactylis</i>
	<i>Setaria</i>		<i>Elymus</i>
	<i>Panicum</i>		<i>Festuca</i>
	<i>Eleusine</i>		<i>Hyparrhenia</i>
	<i>Digitaria</i>		<i>Ischaemum</i>
	<i>Zea</i>		<i>Lolium</i>
Maize	<i>Sorghum</i>		<i>Melinis</i>
Sorghum	<i>Triticum</i>		<i>Panicum</i>
Wheat	<i>Arachis</i>		<i>Paspalum</i>
Peanut	<i>Vigna</i>		<i>Pennisetum</i>
Cowpea	<i>Pisum</i>		<i>Phalaris</i>
Pea	<i>Phaseolus</i>		<i>Phleum</i>
Beans	<i>Lens</i>		<i>Poa</i>
Lentils	<i>Glycine</i>		<i>Schizachyrium</i>
Soybean	<i>Solanum</i>		<i>Setaria</i>
Potato	<i>Ipomoea</i>		<i>Themeda</i>
Sweet potato	<i>Dioscorea</i>	Legumes ( <i>Leguminosae</i> )	
Yams	<i>Manihot</i>		<i>Aeschynomene</i>
Cassava	<i>Musa</i>		<i>Alysicarpus</i>
Bananas, plantains	<i>Citrus</i>		<i>Arachis</i>
Citrus	<i>Saccharum</i>		<i>Bauhinia</i>
Sugarcane	<i>Beta</i>		<i>Calopogonium</i>
Beet	<i>Cucurbita</i>		<i>Canavalia</i>
Pumpkins, squashes	<i>Lycopersicon</i>		<i>Centrosema</i>
Pumpkin	<i>Cocos</i>		<i>Clitoria</i>
Coconut			<i>Coronilla</i>
	<i>Xanthosoma</i>		<i>Desmodium</i>
Tannia	<i>Colocasia</i>		<i>Dioclea</i>
Taro	<i>Brassica</i>		<i>Galactia</i>
Cabbages, rape, mustards	<i>Allium</i>		<i>Indigofera</i>
Onion, leek, garlic	<i>Cicer</i>		<i>Lablab</i>
Chickpea	<i>Vicia</i>		<i>Lathyrus</i>
Faba bean	<i>Cajanus</i>		<i>Lespedeza</i>
Pigeon pea	<i>Cucumis</i>		<i>Leucaena</i>
Melons	<i>Linum</i>		<i>Lotus</i>
Flax	<i>Helianthus</i>		<i>Lupinus</i>
Sunflower			<i>Macroptilium</i>
	<i>Gossypium</i>		<i>Medicago</i>
Cotton	<i>Elaeis</i>		<i>Melilotus</i>
Oil palm			<i>Neonotonia</i>
			<i>Onobrychis</i>
Forages			<i>Pueraria</i>
Grasses ( <i>Gramineae</i> )	<i>Agropyron</i>		<i>Stizolobium</i>
	<i>Agrostis</i>		<i>Stylosanthes</i>
	<i>Alopecurus</i>		<i>Teramnus</i>
	<i>Andropogon</i>		<i>Tephrosia</i>
	<i>Arrhenatherum</i>		<i>Trifolium</i>
	<i>Axonopus</i>		<i>Trigonella</i>
	<i>Brachiaria</i>		<i>Vetiveria</i>
	<i>Bromus</i>		<i>Zornia</i>

<sup>1</sup> Genera are indicated only to clarify to which genus a particular crop belongs.



*NOTE: The Articles numbered 11.3 to 11.7 below are consolidated text, prepared by the Bureau at its Seventh Session, which the Fourth Extraordinary Session did not have time to consider*

[11.3 Any Party may propose an amendment to Annexes A, B and C for consideration by the CGRFA. The text of the proposed amendment shall be communicated by the Secretariat of the CGRFA to Parties at least three months before its meeting.

11.4 Parties agree that plant genetic resources received under the terms of this Undertaking for use for food and agriculture and later utilized for any other commercial purposes shall also be obliged to ensure fair and equitable benefit-sharing arising from such non-agricultural use.

11.5 Access to the material in the International Network will be allowed to non-participants under specific conditions to be negotiated by the [FAO CGRFA]/[governing body].

11.6 Prior to being granted access, applicants for access shall meet the requirements set out in any generally agreed international standards, including in particular the FAO Code of Conduct for Collecting and Transfer of Plant Germplasm.

11.7 Access to proprietary breeders' lines and farmers' varieties under development will be at the discretion of their developers during the period of their development, provided that the exercise of this discretion does not run counter to the objectives of this Undertaking.]

### **Article 12 - Farmers' Rights**<sup>1; 2</sup>

12.1 (a) Parties recognize the enormous contribution that 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.

(b) [These contributions form [the]/[a] basis for [ [recognizing F/farmers' R/rights as they relate to plant genetic resources for food and agriculture ] [, as elaborated in Article 12.3] [and for undertaking] [the concept of farmers' rights]/[the concept of Farmers' Rights]/ [Farmers' Rights] [as dealt with in FAO Resolution 5/89 [and other relevant FAO resolutions] ] [to be addressed at the national level by] ] / [ ] appropriate measures [ [reflecting national capacities and needs,] [which are non-discriminatory and non-trade-distorting,] ] necessary for Parties and/or farmers to continue to conserve, manage and improve plant genetic resources for food and agriculture.]

<sup>1</sup> Definitions are required for Farmers' Rights, farmers and farming communities throughout the entire text.

<sup>2</sup> The European Region proposes for the purpose of the Undertaking that farmers and farming communities include indigenous and local communities embodying traditional lifestyles relevant for the conservation and

12.2 [Parties recognize that the [principal] responsibility for realizing [the rights of [their] farmers, as they related to PGRFA,] [Farmers' Rights] [individually and/or collectively, where recognized by national law], rests with [the national government] [national governments] [and the international community, as a beneficiary of the PGR developed and conserved by farmers]. The international community[, as a beneficiary of the PGR developed and conserved by farmers, also has the responsibility to][recognize Farmers' Rights and to][will] assist national governments for the purpose of [ensuring/encouraging] equitable benefits to present and future generations of farmers and farming [and indigenous] communities. ]

OR

[Parties recognize the need to promote the efforts of their farmers to conserve and sustainably use plant genetic resources for food and agriculture.]

12.3 [Each Party / Parties] [shall / should] therefore, as appropriate, take measures, including administrative, policy and legislative measures, according to [its needs and priorities] / [ their respective priorities], to:

(a) Assist their farmers and [traditional] farming communities, [especially in areas of origin/diversity of plant genetic resources,] in contributing to the evolution, conservation, improvement, evaluation and sustainable use of plant genetic resources for food and agriculture, through the participation in and establishment or strengthening of appropriate arrangements, [and the participation of their farmers and their [traditional] farming communities therein] such as:

- (i) national [and regional] germplasm programmes;
- (ii) initiatives that promote the use of, and research into, crops which are not widely used.

(b) [ [Subject to national legislation,] Ensure that international programmes [directly] benefit farmers by furthering their activities to conserve and sustainably use plant genetic resources for food and agriculture.]

OR

[Work with relevant international programmes to benefit farmers and to] further their activities to conserve and sustainably use plant genetic resources for food and agriculture.]

(c) [Actively implement the measures referred to in Article \*\*,<sup>1</sup> in accordance with their national capacities, so contributing to ensure benefits to farmers and [their] [traditional / farming /indigenous and local] communities.]

(d) Support measures for research, training and institutional capacity building activities at the local level, with the [full] participation of the communities concerned, particularly focusing on women farmers, [ [including / and] measures for [review of] credit facilities and market provisions.] [governing farmers' access to plant genetic resources for enhancing traditional genetic resources, development and the exchange systems through, *inter alia*, the removal of financial and market barriers against such systems, for conservation, development and

<sup>1</sup> The European Region proposes titling Article \*\* (Article 5 in IUND/4) "National commitment towards the

sustainable use, and transfer of technology that protect, integrate, enhance and develop [traditional farmers' / farmers' traditional] knowledge, know-how and practices.]

(e) [Facilitate the [integration] of [traditional farmers' / farmers' traditional] knowledge, know-how and practices, with modern technologies, as appropriate.]

(f) Promote national and international scientific and technological agricultural research that supports and enhances, as appropriate, farmer-based knowledge systems related to plant genetic resources for food and agriculture.

(g) [Recognize and protect traditional rights of farmers and their communities to keep, use, exchange, share and market their seeds and any other plant reproductive material, including the right to re-use farm-saved seed.]

OR

[ [In accordance with national legislation,] Recognize [and protect] traditional [practices and] rights of farmers and their communities to keep, use, exchange, share and market [their] [/ [farmers' varieties /] landraces] [[seeds and [any other / their] plant reproductive material], [of their local or farmer varieties,] including the right to re-use [their] farm-saved seed [under UPOV] [as appropriate].]

OR

Protect the ability of farmers and their communities to keep and use, including the ability to re-use, their farm-saved seed and their other plant reproductive material: as well as [consistent with national legislation, exchange, share and market seeds and other plant reproductive materials in the public domain. ]

OR

[Protect, consistent with national and international legislation, as appropriate, the ability of farmers and their communities to keep, use, exchange, share and market seed and other plant reproductive materials of their farmers' varieties / landraces. ]

(h) [Establish and implement an international fund (referred to in Article \*\*) and develop its operational mechanism to ensure conservation and sustainable use of plant genetic resources, and traditional farmers' knowledge, facilitate and ensure access to new technologies and equitable sharing of benefits derived from the products obtained through the use of plant genetic resources for the benefit of present and future generations of farmers.]

OR

[Make appropriate efforts to mobilize adequate financial resources to support farmers activities to conserve and use sustainably plant genetic resources for food and agriculture

[without restricting or distorting trade]. In this regard, they should seek the full use and qualitative improvement of all national, bilateral and multilateral funding sources and mechanisms and the involvement of private sector sources and mechanisms, including NGOs.]

(i) [[Subject to national legislation, encourage] Recognize and [ensure the rights of [their] farmers in [fully] sharing]] [endeavour to share] the benefits arising from the [direct] use of plant genetic resources on a fair and equitable basis, [and] as mutually agreed, including [through transfer of technology,] participation in research, and access to the results of research and development,[where appropriate,] derived [at present, and in the future,] from the improved use of plant genetic resources through plant breeding[. and other modern scientific methods, as well as from their commercial use.]

(j) [Ensure that the [individual and/or] collective knowledge and plant genetic resources for food and agriculture held and developed by farmers and [farming / local] communities are protected and promoted by adopting and implementing appropriate legislation [in the form of a collective rights regime] that provides for the adequate protection of traditional or indigenous knowledge, innovations, materials and practices of and by farmers and [farming / local] communities [and promote the equitable sharing of benefits arising from the utilization of their plant genetic resources for food and agriculture] .]

(k) [Promote on the national level legal protection systems [and/or other mechanisms] in order to render effective the rights of farmers [and / relating to] the fair and equitable sharing of the benefits arising out of the utilization of plant genetic resources for food and agriculture.]

OR

[Establish systems on the national level[, including *sui generis* systems,] as appropriate, [pertaining to] / [to ensure / promote] the fair and equitable sharing of the benefits arising out of the utilization of plant genetic resources for food and agriculture .]

(l) [Promote the establishment and advise on the development of an international *sui generis* system for the recognition, protection and compensation of knowledge, innovations and practices of farmers and traditional communities.]

(m) To [promote] [ensure] the participation of [their] farmers and local farming communities in the [reviewing and] implementation of measures provided under this [Undertaking][Article] [and the International Fund referred to in Article \*\*], which [may][shall] include the initiation of [permanent and ] flexible consultative processes to meet this aim [and participation in the development and implementation of legislative measures on Farmers' Rights at national and international levels].

(n) [Ensure that the prior informed consent of the concerned farmers and local communities is obtained before the collection of plant resources is undertaken; adapt current variety registration systems so as to identify and record, as appropriate, varieties of plant genetic resources provided by farmers and farming communities; and require disclosure of the origin of plant genetic resources utilized in the development of commercial varieties.]

- (o) [Review, assess and, if appropriate, modify intellectual property rights systems, land tenure, and seed laws in order to ensure their harmony with the provisions of this Article.]

**Article 13 - [Intergovernmental Body,] Monitoring of activities and related action by [FAO]**

*NOTE: The Commission decided to defer discussion of this Article*

**Article 14 - Financial Security**

*NOTE: The Commission decided to defer discussion of this Article*

## Appendix D

### **Proposals on Benefit-Sharing submitted by the African Region, by the European Region, and by Malaysia to the Fourth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture**

#### 1. PROPOSAL ON BENEFIT-SHARING FROM THE AFRICAN REGION

- a) Parties shall create a system of collecting and disseminating technical information resulting from research and development on the genetic resources in the Multilateral System.
- b) Parties shall develop a system of identifying the technological needs of Parties particularly developing country Parties, for research in and development of the crops in the Multilateral System and arrange for the transfer of these technologies including the provision of training.
- c) Parties agree that intellectual property rights protection over propagating material shall not apply in the country or countries of origin of material that has gone into its pedigree.
- d) Each Party shall adopt national legislation and institutional arrangements that prevent unauthorized access to plant genetic resources for food and agriculture.

Either:

- e) Parties shall neither grant nor recognize intellectual property rights protection to the plant genetic resources for food and agriculture in the Multilateral System.

or:

e.1) The recipient shall, in accordance with the formula in the following paragraph, share benefits arising from the commercial use of material which has been derived from plant genetic resources in the Multilateral System and for which intellectual property rights protection has been obtained.

e.2) The amount of contribution to the fund as referred to in (e.1) shall be [ten percent] of the value of the commodity produced using intellectual property rights protected material, process, or product derived from the genetic resource received.

e.3) Parties shall establish a fund for the implementation of activities under this Undertaking. The fund shall derive its financial resources from the commercialization of crop genetic resources in the Multilateral System, from the financial mechanism of the Convention on Biological Diversity, as well as from any voluntary contributions and other sources that the Conference of the Parties to this Undertaking may decide upon.

e.4) For plant genetic resources collected after the entry into force of the [International Undertaking] [the Convention on Biological Diversity] and where the country of origin is known, half of the financial benefits accruing from commercialization shall flow to that country.

In other cases, the Conference of the Parties to this Undertaking shall develop an index for each country as regards each crop in the Multilateral System to reflect the genetic diversity of that crop in that country in relation to the global genetic diversity of that crop. Half of the financial benefits derived from the commercialization of that crop and deposited in the fund in accordance with paragraph (e.3) above shall be divided among the country Parties in proportion to their respective indices.

f) Parties shall ensure that benefits arising from the commercialization of plant genetic resources outside of the Multilateral System are shared with the country or countries of origin in a fair and equitable manner based on mutually agreed terms.

The Party in whose jurisdiction the recipient operates shall, therefore, through its competent authority, ensure the conformity of the recipient's conduct with the requirements

of this Undertaking and guarantee the fair and equitable sharing of benefits arising from the commercialization of plant genetic resources.

## 2. PROPOSAL ON BENEFIT-SHARING UNDER THE MULTILATERAL SYSTEM, SUBMITTED BY THE EUROPEAN REGION

1 Parties agree to a multiple approach on benefit sharing, acknowledging that:

- (a) benefits arising from the utilization of plant genetic resources for food and agriculture are diverse;
- (b) benefits are shared through the multilateral system, independently of the individual transactions between [Parties] [participants];
- (c) the benefit sharing should be transparent and governed by [Parties] [participants], according to agreed rules;
- (d) the benefit sharing should, *inter alia*, contribute to long-term food security and sustainable agriculture, at local, regional and global levels.

2 The benefits to be shared under this [Undertaking] shall include :

- the conservation and sustainable use of plant genetic resources for food and agriculture;
- facilitated mutual access to plant genetic resources for food and agriculture;
- facilitated access to information on plant genetic resources for food and agriculture;
- promote access to existing financial mechanisms;
- increased availability of adapted high-quality planting materials;
- cooperation in collection, research, training, technology transfer and capacity building relating to, *inter alia*, the legal and economic aspects of plant genetic resources for food and agriculture;
- broader existing regional networks, and new regional networks where appropriate [as specified under Articles 9 and 10];

3 [Parties] [participants] who participate in the multilateral system are entitled to benefits accruing from the exchange of material listed in Annex 1

4 The benefits shall be realized through a multi-stakeholder approach which offers cost effectiveness and reduces duplication. This entails:

- (a) the functioning of the multilateral system, through [the development of] integrated strategies and methodologies, networks, joint programmes and activities;
- (b) inputs provided to the multilateral system by [Parties] [participants], to include as appropriate elements of the benefits as described [above]; and
- (c) improved coordination of existing mechanisms and systems.

5 The individual [Parties] to this [Undertaking] shall endeavour to share fairly and equitably the benefits arising from the utilization of plant genetic resources for food and agriculture[, in accordance with article 12].

## 3. PROPOSAL ON BENEFIT-SHARING SUBMITTED BY MALAYSIA

Each Party to this Undertaking undertakes to pay into the International Fund to be established under Article \*\* an annual contribution representing \*\* percent of the value of the crops produced in its territory through the use of plant genetic resources for food and agriculture

listed in Annex I to this Undertaking where such crops are produced from or through plant genetic materials or related processes in respect of which intellectual property protection has been sought under its national legislation. For this purpose, the value of the crops shall be calculated on the basis of the hectarage of the crops harvested multiplied by the average national yield per hectare for those crops and the average ex-farm price for the current year.



## Appendix E

### **Statements by the FAO Legal Office and by Observers during the Fourth Extraordinary Session of the Commission on Genetic Resources for Food and Agriculture regarding various paragraphs (12.3 (l) and (o) of Article 12**

#### 1. INTERVENTION OF THE LEGAL ADVISER, IN THE OPEN-ENDED GROUP (Afternoon, 4 December 1997)

The distinguished delegates of Colombia and the Netherlands raised a question concerning the relationship and compatibility, if any, of paragraph (l) of Article 12.3, as proposed on page 8 of Document CGRFA/IUND/4 Rev.1 Add.1, with the provisions of the TRIPS<sup>1</sup> Agreement.

Such paragraph has a relationship with Art. 27.3(b) of the TRIPS Agreement insofar as it makes reference to a *sui generis* system of protection. The system proposed in paragraph (l) for the recognition, protection and compensation of knowledge, innovations and practices of farmers and traditional communities is undoubtedly compatible with the *sui generis* system of plant variety protection of the TRIPS Agreement.

In fact, the concept of a *sui generis* system in the TRIPS Agreement is a very general concept that allows States to exercise ample discretion. The TRIPS Agreement does not give any direct indication on the elements or components that should be included in the *sui generis* system; nor does it require to follow the criteria of UPOV<sup>2</sup>, which is already a *sui generis* system of plant variety protection although not the only possible one. Nevertheless, it is possible to infer, from the general context of the TRIPS Agreement, some of the minimum requirements of the *sui generis* system, namely: (i) it should be, at least in a broad sense, a system to protect intellectual property rights; (ii) it should be applicable, in principle, to all traded plant varieties; (iii) it should be effective, that is, enforceable; (iv) it should be non-discriminatory as regards the country of origin of the applicant (principle of national treatment); and (v) it should accord the most-favoured-nation treatment.

To these elements, each sovereign State may add other elements of predominantly technical character (concerning, for instance, a new definition of the protectable subject-matter, new or different requirements of protection, broader scope and duration of protection) or of more political nature (for instance, access to genetic resources, sharing of benefits and recognition of knowledge of farmers and traditional communities).

The TRIPS Agreement does not include, as an essential element of the *sui generis* system for plant variety protection, the recognition of knowledge of farmers and traditional communities; but such recognition could be added as an additional element. Another question is whether such recognition and the principles deriving from the Convention on Biological Diversity such as access and sharing of benefits should be combined in a single comprehensive act on plant variety protection or whether they should be treated in separate acts. This is a question that has to be decided by each State.

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<sup>1</sup> Trade-related intellectual property rights

<sup>2</sup> International Union for the Protection of New Varieties of Plants

## 2. STATEMENT BY THE OBSERVER FOR THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)<sup>1</sup>

The expression “a *sui generis* system of protection” in effect means “a special system of protection designed for a specific subject matter. Protection of plant varieties under the UPOV Convention is an example of such a system.” It is designed only to protect plant varieties and is not adapted to the protection of indigenous knowledge.

The TRIPS Agreement establishes mandatory minimum standards of intellectual property protection that must be available in World Trade Organization (WTO) members’ territories. It requires that plant varieties be protected by the patent system or an effective *sui generis* system of protection or a combination of these systems. It does not require or forbid the protection of indigenous knowledge.

The programme of the World Intellectual Property Organization (WIPO) for 1998/99 includes the examination of work of the possibility of protecting indigenous knowledge.

## 3. STATEMENT BY THE OBSERVER FOR THE INTERNATIONAL ASSOCIATION OF PLANT BREEDERS FOR THE PROTECTION OF PLANT VARIETIES (ASSINSEL)<sup>2</sup> CONCERNING PARAGRAPH 12.3 (o) OF ARTICLE 12 ON FARMERS’ RIGHTS

L’ASSINSEL considère que le paragraphe 12.3.(o) de l’Article 12 sur les «droits des agriculteurs» n’est pas justifié et devrait être supprimé, car il faut savoir que les systèmes actuels en matière de protection de la propriété intellectuelle s’appliquant aux variétés végétales, ainsi que les législations semencières ne vont pas contre les principes de l’Article 12, tel que négocié dans le cadre de la révision de l’Engagement international, bien au contraire.

En effet, les systèmes actuels en matière de protection des variétés, et plus particulièrement l’Acte 1991 de la Convention internationale pour la protection des obtentions végétales de l’UPOV, contiennent trois clauses permettant de partager les bénéfices résultant de l’utilisation des ressources phylogénétiques et par conséquent de concrétiser le concept de droits des agriculteurs:

1. La clause d’«exception du sélectionneur», qui permet d’accéder librement aux variétés protégées et commercialisées dans un but de recherche ou d’utilisation dans un programme de sélection pour la création d’une nouvelle variété.
2. La clause des «actes accomplis à des fins non commerciales», qui stipule que le droit d’obteneur ne s’étend pas aux actes accomplis dans un cadre privé à des fins non commerciales. Ainsi, le droit d’obteneur ne s’applique pas aux petits agriculteurs pratiquant une agriculture de subsistance, qui représentent souvent plus de 90% des agriculteurs dans les pays en développement, leur permettant ainsi d’améliorer leur sécurité alimentaire.
3. La clause des «semences de ferme», qui permet aux agriculteurs, dans des limites raisonnables et sous réserve de la sauvegarde des intérêts légitimes de l’obteneur, de produire leur propre semence de ferme pour les besoins de leur exploitation. Dans ce cadre, chaque état a la latitude de déterminer le niveau de compensation qui doit être fournie à l’obteneur par l’agriculteur, afin de compenser les royalties non perçues sur les semences commerciales ou certifiées.

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<sup>1</sup> UPOV is an inter-governmental organization.

<sup>2</sup> ASSINSEL is an NGO.

En matière de législation semencière, il faut savoir que les petits agriculteurs impliqués dans l'agriculture de subsistance dans les pays en développement, utilisent en général plus de 90% de semences de ferme, pour lesquelles les normes relatives à l'inscription des variétés au catalogue officiel et à la certification des semences ne s'appliquent pas. En conséquence, les législations semencières ne peuvent en aucun cas nuire à la mise en œuvre des droits des agriculteurs en général, ni au droit des agriculteurs d'utiliser leurs variétés locales en particulier.

#### 4. STATEMENT BY THE OBSERVER FOR THE RURAL ADVANCEMENT FOUNDATION INTERNATIONAL (RAFI)<sup>1</sup>

Interesting and praiseworthy initiatives were being taken to safeguard Farmers' Rights and indigenous knowledge in a number of countries. Among the most significant are legislative approaches underway in Bolivia, Brazil, Colombia, Ethiopia, India, Philippines, and Thailand. Many governments and farmers' organizations are exploring *sui generis* systems for the protection of Farmers' Rights both within the framework of intellectual property law and outside of patent-like regimes in the realm of "collective rights". RAFI has monitored the development of intellectual property systems for twenty years and it has concluded that such models - based upon civil law and requiring communities to defend their rights in civil courts - are not appropriate. Given that the average cost of defending a patent is approximately US\$ 250,000, a farming community would have to have its own lawyers in at least Tokyo, Washington and Munich in order to protect its interests.

#### 5. STATEMENT BY THE OBSERVER FOR THE GAIA FOUNDATION<sup>2</sup>

We believe it is crucial that the negotiators at this FAO forum realise that their responsibility is to develop mechanisms to protect genetic diversity for food and agriculture, and the associated collective rights of the communities which generate and conserve this biological diversity.

As the power of transnational companies concentrates in the hands of ever fewer corporations, which have enormous capacity to assert commercial rights through the World Trade Organisation (WTO), so the CBD and FAO have to strengthen their capacity to be a counterbalancing force to protect biodiversity and people's rights. The strengthening of corporate rights over biological diversity is being forced upon the world at a tremendous speed, as we have seen with the European Patent Directive. In this directive, the CBD commitments of the European governments have been ignored, as has the groundswell of civil society rejection of the directive. Democracy is being radically undermined in this way all over the world.

In the next decade governments are going to have to have the courage and will to balance the power of the corporations by strengthening the rights of other interest groups in the society to which they are responsible. Governments are voted in to protect and balance the different interests of society, not to give in to the pressure of the most powerful.

This forum is here to protect genetic diversity and people's rights, and not to concede its responsibility to the trade related forum of WTO/ TRIPs. This would be utterly irresponsible.

We urge the negotiators here to speed up the process of asserting, developing and implementing collective farmers' rights in order to correct the asymmetry of rights that exists right now. Democracy requires that on biodiversity related issues the CBD and the FAO take precedence over the general trade related fora such as WTO/ TRIPs.

The serious erosion of genetic diversity and associated peoples' collective rights will obviously never be protected in TRIPs. It is now more urgent than ever for negotiators to stand firm and get on with their mandate to strengthen the world's capacity to recuperate and conserve genetic diversity and the related collective knowledge systems and rights. If not, the

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<sup>1</sup> RAFI is an NGO.

<sup>2</sup> The GAIA Foundation is a non-governmental organization.

CBD and FAO will wither away and die, together with the genetic diversity and livelihood systems that nurture it, as corporate free trade encloses and suffocates all other freedoms and options.

## Appendix F

### MEMBERS OF THE FAO COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE (as of December 1997)

<b>AFRICA</b>	<b>ASIA AND THE SOUTH WEST PACIFIC</b>	<b>EUROPE</b>	<b>LATIN AMERICA AND THE CARIBBEAN</b>
Algeria*	Australia*	Albania	Antigua and Barbuda*
Angola*	Bangladesh*	Armenia	Argentina*
Benin*	China	Austria*	Bahamas*
Botswana	Democrat. People's	Belgium*	Barbados*
Burkina Faso*	Rep. of Korea*	Bosnia and	Belize*
Burundi	Fiji*	Herzegovina	Bolivia*
Cameroon*	India*	Bulgaria*	Brazil
Cape Verde*	Indonesia	Croatia	Chile*
Central African Republic*	Japan	Cyprus*	Colombia*
Chad*	Korea, Rep. of*	Czech Republic*	Costa Rica*
Comoros*	Malaysia	Denmark*	Cuba*
Congo, Rep. of*	Maldives	Estonia	Dominica*
Congo, Dem. Rep. of the	Mongolia	European Community	Dominican Rep.*
Côte d'Ivoire*	Myanmar	Finland*	Ecuador*
Equatorial Guinea*	Nepal*	France*	El Salvador*
Eritrea	New Zealand*	Georgia	Grenada*
Ethiopia*	Pakistan	Germany*	Guatemala
Gabon*	Papua New Guinea*	Greece*	Guyana
Gambia	Philippines*	Hungary*	Haiti*
Ghana*	Samoa*	Iceland*	Honduras*
Guinea*	Solomon Islands*	Ireland*	Jamaica*
Guinea-Bissau	Sri Lanka*	Israel*	Mexico*
Kenya*	Thailand	Italy*	Nicaragua*
Lesotho	Tonga*	Latvia	Panama*
Liberia*	Vanuatu	Lithuania	Paraguay*
Madagascar*	Vietnam	Malta	Peru*
Malawi*		Netherlands*	Saint Christopher
Mali*	<b>NEAR EAST</b>	Norway*	and Nevis
Mauritania*	Afghanistan	Poland*	Saint Lucia
Mauritius*	Azerbaijan	Portugal*	Saint Vincent and
Morocco*	Egypt*	Romania*	the Grenadines
Mozambique*	Iran*	Slovakia	Suriname
Niger*	Iraq*	Slovenia	Trinidad and
Nigeria*	Jordan	Spain*	Tobago*
Rwanda*	Lebanon*	Sweden*	Uruguay
Senegal*	Libya*	Switzerland*	Venezuela
Sierra Leone*	Qatar	The Former Yugoslav Rep.	
South Africa*	Syria*	of Macedonia	<b>NORTH AMERICA</b>
Sudan*	Tunisia*	Turkey*	Canada
Swaziland	Yemen*	United Kingdom*	United States of
Tanzania*		Yugoslavia*	America
Togo*			
Uganda			
Zambia*			
Zimbabwe*			

**A total of 155 countries and the European Community are members of the Commission.**

\* The countries marked with an asterisk are members of the Commission that have adhered to the International Undertaking on Plant Genetic Resources. In addition, a further five countries (Bahrain, Kuwait, Liechtenstein, Oman and Russia) have also adhered to the International Undertaking. In total, 113 countries have adhered to the International Undertaking.

CGRFA-EX4/97/INF.4/Rev.1

December 1997

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**COMMISSION ON GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE  
COMMISSION DES RESSOURCES GENETIQUES POUR  
L'ALIMENTATION ET L'AGRICULTURE  
COMISION DE RECURSOS GENETICOS PARA LA ALIMENTACION Y  
LA AGRICULTURA**

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**Fourth Extraordinary Session - Quatrième session extraordinaire -  
Cuarta reunión extraordinaria**

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**Rome, 1-5 December 1997 - Rome, 1-5 décembre 1997 -  
Roma, 1-5 de diciembre de 1997**

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**LIST OF DELEGATES AND OBSERVERS  
LISTE DES DELEGUES ET OBSERVATEURS**

**Appendix G**

**LIST OF DELEGATES AND OBSERVERS  
LISTE DES DELEGUES ET OBSERVATEURS  
LISTA DE DELEGADOS Y OBSERVADORES**

Chairman  
Président  
Presidente

Fernando GERBASI (Venezuela)

Vice-Chairmen  
Vice-Présidents  
Vicepresidentes

Tewolde Berhan GEBRE EGZIABHER  
(Ethiopia)  
Gert KLEIJER (Switzerland)  
Eng Siang LIM (Malaysia)  
Andrew PEARSON (Australia)  
Mohammed TAEB  
(Islamic Republic of Iran)  
Ms Laurie TRACY  
(United States of America)

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MEMBRES DE LA COMMISSION  
MIEMBROS DE LA COMISION

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