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Mobilizing Science for Global Food Security

Report of the Genetic Resources Policy Committee

Attached is the report of the Genetic Resources Policy Committee which met in Aleppo, Syria from May 2 to 4, 1998. This report is issued as background to agenda item 8, *Recommendations from CGIAR Cosponsors and Committees--GRPC*.

Genetic Resources Policy Committee
report of the
7th Meeting, ICARDA, Aleppo, Syria 2–4 May, 1998

Participants

M.S. Swaminathan (Chairman)	G. Ayad
R. Bertram	F. Begemann
J. Benz	W. Erskine
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In addition other ICARDA and IPGRI staff participated in parts of the meeting.

Agenda See Annex I.

Reports of the TAC Panels on Biotechnology and Proprietary Science

The GRPC examined the reports of the TAC Panels on Biotechnology and Proprietary Science. The Committee offered its general support for the conclusions and recommendations of the Panels, with the following clarifications and elaborations:

- The CGIAR should support and contribute to the convening of the Genome Summit proposed in the Panels reports. However GRPC considers that the CGIAR should seek appropriate partnerships in this.
- The proposed Genome Summit should take into account the status and future of genetic resources' collections, both of major and "minor" crops, as well as forest, fish and animal species of relevance to food and agriculture.
- A central service, as proposed by the Panels, could be useful in providing technical advice and act as a clearing house, helping to put Centers in touch with appropriate legal services concerning biotechnology matters (contracts, licensing, etc.) and proprietary rights. Such a service would, through the normal course of its activities, promote cooperation and reduce redundancy among Centers in dealing with these subjects. The GRPC does not consider it appropriate, however, for such a service to set or control policy for the CGIAR, although there is clearly an on-going need for policy development and monitoring at the System level by a broad cross-section of stakeholders.

Biosafety

The GRPC, in supporting the TAC Panel's recommendation concerning the creation of “Duty of Care” committees, noted that most, if not all Centres involved in biotechnology already have biosafety and/or bioethics committees. The Committee was pleased to note the progress being made in developing an international biosafety protocol to the Convention on Biological Diversity. Regarding biosafety, in many cases it will be as important to examine the effects of the introduction of alien species and new varieties and breeds, as it is to consider the question of transgenic products.

Ethical Principles

The Committee reviewed the statement of Guiding Ethical Principles in light of the feedback that had been received since it was introduced and discussed at ICW97. The revised version of the Principles is attached as Annex 2 and will be presented to the CGIAR at MTM98 in Brasilia for endorsement.

***Ex situ* collections**

Sustained funding will be needed to maintain *ex-situ* collections long-term, and to assemble the information necessary to allow these collections to be of maximum usefulness and value to farmers and plant breeders. The CGIAR should work with national and regional programmes, and others, towards the development of an adequate and sustainable funding base for such tasks.

In-situ conservation

The CGIAR has pioneered in the area of *in-situ*/on-farm conservation and management of agricultural genetic resources, helping to provide a scientific foundation for this work. However, research activities such as participatory plant breeding need strengthening. We note that the *in-situ* approach is dynamic, not static, and involves management and development of genetic resources, and not just their preservation. Sustained support will be needed for *in-situ*/ on-farm work, especially with minor and underutilized species.

Microbial genetic resources

The Committee was pleased to note the work that ICARDA had undertaken in developing a database on microbial genetic resources within the CGIAR, and took note of the recommendations of the workshop that ICARDA, with SGRP support, had convened on the topic. The GRPC endorsed the recommendation that the Centres concerned develop and implement an appropriate MTA for microbial genetic resources as soon as possible.

Underutilized species

Many CGIAR Centers are involved in work on “minor” or “underutilized” species. This work is not limited to crops but also includes forest, animal and fish species. Too little is known about the genetic resources of such species. Nevertheless, it is believed that the resources are under

threat in *ex-situ* and *in-situ* conditions, even though the potential contributions they could make to food security and poverty alleviation are great.

The comparative advantage of the CGIAR lies primarily in the conservation of the species, and their evaluation, development and use within the context of research on farming systems, participatory breeding and natural resources management on an ecoregional basis.

The GRPC recommends that the very useful paper prepared by Rob Bertram be further developed and published as a record of the work on “minor” crops in the CGIAR. Furthermore the Committee recommends that the CGIAR convene a small consultation on this subject, to include *inter alia* specialists in areas such as marketing, small enterprise development and post harvest technology. The consultation would aim to assess the status of genetic resources of minor and underutilized plant species, and develop appropriate recommendations and strategies for a possible increased CGIAR involvement in their conservation, development and use.

Agreements with FAO – Material Transfer Agreements (MTA)

The GRPC expressed its continued strong support for the FAO–CGIAR agreements. Centers should strive to fully harmonize their MTAs to support implementation of these Agreements.

The Committee noted the inherent difficulties involved in monitoring compliance with MTAs and welcomed the assistance of other organizations in this, and in particular that of national research and regulatory bodies.

The Committee gave its support to the System-wide Genetic Resources Programme in its efforts to develop Guidelines for Designation and, in cooperation with FAO, any needed interpretive statements concerning technical aspects of implementation of the FAO-CGIAR agreements. Such interpretive statements are needed to cover situations such as species which are difficult to regenerate or accessions that have not been certified to be free from disease.

Note was made of the need to clarify and resolve certain other subjects such as the treatment of derivatives and the definition of “germplasm and related information” as contained in the MTAs.

The GRPC endorsed a statement (attached as Annex 3) outlining steps that Centers should take when they perceive that a violation of MTAs or the provisions of the FAO-CGIAR may have taken place.

Members of the CGIAR are urged to encourage the WTO to consider the importance of genetic resources, and in particular the status of designated germplasm within TRIPs-compatible intellectual property protection systems, in its 1999 review of the TRIPs agreement.

Re-negotiation of the FAO International Undertaking on PGRFA

The GRPC was pleased to note that there now seems to be a strong acceptance among negotiating countries of the need to develop a multilateral system for the exchange of genetic resources of food crops and for the sharing of benefits arising from their use. The Committee expressed the hope that any multilateral system developed would cover at least all of the materials held in trust by the CGIAR.

The Committee also noted, with pleasure, the positive role the CGIAR was playing in providing technical information to assist the re-negotiations. It expressed its hope that these negotiations be concluded successfully at the earliest date.

Genetic control of seed production

The Committee discussed the implications of the “terminator” technology (a genetic system for killing embryos and thus preventing farmers from saving seed) and a number of concerns were expressed. However, the Committee felt the need to have more information on the details of the technology before being in a position to make any recommendations concerning its implications for the CGIAR.

ANNEX 1

CGIAR Genetic Resources Policy Committee

7th Meeting, Aleppo, Syria

2-4 May 1998

Provisional Agenda

1. GRPC response to the reports of the TAC Panels on Biotechnology and Proprietary Science
2. Ethical guiding principles
3. Biosafety
4. Microbial genetic resources within the CGIAR
5. CGIAR policy on conservation and use of “minor” or “underutilized” crops
6. SGRP External Review and overview of recent developments
7. CGIAR External Review
8. Update on renegotiating the FAO International Undertaking
9. Update on other fora and issues: - GPA, CBD, WTO, UPOV etc.
10. PBRs and designated germplasm
11. Consolidated report on work of the Committee
12. Committee report to MTM98
13. Any other business

The CGIAR's Ethical Principles Relating to Genetic Resources

Introduction

The CGIAR was founded on the ethical imperative of eliminating hunger and starvation and has, since its inception, followed certain ethical principles. Increasing food security¹ and alleviating poverty have long been central to the system's science-based humanitarian mission. With the growing complexity of the problems being addressed by the research of the Centres, the expanding number of partners with whom they work and the rapidly evolving scientific, social and economic environment within which they operate, an increasing need has been felt for a clearer enunciation of the System's underlying ethical principles. Greater transparency about what the CGIAR really stands for is important in enabling strong and unambiguous relationships to be forged with a wide range of partners.

The main ethical principles are presented under four headings: Equity; Trusteeship of Genetic Resources; Respect, Responsibility and Integrity in Science; and Social Benefits. These are intended to encapsulate the essential principles followed by the CGIAR in relation to its work on genetic resources and in the pursuance of its goal: to contribute through agricultural and natural resources research and partnerships to sustainable food security and the alleviation of poverty.

Equity

- The CGIAR works for the attainment of equity in the conservation, sustainable use and the sharing of benefits derived from genetic resources. This commitment to fairness requires that emphasis be given to the needs of resource poor communities and to disadvantaged members of society.
- The CGIAR recognizes the contribution of many different communities and individuals, especially of women, to the conservation and enhancement of genetic diversity of potential use for food and agriculture, and will strive to ensure they benefit from such contributions. The CGIAR will avoid situations where a foreseeable reduction of local communities' access to, and benefits from, genetic resources might occur.
- The CGIAR recognizes that its major strength lies in its partnerships with national agricultural research systems and other organizations, and is committed to sharing credit in an equitable manner.

Trusteeship of Genetic Resources

- The CGIAR Centres hold genetic resources in trust for the international community. In the case of plant genetic resources for food and agriculture this is, to a great extent, recognized through agreements with FAO. As trustees of genetic resources the CGIAR Centres recognize their responsibility to be impartial, transparent and fair in their administration of the trust; to respect and observe national regulations and international conventions, in particular the Convention on Biological Diversity; to be accountable for their actions; and to exercise due care and diligence in conserving the material for the use of present and future generations and in making it readily available for use for the public good.

¹ According to the definition in the World Food Summit Plan of Action, food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.

Respect, Responsibility and Integrity in Science

- The CGIAR's work on genetic resources respects the general scientific principles of good faith and the search for truth. However, the CGIAR is guided by its particular humanitarian and equity-based concerns, and not the pursuit of knowledge for its own sake.
- The CGIAR's scientific work, including that on biotechnology, is based on the principles of accountability, responsibility and precautionary action. For any undertaking, potential benefits shall clearly outweigh foreseeable risks, emphasizing broad societal interests such as food security, poverty alleviation and environmental sustainability.
- The CGIAR recognizes and respects the integrity of culture, tradition and the relationship of local people with their natural environments. Likewise the CGIAR respects the aspirations and culture of partner institutions and the societal context within which they operate.
- The CGIAR adheres to national regulations and to relevant internationally accepted codes of behaviour and conduct in areas of plant and animal biology; the collection and transfer of genetic resources; biosafety; animal welfare; and intellectual property.

Social Benefits

- The CGIAR aims to promote lasting social benefit through its research and partnerships for the international public good. In its activities on genetic resources the CGIAR strives to increase individual, local and national food and livelihood security in developing countries through sustainable advances in productivity, nutritional quality, stability and through promoting biological and food diversity. For this purpose it is accountable for the dimensions of social and gender equity and environmental sustainability in its research, human resource development and capacity building programmes. The CGIAR aims to support the building of national capacity and institutions to manage, develop and conserve genetic resources.

Conclusion

The above principles, while not exhaustive, are intended to provide an overall statement of ethical principles relating to the CGIAR's work in genetic resources. They are also intended to provide a basis on which individual Centres can further elaborate their own guiding ethical principles or codes of conduct, and set up monitoring mechanisms, as appropriate. In implementing the above principles, the CGIAR Centres will work in partnership with national systems and other relevant organizations.

Endorsed by the CGIAR Genetic Resources Policy Committee, 4th May 1998

**STATEMENT ON THE IMPLEMENTATION AND ENFORCEMENT
OF ARTICLES 3 AND 10 OF THE AGREEMENTS BETWEEN THE CGIAR
CENTRES AND THE FOOD AND AGRICULTURE ORGANIZATION OF
THE UNITED NATIONS (FAO) PLACING COLLECTIONS OF PLANT
GERMPLASM UNDER THE AUSPICES OF FAO**

On 26 October 1994, CGIAR Centres holding *ex situ* collections of plant genetic resources entered into Agreements with FAO whereby those Centres agreed to hold designated germplasm "in trust for the international community". The Agreements recognize that the CGIAR "adheres to a policy on plant genetic resources which is based on the unrestricted availability of germplasm held in their genebanks." They further note that "the germplasm accessions have been donated or collected on the understanding that these accessions will remain freely available and that they will be conserved and used in research on behalf of the international community, in particular developing countries."

The Agreements specify in Article 3 (b) that Centres "shall not claim legal ownership over the designated germplasm," nor shall they "seek any intellectual property rights over that germplasm or related information." Consistent with CGIAR policy mentioned above, Article 9 of the Agreements states that Centres will undertake "to make samples of the designated germplasm and related information available directly to users or through FAO, for the purpose of scientific research, plant breeding or genetic resource conservation, without restriction." Article 10, however, states that "Where samples of the designated germplasm and/or related information are transferred to any other person or institution, the Centre shall ensure that such other person or institution, and any further entity receiving samples of the designated germplasm from such person or institution, are bound by the conditions set out in Article 3 (b)." In a joint statement of FAO and the CGIAR Centres on the Agreements placing CGIAR germplasm collections under the auspices of FAO, it was explained that "With respect to the transfer of samples of designated germplasm, the requirements of Article 10 (namely, that the Centres ensure that recipients of germplasm not seek intellectual property rights over the germplasm or related information) will be satisfied by arrangements, such as Material Transfer Agreements, that require the recipient not to seek intellectual property protection on the material and to pass on the same obligation to subsequent recipients."

The CGIAR continues to give its full support to the Agreements concluded with FAO in 1994. Though it claims no ownership over the 500,000 accessions held in its genebanks and designated in the Agreements with FAO, the CGIAR has assumed responsibilities for their long-term conservation. Each year, the Centres distributed hundreds of thousands of accessions to

researchers and plant breeders consistent with the goals, objectives and provisions of the Agreements with FAO. These accessions are routinely made available under the terms of Material Transfer Agreements (MTAs) in fulfillment of the Centres' responsibilities to ensure that the material continues to remain the public domain. Centres disclose details of transfers of designated material publicly, e.g., through SINGER.

While Centres distribute genetic material through Material Transfer Agreements which prohibit the recipient, or any subsequent recipient, from taking out intellectual property rights, the CGIAR cannot guarantee that recipients will abide by the terms of the MTA. Violations may take place. When Centres become aware of a possible violation for their MTAs by a recipient of germplasm, the Centres will henceforth voluntarily undertake the following actions in response to the perceived violation.

1. The Centres will request an explanation. Upon failure to receive a satisfactory and timely explanation for the situation from the germplasm recipient, the Centres will notify that recipient that a violation is thought to have occurred and request that the recipient cease and desist in its efforts to obtain intellectual property rights over the material, or renounce such rights or ownership if they have already been granted or claimed.
- 2.a. The Centres will notify the proper regulatory body in the relevant country of the possibility that the MTA has been violated, and bring to their attention the fact that the grant of intellectual property rights may, therefore, have been inappropriate in the case of the material obtained from the CGIAR.
- 2.b. The Centres will notify IPGRI and the FAO Commission on Genetic Resources for Food and Agriculture, through its Secretariat, of the possible violation of the MTA and transgression of the Agreements with FAO.

The Centres reserve the right to take other actions, including legal actions, as they might deem feasible and appropriate to enforce the MTAs and preserve the integrity of the Agreements with FAO. In this regard, it would be the intent of the Centres to work in cooperation with FAO, under whose auspices the materials are held in trust by the CGIAR for the benefit of the international community.

The Centres recognize that many accessions designated under the Agreements with FAO, were distributed to plant breeders and researchers prior to designation in keeping with the CGIAR policy for providing "unrestricted availability" to germplasm - as noted in the Preamble of

Agreements. In dealing with this situation, Centres will request and urge that no intellectual property rights be sought for designated germplasm that was distributed prior to its designation under the FAO-CGIAR Agreement.

It is understood that FAO, through the Commission on Genetic Resources for Food and Agriculture, may also wish to take actions in support of the objectives of the Agreements between the CGIAR Centres and FAO. The CGIAR would welcome and support all such appropriate initiatives.

Endorsed by the CGIAR Genetic Resources Policy Committee, 4th May 1998