



Consultative Group on International Agricultural Research (CGIAR)

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Charting the CGIAR'S Future – Change Design and Management

Report of the 12th Meeting of the GRPC

The attached report from the Genetic Resources Policy Committee is being circulated for information.

This item is for: Information Discussion Decision

Proposed Action: None

CGIAR Genetic Resources Policy Committee

Report of the 12th Session

Aurangabad, India, 20-23 February 2001

People Present

GRPC members: M.S. Swaminathan, Chair
Usha Barwale, TAC
Robert Bertram, USA
Ron Cantrell, CDC
Marcio de Miranda Santos, CBC
José T. Esquinas-Alcázar, FAO
Christina Grieder, Switzerland
Geoffrey Hawtin, IPGRI/Secretary
Bernard Le Buanec, PSC
Timothy Reeves, CDC
Renato Salazar, NAGOC
Carl-Gustaf Thornstrom, Sweden

Observers: Cary Fowler, Resource Person
Victoria Henson-Apollonio, CAS, ISNAR

Apologies: Godwin Mkamanga, NARS

Agenda: See Annex I

Genetic resources policy issues and concerns in India and relations between private and public sector institutions

1. Usha Barwale Zehr gave a fascinating and insightful analysis of genetic resources issues of concern to India, and particularly of the situation of the nascent private sector in India. The Committee had previously visited several of the facilities of Mahyco and came away impressed by the scientific quality of the work being done by this company and its commitment to the long-term improvement of Indian agriculture and improvement of the lives of India's rural population in particular.

Update on the renegotiation of the International Undertaking¹

2. The Genetic Resources Policy Committee had extensive discussions on the on-going negotiation process. Since International Centres Week, there have been two meetings of the Chairman's Contact Group of the FAO Commission on Genetic Resources for Food and Agriculture that is charged with reaching agreement on text covering key issues in the International Undertaking (IU), in particular scope, access and benefit sharing. The CGIAR, through IPGRI, has been an active participant in the meetings of the Contact Group. Its participation has included presentations on the objectives and activities of the CGIAR centres and papers outlining the key role that the CGIAR plays in germplasm distribution, especially to and among developing countries.
3. The Committee concluded, once again, that the renegotiation of the IU is of critical importance to the continued effectiveness of the CGIAR centres in their efforts to conserve agro-biodiversity for present and future generations, and use it to help eliminate hunger and poverty. The negotiations have reached a critical phase in which key aspects of the relationship of the CGIAR centres to the Multilateral System are under discussion. The GRPC identified a number of issues on which the outcome would be of special relevance to the effectiveness of the CGIAR centres. These issues are highlighted in Annex II of this report.
4. The Committee recommends that the CGIAR Chair bring the matters raised in Annex II to this report to the attention of all CGIAR members, and requests that these members inform those responsible for representing their country in the IU negotiations of the CGIAR's concerns. This should be done as soon as possible, since the next meeting of the Contact Group to negotiate the IU will take place at the end of April.

IPR Guiding Principles for the Centres

5. With respect to the draft IPR Guiding Principles, the Committee reaffirmed its view that certain contentious issues – including the question of how derivatives are treated in relation to materials held “in trust” under the auspices of FAO – should be settled by the FAO Commission on Genetic Resources for Food and Agriculture. The CGIAR Genetic Resources Policy Committee urges that this be done as part of the renegotiation of the FAO International Undertaking on PGRFA.

Update on Centre-FAO Agreements

6. In fulfilment of its responsibility to monitor the implementation of the agreements with FAO, the Committee heard a report on the current situation regarding the FAO-CGIAR agreements. A comprehensive, updated list of designated accessions will soon be submitted to FAO. Efforts continue to rationalize the list such that individual accessions, ideally, are only listed by one centre.

¹ Since the recommendations made under this and the following agenda item deal with matters presently under negotiation by Member Countries of FAO, the representative of FAO, who is also Secretary of the intergovernmental Commission on Genetic Resources for Food and Agriculture, which is negotiating the Undertaking, considered it institutionally appropriate to reserve his position on these matters

7. The Committee also discussed recent allegations by some critics concerning an infringement by the International Potato Centre (CIP) of its agreement with FAO. The Committee was requested to place this item on its agenda by CIP and by the NGO alleging that CIP had acted improperly. The Committee thus had access to information from both the critics of CIP and CIP itself. In summary, the incident concerns the transfer of approximately five accessions of yacon, an Andean root and tuber crop. CIP had originally acquired these materials from Peru. Initially, Japan requested access to these materials, which CIP had designated under its agreement with FAO. CIP indicated to Japan that the requested accessions may be diseased, and stated that it would transfer them only with the proper phytosanitary certificates. While access under the FAO-CGIAR agreements is ensured to all countries, the Second Joint Statement between FAO and the CGIAR Centers concerning this Agreement does not oblige Centers to distribute samples that do not meet health or quarantine standards. Subsequently, the Ministry of Agriculture of Peru requested restoration of these same materials. Under Article 9 of the FAO-CGIAR Agreements, CIP is required to supply materials to the country that provided them. In returning material to the country that supplied it, Article 9 provides that the “recipient” is not bound by the same obligations as other recipients. Specifically, no Material Transfer Agreement is used when restoring such germplasm. CIP therefore supplied the materials to the Ministry of Agriculture of Peru, noting their questionable health status. The Ministry of Agriculture subsequently supplied yacon materials – presumably those that had been provided by CIP - to Japan. Critics contend that Japan should not have received these materials and that CIP is morally and/or legally responsible for what they claim to have been an improper transfer of these genetic resources to Japan. After thorough discussion, the Committee made the following observations:
 8. Upon request, CIP sent the Ministry of Agriculture of Peru the requested material in full conformity with the Agreement it had signed with FAO, and in particular with regards to the restoration of material to the country originally providing it. The Ministry of Agriculture then, in execution of Peru's sovereign rights, sent it on to Japan, a decision CIP neither has power to prevent nor in which it has the right to interfere.
 9. On the basis of the information provided by CIP and the party making the allegations, the Committee thus concluded that CIP acted both ethically, and in complete accordance with the FAO-CGIAR Agreements.
 10. The Committee commends CIP for its proper management of this germplasm held “in-trust” under the auspices of FAO, and, in the context of a complex situation, for its strict adherence to the requirements of the Agreement with FAO.

CGIAR governance and structure

11. The Committee heard a report from Tim Reeves concerning CGIAR governance and structure and the work of the Change Design and Management Team. The Committee considered that it would be appropriate for genetic resources management to be one of the proposed Global Challenge Programmes, given its centrality to the CGIAR's mission.

Future Harvest Global Conservation Trust

12. The Committee discussed the Future Harvest Conservation Trust proposal and the feasibility study now underway. It restated its strong support for this initiative, noting the

unique role that the CGIAR will continue to play in conserving PGRFA for future generations for the entire international community. The Committee suggested that an appropriate occasion for the launch of the Trust might be the Rio+10 (Stockholm+30) meeting in Johannesburg, June 2002. The Committee, however, also reiterated the concerns it expressed during its last meeting. Every effort should be made to ensure that countries recognize the Trust as an important contribution to achieving the objectives of the revised IU. The Committee noted that the Trust is intended to support not only collections maintained by the CGIAR but also other collections important to the achievement of the objectives of the revised IU. The Trust should be set up and operated in harmony with the various funding mechanisms foreseen within the IU.

Systemwide Genetic Resources Programme (SGRP)

13. Recent developments with respect to the SGRP were reviewed, and in particular the outcome of the meeting of the Inter-Centre Working Group on Genetic Resources held at IITA in January. Items discussed included recognition of the value of the studies of germplasm flows, the SGRP's plans to take stock of the status of implementing the genebank upgrading plans, and the expansion of SINGER to cover collections held in non-CGIAR institutions. The proposal to hold a workshop to explore policy issues concerning the Centres' microbial collections was endorsed, and the Committee noted the interest of FAO to be involved in this effort. Likewise, the Committee endorsed the SGRP's proposal for a joint SGRP/GPRC/CAS inter-centre workshop to review the status of implementation of the agreements with FAO and to share experiences with respect to the use of MTAs. Such a workshop, tentatively to be held in the second half of 2001, would primarily involve Centre staff concerned with programme management as well as those responsible for intellectual property management.

Update on CGIAR- Central Advisory Service on Intellectual Property (CGIAR-CAS) and other GR-related policy work in the CGIAR

14. The Committee received a report concerning the recent activities of the CGIAR-CAS, and heard the plans of Victoria Henson-Apollonio to visit each of the Centres. The Committee greeted this report warmly.

Updates on other international fora and implications for CGIAR

15. The Committee received and reviewed updates on events taking place at CBD, UNEP, UPOV and WTO that pertain to genetic resources. No action on these matters was deemed necessary by the Committee.

Date, place and agenda of GRPC13

16. The next meeting of the Committee will take place at IPGRI HQ in Rome from 3 to 5 September (or 5 to 7 Sept. if the FAO Commission meets from 10-14 September). The agenda will include: Global Challenge Programmes; access to private and public genomic databases and other information (including indigenous knowledge); and a presentation on IPGRI's policy work.

Any other business

17. A proposal was made for the GRPC to convene a workshop on climate change and genetic resources. The Committee will consider this proposal in detail at its meeting in early 2002. Such a meeting could then be planned for later in 2002 or in 2003.
18. The Committee was pleased to note that, as a follow-up to the workshop it convened at the M.S. Swaminathan Research Foundation in Chennai, India, in 1999, a proposal for a collaborative multi-country, multi-partner project on neglected and underutilized species has now been submitted by IPGRI to IFAD.

Closing

19. There being no further business, the Chairman thanked everyone for their contribution to the meeting and in particular Usha Barwale Zehr and Ambika Pillai for the excellent arrangements and hospitality.

GRPC12

20 - 23 February 2001 - Aurangabad, Maharashtra, India

AGENDA

1. Adoption of the Agenda
2. Genetic resources policy issues and concerns in India, and relations between private and public sector institutions
3. Update on the renegotiation of the International Undertaking:
 - outcome of Neuchatel and Rome meetings
 - action taken by IPGRI/CGIAR
 - outstanding issues of concern to the CGIAR
 - further action to be taken by the CGIAR
4. IPR Guiding Principles for the Centres:
 - report on events at ICW2000
 - other outstanding issues and concerns
5. Update on Centre-FAO Agreements:
 - status of implementation
 - problems relating to collecting and distribution
6. CGIAR governance and structure:
 - status report
 - implications for genetic resources and IPR policies
7. Future Harvest Global Conservation Trust
 - feasibility study
 - issues and concerns
8. Systemwide Genetic Resources Programme (SGRP)
 - report of ICWG-GR meeting at IITA
 - impact studies
9. Update on CAS and other GR-related policy work in the CGIAR
 - activities since GRPC11
10. Updates and implications for CGIAR:
 - CBD, other environmental conventions,
 - WIPO and UPOV,
 - WTO,
 - GFAR
11. Report to MTM'01, Durban, S. Africa

12. Date, place and agenda of GRPC13

13. Any other business

The CGIAR and the Re-negotiation of the International Undertaking

Recommendations of the CGIAR Genetic Resource Policy Committee for the next negotiating session for the International Undertaking²

The revision of the FAO International Undertaking on Plant Genetic Resources for Food and Agriculture (IU) will have a major bearing on the CGIAR's ability to fulfill its mission to contribute to food security and poverty eradication in developing countries. CGIAR research and development efforts are in significant part based on the ability to collect, conserve, characterize, and distribute plant genetic resources, in close collaboration with partners in national research institutions, other public and private sector researchers and NGOs. The revised International Undertaking will provide for the continued conservation, exchange and sustainable use of plant genetic resources, particularly through agricultural research aimed at generating technologies and policies that provide international public goods. The CGIAR also has much to contribute towards the realization of the objectives of the revised International Undertaking.

Towards these ends, the CGIAR Genetic Resources Policy Committee believes that it is important that the following issues be considered in completing the renegotiation of the International Undertaking:

Conservation: The CGIAR Centres are acknowledged to have a unique role in providing long-term conservation of genetic resources for food and agriculture for the benefit of the international community. The food security of present and future generations depends on the proper conservation and ready availability of genetic diversity of crop species. It is important, therefore, that the revised IU includes long-term *ex situ* conservation as one of the main purposes for establishing the Multilateral System. To this effect, and so as not to impair the centers in providing comprehensive and effective long-term conservation services, it is important that the revised IU also recognize that conservation is a legitimate and necessary reason for access by CGIAR centers to genetic resources.

Coverage of the Multilateral System: The coverage of the Multilateral System should include the 24 crops (see attachment 1) that are actively undergoing genetic improvement by the Centres and that are included in cooperative international trials. In addition, the CGIAR conserves and conducts research on a number of other crops that are important to food security (see attachment 2). Among these are crops that are particularly important to food security across regions: coconut, pea and the major aroids (taro, cocoyam and dasheen). If any of these crops are not included in the Multilateral System, research and funding for conservation and sustainable use could be negatively impacted, with resulting weakening of key food security and conservation objectives of the International Undertaking. Therefore, the CGIAR Genetic Resources Policy Committee recommends that, at a minimum, the crops listed in attachment 1 and these three crops from attachment 2, be included in the Multilateral System.

² Since these recommendations deal with matters presently under negotiation by Member Countries of FAO, the representative of FAO on the GRPC, who is also Secretary of the intergovernmental Commission on Genetic Resources for Food and Agriculture, which is negotiating the Undertaking, considered it institutionally appropriate to reserve his position on these matters

Material of crops that are not in the Multilateral System: Germplasm that is designated as coming under the current agreements between the CGIAR Centres and FAO, includes many accessions of crops that may not be included in the Multilateral System. The Genetic Resources Policy Committee strongly recommends that all accessions designated under the current FAO agreements, whether or not they are of crops eventually selected to make up the Multilateral System, continue to be made available to all in a manner respecting the access and benefit sharing provisions of the revised IU. In doing so, the CGIAR and the International Undertaking would honour the understanding under which these materials were originally contributed to the Centres' collections.

Non-parties: The Centres, under their current agreements with FAO, maintain the materials in their genebanks on behalf of the international community. As endorsed by the CGRFA, the Centres provide access to this material to all countries. It would thus be difficult, if not ethically or legally questionable, for the Centres to be required, in the future, to restrict access by non-Parties. The situation would be exacerbated if, under the revised IU, Centres were obliged to restrict access to non-Parties that originally provided the materials or that provide financial or other support for the maintenance and distribution of the collections in furtherance of the goals of the IU. Thus the CGIAR Genetic Resources Policy Committee strongly recommends that all accessions designated under the agreements with FAO at the time of the coming into force of the revised IU, continue to be made available to all those that formally accept the revised IU's provisions on access and benefit sharing as applied to parties.

CGIAR Participation: Given the critical role of the CGIAR Centres in achieving the objectives of the IU, the Genetic Resources Policy Committee believes that the CGIAR centers should be accorded a status that ensures their ability to contribute to the deliberations of the Governing Body of the International Undertaking.

Attachment 1

Crops undergoing active genetic improvement work by CGIAR Centers

Banana/plantain	Barley
Beans (Phaseolus)	Cassava
Chickpea	Cowpea
Faba bean	Forage crops*
Grass pea (Lathyrus)	Groundnut
Lentil	Maize
Millet (finger)	Millet (pearl)
Pigeon pea	Potato
Rice	Rye
Sorghum	Soybean
Sweet potato	Triticale
Wheat	Yam

*The CGIAR works actively on a wide range of forage species, and in addition, provides conservation services for many more.

Attachment 2

Crops for which there is significant conservation and/or active research activity by CGIAR Centres

Agroforestry crops

(*Adansonia, Acacia, alnus, Bactris, Calliandra, Cajanus, Crotalaria, Callycophyllum, Dacryodes, Faidherbia, Glyricidia, Guazuma, Grevillea, Inga, Irvingia, Leucaena, Markhamia, Melia, Moringa, Parkia, Prosopis, Pterocarpus, Prunus, sesbania, Sclerocarya, Tamarindus, Tithonia, Tephrosia, Uapaka, Vitellaria, Ziziphus*)

Andean root and tuber crops

Bambara groundnut

Coconut

Date palm

Mior millets

Pea (*Pisum*)

Quinoa

Taro and other aroids