



# COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

## Item 8 of the Provisional Agenda

### INTERGOVERNMENTAL TECHNICAL WORKING GROUP ON AQUATIC GENETIC RESOURCES FOR FOOD AND AGRICULTURE

#### Fifth Session

Rome, 18–20 September 2024

### OPTIONS FOR THE IDENTIFICATION OF NEW AND EMERGING ISSUES

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## I. INTRODUCTION

1. In agreeing on the Strategic Plan for the Commission on Genetic Resources for Food and Agriculture (2023–2031), the Commission, at its last session, requested the Secretariat to propose options for a procedure for the ad hoc identification of new and emerging issues for inclusion in the Multi-Year Programme of Work (MYPOW), for review by the intergovernmental technical working groups and the Commission at their next sessions.<sup>1</sup>

2. This document provides some background to the Commission's request, explores existing and possible new procedures through which new and emerging issues can or potentially could be identified ad hoc for consideration by the Commission.

## II. BACKGROUND

3. Since 2007, the Commission's MYPOW has guided the substantive work of the Commission.<sup>2</sup> In 2013, the Commission adopted the Strategic Plan 2014–2023, which, in addition to updating the MYPOW, specified the vision, mission and goals of the Commission. It also provided guidance with regard to its implementation, monitoring and review.<sup>3</sup> In 2017 and 2019, the Commission overhauled the Strategic Plan, redefined its goals in light of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) and identified five operative principles. The Strategic Plan 2019–2027 also identified activities to be undertaken in preparation for the Commission's Eighteenth and Nineteenth Regular Sessions.<sup>4</sup> In 2023, the Commission reviewed progress made since its Sixteenth Regular Session and agreed on the Strategic Plan 2023–2031.<sup>5</sup>

4. Throughout these years, the MYPOW has continued to be the main tool through which the Commission planned its future work and scheduled the delivery of its outputs and milestones.

5. The Strategic Plan 2023–2031<sup>6</sup> reflects the Commission's Framework for Action on Biodiversity for Food and Agriculture<sup>7</sup> as well as the Kunming-Montreal Global Biodiversity Framework.<sup>8</sup> Like its predecessors, it foresees progress reports as well as reviews of the major outputs and milestones of MYPOW for the Commission's Twenty-first (2027) and Twenty-third (2031) Regular Sessions. Thus, the Strategic Plan provides the opportunity to identify new issues for inclusion in the MYPOW only at every other session of the Commission, i.e. every four years. It was in this context that the Commission formulated its request to explore options for a procedure for the ad hoc identification of new and emerging issues, i.e. a procedure that would allow the Commission to identify and consider new and emerging issues without having to wait for a session at which a review and update of the MYPOW is foreseen.

## III. CURRENT PROCEDURES FOR BRINGING NEW ISSUES TO THE ATTENTION OF THE COMMISSION

6. According to the Commission's existing rules, Members may, at various junctures, bring new items to the attention of the Commission for its consideration. These items may be proposed: (i) for inclusion in the MYPOW; (ii) for inclusion in the provisional agenda prior to a session of the Commission; or (iii) for addition to the agenda after it has been adopted.

### *(i) Adding major outputs/milestones to the MYPOW*

7. The Strategic Plan 2023–2031 explicitly provides the Commission with the opportunity to review and update the major outputs and milestones scheduled for the Commission's next four sessions. However, currently, such a possibility is foreseen only for every other session (i.e. at the

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<sup>1</sup> [CGRFA-19/23/Report](#), paragraph 126.

<sup>2</sup> [CGRFA-11/07/Report](#), Appendix E.

<sup>3</sup> [CGRFA-14/13/Report](#), Appendix I.

<sup>4</sup> [CGRFA-17/19/Report](#), Appendix F.

<sup>5</sup> [CGRFA-19/23/Report](#), Appendix E.

<sup>6</sup> Ibid.

<sup>7</sup> FAO. 2022. *Framework for Action on Biodiversity for Food and Agriculture*. FAO Commission on Genetic Resources for Food and Agriculture. Rome. <https://doi.org/10.4060/cb8338en>

<sup>8</sup> [CBD/COP/DEC/15/4](#).

Twenty-first and Twenty-third Sessions), which implies that, following the usual practice, the Commission can only consider the addition of new items to the MYPOW two or four years after the preceding update of the MYPOW.

8. Only on rare occasions has the Commission amended its MYPOW outside the usual four-year review cycle under which it has the opportunity to schedule the consideration of new and emerging issues for the following session or the session thereafter. Examples include the Commission's Fourteenth Regular Session, at which it adopted a separate Programme of Work on Climate Change and Genetic Resources for Food and Agriculture (2013–2017)<sup>9</sup> and in addition amended the MYPOW, although no review of its work programme was foreseen for that session. Similarly, eight years later, at its Eighteenth Regular Session, the Commission adopted changes to the MYPOW outside the four-year review cycle. This time, the Commission amended the MYPOW to include the climate change work programme.<sup>10</sup>

*(ii) Adding new and emerging issues to the agenda prior to Commission sessions*

9. Any Members of the Commission may request the Director-General "normally less than 30 days before the date fixed for the opening of a session, to include an item in the provisional agenda." The Director-General shall thereupon circulate the proposed item to all Members of the Commission, together with any necessary documents. In adopting the agenda of the meeting, the Commission may decide whether the proposed additional agenda item should be considered.

10. The Commission's Rules of Procedure therefore provide a mechanism for the ad hoc identification and consideration of new and emerging issues. However, while the Director-General should circulate the "necessary documents" prior to the meeting, it is likely that documentation on issues whose inclusion in the provisional agenda has been requested fewer than 30 days prior to the meeting will not be comprehensive and, in addition, not be available in all languages. Even if it is agreed to consider new and emerging issues that have been put on the agenda at such short notice, it may often be difficult, if not impossible, for the Secretariat to provide the Commission with the background information necessary to allow it to consider the item in its full breadth and with all its implications.

*(iii) Adding new and emerging issues to the agenda at the beginning of a session*

11. Similar or even more severe difficulties may arise when a new and emerging issue is spontaneously added to the agenda during the session of the Commission, be it prior to or after the adoption of the agenda. The Commission's Rules of Procedure explicitly address the latter case and provide that "[a]fter the agenda has been adopted, the Commission may, by consensus, amend the agenda by the deletion, addition or modification of any item."<sup>11</sup> In such cases, it may usually be impossible to provide relevant documentation on the agenda item.

#### **IV. OPTIONS FOR THE IDENTIFICATION OF NEW AND EMERGING ISSUES**

12. Given the shortcomings of the existing procedures for proposing new and emerging issues for consideration by the Commission, be it through amendment of the MYPOW or a request for an amendment to the agenda of a session of the Commission, the Commission may wish to consider introducing a procedure that, on the one hand, will allow Members to propose at relatively short notice that the Commission consider an unscheduled issue and, on the other hand, will ensure that there is sufficient time to prepare the necessary documentation and facilitate in-depth consideration of the issue by the Commission. The existence of such a procedure could encourage Commission Members to contribute more actively to the preparation of Commission sessions and the Commission's work. It could also allow the Commission to react in a timely manner to new scientific, technological or policy

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<sup>9</sup> [CGRFA-14/13/Report](#), Appendix D.

<sup>10</sup> [CGRFA-18/21/Report](#), Appendix B.

<sup>11</sup> [Rules of Procedure](#), Rule VI.3.

developments and, if properly designed, allow the Secretariat to prepare relevant documentation in time for the Commission to review and reflect upon it.

*Gathering proposals for new and emerging issues*

13. Following comparable procedures of other fora,<sup>12</sup> the Commission's Rules of Procedure could allow Commission Members, and possibly observers, to submit, by a certain deadline, for instance within a period of 16 months following the end of the previous session of the Commission, proposals for new and emerging issues to be considered by the Commission at its next session.

*Proposals for new and emerging issues*

14. The Commission's Rules of Procedure could identify minimum information requirements that proposals for new and emerging issues should meet, for example information on:

- (i) why the new and emerging issue requires urgent attention by the Commission;
- (ii) how the new and emerging issue affects the Commission's Terms of Reference<sup>13</sup> and Goals;<sup>14</sup>
- (iii) the sectoral or cross-sectoral work stream under which the new and emerging issue should be discussed, as applicable;
- (iv) work on the issue already being undertaken by relevant organizations; and
- (v) credible sources of information.

*Review of proposals*

15. The Rules of Procedure could further provide for a procedure for the review of proposals.

16. The Rules of Procedure could mandate the Bureau of the Commission to review proposals for new and emerging issues and provide advice to the Director-General as to whether the issue should be included in the provisional agenda of the next session of the Commission.

17. Upon review of the proposal(s), the Director-General, in line with Rule VI.1 of the Rules of Procedure, could decide, in consultation with the Bureau of the Commission, if and how the proposed issue(s) appears in the provisional agenda.

18. It should be noted that, even if it is decided not to include the proposed new issue in the provisional agenda of the next session, any Member of the Commission could still request, in line with Rule VI.2 of the Rules of Procedure, the inclusion of the issue in the provisional agenda, in which case the proposed item would have to be circulated to all Members of the Commission, together with any necessary documents. In other words, the new procedure would not replace existing procedures, unless the Commission so decides.

*Criteria for the review of proposals*

19. In addition, the Rules of Procedure could define specific criteria on the basis of which new and emerging issues should be selected. These could include:

- (i) the relevance of the issue to the Commission's Terms of Reference and Goals;<sup>15</sup>
- (ii) new evidence of unexpected and significant impact of the issue on genetic resources/biodiversity for food and agriculture;
- (iii) the urgency of addressing the issue/imminence of issue with respect to the Goals of the Commission as well as the magnitude of the actual or potential impact on biodiversity;
- (iv) the impact of the identified issue on the conservation and sustainable use of genetic resources and biodiversity for food and agriculture;
- (v) evidence of the absence or limited availability of tools for limiting or mitigating the negative impact of the identified issue on the conservation and sustainable use of biodiversity;

<sup>12</sup> See, for example, [UNEP/CBD/COP/DEC/IX/29](#).

<sup>13</sup> See [Statutes of the Commission on Genetic Resources for Food and Agriculture](#), Section 2.

<sup>14</sup> [Strategic Plan for the Commission on Genetic Resources for Food and Agriculture \(2023–2031\)](#), p.1.

<sup>15</sup> See [Statutes of the Commission on Genetic Resources for Food and Agriculture](#) and [Strategic Plan for the Commission on Genetic Resources for Food and Agriculture 2023–2031](#).

- (vi) the magnitude of the actual and potential impact of the identified issue on human well-being; and
- (vii) the magnitude of the actual and potential impact of the identified issue on productive sectors and economic well-being as related to the conservation and sustainable use of genetic resources and biodiversity for food and agriculture.

*Final identification of new and emerging issues*

20. The final decision on the inclusion of a new issue in the agenda of a session and, if appropriate, its addition to the Commission's work programme would ultimately lie with the Commission, which would take the decision when adopting the agenda and revising the MYPOW.

## **V. GUIDANCE SOUGHT**

21. The Working Group may wish to:
- (i) recommend that the Commission consider, in addition to or instead of existing procedures, the adoption of a new procedure for the ad hoc identification of new and emerging issues for consideration by the Commission at its forthcoming session; and
  - (ii) review and revise, as appropriate, the draft amendment to the Commission's Rules of Procedure, as given in the Appendix to this document.

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**APPENDIX**

**IDENTIFICATION OF NEW AND EMERGING ISSUES FOR CONSIDERATION BY THE COMMISSION**

**Amendment to the Rules of Procedure of the Commission on Genetic Resources for Food and Agriculture**

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1. *The following paragraph 6 is added to Rule VI:*
6. In line with Appendix I to these Rules of Procedure, any Member of the Commission may propose within a period of 16 months following the last day of the preceding regular session of the Commission that the Commission consider a new and emerging issue at its following regular session.
2. *The following Appendix is added to the Commission's Rules of Procedure.*

**APPENDIX I**

**IDENTIFICATION OF NEW AND EMERGING ISSUES FOR CONSIDERATION BY THE COMMISSION**

1. Any Member of the Commission may propose within a period of 16 months following the last day of the preceding regular session of the Commission that the Commission consider a new and emerging issue at its following regular session.
2. The proposal should be accompanied by information on:
  - (i) why the new and emerging issue requires urgent attention by the Commission;
  - (ii) how the new and emerging issue affects the Commission's Terms of Reference<sup>16</sup> and Goals;<sup>17</sup>
  - (iii) the sectoral or cross-sectoral work stream under which the new and emerging issue should be discussed, as applicable;
  - (iv) work on the issue already being undertaken by relevant organizations; and
  - (i) credible sources of information.
3. In line with Rule VI.1 of the Rules of Procedure, the Director-General, in consultation with the Bureau, shall decide if and how the proposed new and emerging issue will be included in the provisional agenda, taking into account the following criteria:
  - (i) relevance of the issue to the Commission's Terms of Reference and Goals;
  - (ii) new evidence of unexpected and significant impact of the issue on genetic resources/biodiversity for food and agriculture;
  - (iii) urgency of addressing the issue/imminence of the issue with respect to the Goals of the Commission as well as the magnitude of actual or potential impact on biodiversity;
  - (iv) actual or potential geographic coverage, and rate of spread, of the impact of the identified issue on the conservation and sustainable use of genetic resources and biodiversity for food and agriculture;
  - (v) evidence of the absence or limited availability of tools for limiting or mitigating the negative impact of the identified issue on the conservation and sustainable use of biodiversity;
  - (vi) magnitude of the actual and potential impact of the identified issue on human well-being; and

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<sup>16</sup> See [Statutes of the Commission on Genetic Resources for Food and Agriculture](#), Section 2.

<sup>17</sup> [Strategic Plan for the Commission on Genetic Resources for Food and Agriculture \(2023–2031\)](#), p.1.

- (vii) magnitude of the actual and potential impact of the identified issue on productive sectors and economic well-being as related to the conservation and sustainable use of genetic resources and biodiversity for food and agriculture.

4. The Secretariat shall prepare and circulate documentation on the new and emerging issue, if included in the provisional agenda, in line with Rule VI of the Rules of Procedure. The documentation should include a proposal for the revision of the Commission's work programme to reflect the new and emerging issue.