

CONFERENCE RESOLUTION 3/2001

Adoption of the International Treaty on Plant Genetic Resources for Food and Agriculture and Interim Arrangements for its Implementation

THE CONFERENCE,

Recognizing the sovereign rights of States over their own plant genetic resources for food and agriculture,

Acknowledging the interdependence of all countries with respect to plant genetic resources for food and agriculture,

Recognizing the importance of realizing Farmers' Rights as set out in the International Treaty on Plant Genetic Resources for Food and Agriculture and of increasing cooperation in the field of technical assistance in accordance with the relevant articles of this Treaty,

Recognizing the integral contributions of plant breeders, including farmers, to global food security through their research and development of new crop varieties, and the role of intellectual property rights in promoting innovation and investment in plant genetic resource conservation, breeding and sustainable use,

Recognizing that the International Undertaking on Plant Genetic Resources, as adopted by the FAO Conference by Resolution 8/83, and as modified by the agreed interpretations in its Resolutions 4/89, 5/89 and 3/91, represents the first international instrument dealing with the conservation and sustainable use of plant genetic resources for food and agriculture,

Recalling Resolution 3 of the Nairobi Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity, which recognized the need to seek solutions to outstanding matters concerning plant genetic resources within the FAO, in particular, on access to *ex situ* collections not acquired in accordance with the Convention on Biological Diversity, and the question of Farmers' Rights,

Recalling Resolution 7/93 of the Twenty-seventh Session of the FAO Conference, which called for negotiations, through the FAO Commission on Genetic Resources for Food and Agriculture, to revise the International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity,

Recalling that the Plan of Action of the World Food Summit underlined the need to promote an integrated approach to the conservation and sustainable utilization of plant genetic resources for food and agriculture,

Recalling that both the FAO Conference at its Thirtieth Session and the Fifth Meeting of the Conference of the Parties to the Convention on Biological Diversity confirmed that negotiations would proceed on the basis that the revision of the International Undertaking on Plant Genetic Resources would take the form of a legally-binding instrument, closely linked to the FAO and the Convention on Biological Diversity,

Recalling that the Conference of the Parties to the Convention on Biological Diversity at its Fifth Meeting recognized the potential contribution that the revised International Undertaking on Plant Genetic Resources, in harmony with the Convention on Biological Diversity, would have to assist in the implementation of its Programme of Work on Agricultural Biological Diversity, and that the

revised International Undertaking was envisaged to play a crucial role in the implementation of the Convention on Biological Diversity,

Noting with appreciation the work undertaken by the FAO and its Commission on Genetic Resources for Food and Agriculture in supporting Member Nations and Regional Economic Integration Organizations throughout the negotiations for the revision of the International Undertaking on Plant Genetic Resources and in preparation for its effective implementation,

Noting with appreciation the many expressions of support by the Conference of the Parties to the Convention on Biological Diversity for the FAO and its Commission on Genetic Resources for Food and Agriculture in this work,

Recalling that the Hundred and Nineteenth Session of the FAO Council requested that the negotiations be completed in time for the revised International Undertaking on Plant Genetic Resources to be sent to this Session of the Conference,

Having considered the observations contained in the Report of the Seventy-second Session of the Committee on Constitutional and Legal Matters,

Having examined the text of the International Treaty on Plant Genetic Resources for Food and Agriculture endorsed by the Council at its Hundred and Twenty-first Session,

Noting further that preparations were required for effective implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture, once it had entered into force,

1. **Adopts** the International Treaty on Plant Genetic Resources for Food and Agriculture, which is contained in Appendix D,
2. **Requests** the Director-General of the FAO to open the International Treaty on Plant Genetic Resources for Food and Agriculture for signature, after the adoption of this Resolution, during this Session of the FAO Conference at the FAO Headquarters in Rome, from 3 November 2001 until 4 November 2002,
3. **Invites** Members of the FAO and States that are not Members of the FAO, but are Members of the United Nations and any of its Specialized Agencies or the International Atomic Energy Agency to sign the International Treaty on Plant Genetic Resources for Food and Agriculture, and to deposit instruments of ratification, acceptance, approval or accession, at the earliest opportunity,
4. **Notes** with satisfaction that the International Treaty on Plant Genetic Resources for Food and Agriculture, as now adopted by the FAO Conference, on entry into force, will establish a new and binding framework for cooperation in the area of plant genetic resources for food and agriculture,

5. **Also notes** with satisfaction that the International Treaty on Plant Genetic Resources for Food and Agriculture will facilitate implementation of the Global Plan of Action for the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture agreed at the Fourth International Technical Conference on Plant Genetic Resources for Food and Agriculture, held in Leipzig in 1996,
6. **Decides** that the Commission on Genetic Resources for Food and Agriculture shall act as the Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture,
7. **Invites** Members of the FAO and States that are not Members of the FAO, but are Members of the United Nations and any of its Specialized Agencies or the International Atomic Energy Agency to participate in the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee,
8. **Requests** the Director-General of the FAO to convene the first meeting of the Interim Committee in 2002, and at the request of the Interim Committee subsequent meetings as necessary, in the framework of meetings of the Commission on Genetic Resources for Food and Agriculture, subject to the availability of necessary resources,

The Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee shall:

- a) **Adopt** at its first session its Rules of Procedure,
- b) **Prepare**, for consideration at the first Session of the Governing Body, draft Rules of Procedure, draft Financial Rules, and a proposal for a Budget of the International Treaty on Plant Genetic Resources for Food and Agriculture,
- c) **Also prepare**, for consideration at the first Session of the Governing Body, taking into account, as appropriate, the recommendations of the Expert Group to be established pursuant to this Resolution, a draft standard Material Transfer Agreement (MTA) provided for in Article 12.4 for facilitated access, which shall include, *inter alia*, recommended terms for commercial benefit-sharing under Article 13.2d(ii) of the Treaty,
- d) **Prepare**, for consideration at the first Session of the Governing Body, proposed procedures to promote compliance in accordance with Article 21,
- e) **Consult** with the International Agricultural Research Centres and other relevant international institutions on the agreements to be signed with the Governing Body, in accordance with Article 15 of the International Treaty on Plant Genetic Resources for Food and Agriculture, and prepare draft agreements for the consideration of the Governing Body at its first Session,
- f) **Perform** such other functions as may be necessary to prepare for the effective implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture upon its entry into force,

9. **Further decides** to establish an Expert Group to develop and propose recommendations, which may be considered by the Interim Committee, on the terms of the standard MTA. Such Group shall be composed of experts with technical or legal expertise with respect to the exchange of plant genetic resources for food and agriculture and relevant commercial practice. Terms of Reference for the Expert Group shall be agreed at the first meeting of the Interim Committee,
10. **Further requests** the Director-General of the FAO to ensure that appropriate resources, including human resources, are available to the Secretariat of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee,
11. **Requests** the Director-General of the FAO to invite the Executive Secretary of the Convention on Biological Diversity to convey this Resolution to the Conference of the Parties to the Convention on Biological Diversity,
12. **Requests** the Commission on Genetic Resources for Food and Agriculture, acting as the Interim Committee, to initiate the establishment of cooperation with the Conference of the Parties to the Convention on Biological Diversity and, as appropriate, with other relevant international organizations and treaty bodies, in particular in relation to the provisions of Article 18.4a of the International Treaty on Plant Genetic Resources for Food and Agriculture,
13. **Invites** the Conference of Parties to the Convention on Biological Diversity to establish and maintain cooperation with the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee and, upon the entry into force of the International Treaty on Plant Genetic Resources for Food and Agriculture, with the Governing Body;
14. **Invites** Members of the FAO and Member Nations that are not Members of the FAO, but are Members of the United Nations and any of its Specialized Agencies, and Regional Economic Integration Organizations to contribute, through the FAO, to the functioning of the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee,
15. **Invites** the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, in particular the International Plant Genetic Resources Institute, and other relevant international organizations and treaty bodies, to assist the Commission on Genetic Resources for Food and Agriculture acting as the Interim Committee in its work.

(Adopted on 3 November 2001)