

## MINUTES OF THE GENETIC RESOURCES POLICY COMMITTEE

17<sup>th</sup> Session, Hyderabad, India, 28 February – 2 March 2005

Members present: Carlos Correa (Chair)  
Emile Frison (Secretary)  
Orlando de Ponti  
José Esquinas-Alcázar (FAO Observer)  
Mike Gale  
Leonardo Montemayor  
Juan Lucas Restrepo  
Maria José Sampaio  
Benchaphun Shinawatra Ekasingh  
Carl-Gustaf Thornstrom

Excused absence: Anil Subedi, Masa Iwanaga

Special presentations: Melinda Smale (IFPRI), Adam Druker (ILRI), Tony Simons (ICRAF),  
Hanumanth Rao (ICRISAT)

Members of Secretariat: Cary Fowler, Victoria Henson-Apollonio, Michael Halewood,

### Monday 28 February

Carlos Correa and William Dar provided welcoming messages.

Regrets were expressed on behalf of Anil Subedi and Masa Iwanaga who could not attend the meeting.

The new member of the Committee, nominated by the private sector, Orlando de Ponti, was introduced and warmly welcomed.

#### **Finalization of the “Guiding principles for the development of Future Harvest Centres’ policies to address the possibility of unintentional presence of transgenes in ex situ collections”**

Emile Frison described the consultative process that had been followed to get comments on the draft guiding principles. The draft guiding principles were posted on the IPGRI website and circulated through the Steering Committee of GFAR to all its stakeholders. They were also sent to ETC, Greenpeace, GRAIN, Via Campesina, and the International Federation of Agricultural Producers (IFAP). They were also sent out on the GRAIN IPR list-server. Emile personally discussed the draft guiding principles with representatives from ETC and Greenpeace. At its Tenth Regular Session, the CGRFA was informed of the process to draw up draft guiding principles for the Future Harvest Centre genebanks in the context of two agenda items: the Progress Report on the Draft Code of Conduct on Biotechnology and the Report from the CGIAR International Centres.

Comments on the draft guiding principles were received from:

- IFAP members from South Africa and New Zealand
- Asian Farmers Network (ASFARNET), which is a member of Via Campesina
- Ministry of Agriculture in Germany.

The comments were considered point-by-point by the Committee, and the guiding principles were revised taking into account the comments received. The principles were then unanimously adopted by the Committee (attachment 2).

The finalized guiding principles will be posted on the IPGRI and SGRP websites. They will be released in the form of a leaflet. They will also be included in the SGRP booklet on Centres' policy instruments. Emile Frison will send them to the CDC, suggesting that they consider them for endorsement at the next CDC meeting. They will be sent to the CGIAR Secretariat to be distributed to ExCo and all members of the CGIAR.

Furthermore, the Committee recommends that the CDC requests the SGRP to take the following steps:

1. to convene a group of technical experts from within the CGIAR to assist the Centres to implement the guidelines in the most effective and economical way.
2. to coordinate the development of best practice guidelines for crops maintained in their genebanks and have them published and widely distributed.
3. to coordinate the completion and regular updating by the Centres of the data base on the state of the art of GMO development<sup>1</sup> for the crops for which they have expertise and have them published and widely distributed.
4. in order to get feedback to the GRPC, to establish a monitoring mechanism through which Centres report on the steps they have taken to implement the guidelines and to develop guidelines per crop, as well as on the number of samples they have had to test per year, the results of the tests and the associated costs.

Furthermore, SGRP will be requested to provide progress reports concerning these points to the GRPC on an annual basis.

The Committee further requests the CDC to communicate the Guiding Principles to the Centres' Boards.

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<sup>1</sup> Work on development of this data base began during the workshop entitled "Technical issues associated with the development of CGIAR policies to address the possibility of adventitious presence of transgenes in CGIAR *ex situ* collections" from 30 August - 1 September 2004 in Rome, Italy. Workshop participants created a table entitled "Status of transgenic work, crop-by-crop," with the intention that it would need to be reviewed and updated on an ongoing basis. That table can be found on pages 5-11 of the final report on the workshop, posted on the IPGRI website at [http://www.ipgri.cgiar.org//policy/GMOWorkshop/PDF/GMO\\_Workshop\\_final\\_Report.pdf](http://www.ipgri.cgiar.org//policy/GMOWorkshop/PDF/GMO_Workshop_final_Report.pdf).

The Guiding Principles will be communicated to the CGRFA through its Secretariat.

A press release will be prepared by IPGRI with indication of the wide consultation process that has taken place.

It was noted that there was a need for funding for the work resulting from the implementation of the Guiding Principles, and this should be communicated to Donors.

### **Update on the November 2004 meetings of the CGRFA and the CGRFA Acting as the Interim Committee for the International Treaty (the Interim Committee)**

#### *The 2<sup>nd</sup> meeting of the Interim Committee*

Dr. Esquinas-Alcázar provided an account of the 2<sup>nd</sup> meeting of the Interim Committee that was held in November 2004. The meeting was chaired by Brian Harvey of Canada. To date, 65 countries plus the EC have ratified the International Treaty. The rapid rate of ratification of the International Treaty is unprecedented. Regarding the development of the standard MTA, in September 2004, an Expert Working Group on the Terms of the Standard MTA met in Brussels and identified options in response to the questions posed in its TORs. The MTA Expert Group finished its work; it will not meet again. At its November 2004 meeting, the Interim Committee created a Contact Group for the Drafting of the Standard Material Transfer Agreement (the Contact Group) and adopted its terms of reference. The Contact Group will include 12 representatives per region, except for North America and the South Pacific, which will have 6 representatives each. The CGIAR is asked to nominate one representative. The Interim Committee asked the Secretariat of the CGRFA, with the support of the FAO Legal Office, under the guidance and supervision of the chair of the Contact Group in consultation with the chairs of the regional groups and the chair of the Second Meeting of the Interim Committee, to prepare the first draft of the Standard MTA, to use as the basis of negotiations by the Contact Group. The first draft of the consolidated draft of the MTA was sent out the week of February 20 to the regional groups for comment. A final draft, taking into account comments from the regional representatives will be circulated by early May, 2004

The Contact Group will meet in Tunisia, probably in the third week of July. Its meeting will be preceded by a two day meeting of developing countries.

The Interim Committee considered proposed Rules of Procedures; draft Financial Rules of the Governing Body; procedures and mechanisms to promote compliance with the Treaty, and the Funding Strategy. These issues will be considered again during a meeting of an Open-ended Working Group which will meet in Rome, probably in October 2005. The recommendations of the Open-ended Working Group will be considered by the Governing Body.

The Interim Committee decided that a draft work plan and budget for 2005-2007 should be developed by the Secretariat and that the Governing Body should meet twice in the next two years. The Interim Committee also decided that as part of developing its work plan, the Commission should provide a summary of the relevant activities of the Commission and other bodies, including the Future Harvest Centres of the CGIAR.

The 1<sup>st</sup> meeting of the Governing Body will most likely be held in February 2006 in Spain. Spain will also support a two day meeting of developing countries immediately beforehand.

The Governing Body meeting will take place prior to the next meeting of the *Ad Hoc* Open-ended Working Group on Access and Benefit Sharing, which will also be held in Spain, in March 2006.

The Interim Committee restated its appreciation that the Global Crop Diversity Trust will become an integral part of the funding mechanism under the guidance of the Governing Body.

#### *10th session of the CGRFA*

Dr. Esquinas-Alcázar reported on the 10th Session of the Commission, held in November 2004. The 10<sup>th</sup> Session marked the Commission's 20<sup>th</sup> anniversary, and had a particular focus on the organization of its future work. The Commission decided that in the medium and longer term, the Commission should implement its full mandate (FAO Conference Resolution 3/95), so that it covers all components of biodiversity of relevance to food and agriculture. FAO should prepare for submission to the CGRFA's next session an overview on the status and needs of the different sectors and cross-sectoral matters including the areas of biodiversity for food and agriculture and the agro-ecosystem approach. The Commission agreed that a Multi-Year Programme of Work (MYPOW) for the Commission should be submitted to its Eleventh Session (2006). The FAO is to prepare the MYPOW, in cooperation with others.

Regarding Plant Genetic Resources, the Commission reviewed the development of the second report on the State of the World's Plant Genetic Resources for Food and Agriculture and revised the timeline (2008 for completion). The Commission and the Governing Body of the Treaty will develop a cooperative framework.

Regarding Animal Genetic Resources, the Commission reviewed the future development of the country-driven process to prepare the first report on the State of the World's Animal Genetic Resources for Food and Agriculture, and decided that it should be finalized at the First International Conference on Animal Genetic Resources in 2007. The Commission left open the possibility of negotiating an international legal instrument on AnGR.

As part of its future work on all components of biological diversity of relevance to food and agriculture, the Commission agreed that it should strengthen cooperation with the Future Harvest Centres of the CGIAR and others.

Regarding the Draft Code of Conduct on Biotechnology, the Commission identified a number of fields on which to develop policy in the future, such as: GURTs, gene flow from Genetically

Modified Organisms (GMOs) in *ex situ* collections and centres of origin, liability and GMOs, benefit sharing, and incentives for appropriate biotechnologies.

The Committee noted the significant progress made during this session of the Commission and the broadened range of opportunities for cooperation between FAO and the Centres.

### **Update on the Centres' draft agreement with the Governing Body and the process for the development of products of Centre research**

#### *Centres' draft agreement with the Governing Body*

Cary Fowler provided an update on the development of the Centres' draft agreement with the Governing Body. The draft agreement as approved by the CDC was considered by the 2<sup>nd</sup> meeting of the Interim Committee in November 2004. Not many changes were recommended; those that were recommended were improvements from the point of view of CGIAR. The draft agreement was now ready for consideration by the Governing Body. The Governing Body should approve the text of agreement during its first meeting in 2006, after which the agreements can be signed by the Centres. The agreement will come into force 90 days after being signed.

C. Fowler also elaborated on the possibility that the Centres collectively issue a statement upon signing the agreements which could include the following elements:

- The Centres' intention to comply fully with the agreement;
- The Centres will conserve and make available PGRFA consistent with the Treaty and sound management practices;
- Materials may be restored to the country that supplied them from *in situ* conditions regardless of whether they are parties;
- Non-differential treatment of non-Parties;
- Steps the Centres will take to promote compliance with MTAs;
- Consultations with the Secretariat will cover development of guidelines for disposal of accessions the Centre no longer seeks to conserve, and
- Dispute settlement.

Although some of the text of the draft agreement is now bracketed, the Committee considers that the proposed changes are not problematic. It is strongly suggested that the text of the draft agreement be approved by the Boards of the Centres before March 2006, authorizing the DGs to sign the agreements if no significant changes are introduced by the Governing Body.

The Committee will monitor the further development of the agreement.

#### *MTA for the products of Centre research*

Cary Fowler provided an update on the process for the development of an MTA for products of Centre research. There has been no change in the text since the last meeting

of the GRPC. To date, a paragraph has been developed that will need to be inserted into the standard MTA once it is finalized so that it can be used for the products of Centres' research. Until the standard MTA is finalized, nothing more can be done.

It was also noted that all potential monetary benefits would exclusively go into the IT-Funding Mechanism.

It was also noted that possibly a note about the MTA for products of centre research could be included in the statement issued by the Centres upon signing the agreement with the Governing Body.

### **Update on Svalbard long term storage facility**

Cary Fowler provided an update on Svalbard long term storage facility. A decision will be made on March 17 by the government of Norway whether to proceed with the creation of the facility. If the decision is positive, construction could begin as early as July 2006.

### **Operationalization of article 15.4 of the International Treaty**

Cary Fowler made a presentation regarding the operationalization of article 15.4 of the IT. This article encourages parties to provide CG Centres with non-annex 1 materials on mutually agreed terms.

The Committee considered that it was important to take proactive steps to operationalize this section so that Centres' collections remain dynamic and not frozen as of the time of the International Treaty was adopted. One important step would be to document the extent to which CG Centres have had difficulties getting materials they have requested that are not included on the Annex 1 list. Furthermore, it would be useful to document what the Centres have done with those materials once acquired, i.e., the flows of that material and value addition that they have been able to facilitate.

The Committee recommends that SGRP monitor, through the ICWG-GR, 1) Centres' experiences when requesting (what are now) non-Annex 1 crops, and 2) details concerning instances where the Centres have accepted materials under conditions that would not allow them to distribute/designate/utilize them.

Emile Frison will request the ICWG-GR to collaborate in this effort, asking them to provide data in the future and also for the past (up to 5 years).

The Committee recommended that the Secretariat should initiate work on the development of a strategy for acquisition of non-Annex 1 crops of interest to Centres with the view toward developing a template for germplasm acquisition agreements.

## **Progress report on the GRPC/SC-commissioned study of CGIAR Center/Challenge Program IP Management**

Victoria Henson-Apollonio and Hanumath Rao provided a progress report on the conduct of the CAS study entitled: “What strategies for the CGIAR to conduct research and deliver technological innovations that benefit the poor in a context of intellectual property rights?” To date, only six Centres have responded to the survey that is the backbone of that paper. A new deadline for responses will be set for the end of March.

The first draft of the paper based on the replies will be circulated by CAS by the end of April to the participants. Once revised, based on the participants’ comments, the second draft will be sent to GRPC by the end of May for its consideration.

It was noted that the Rockefeller Foundation is funding a study on humanitarian use licenses for patents (with AAAS) and that Plant Biosciences is conducting a study on the terms under which IPRs are likely to be made available to CGIAR.

## **Progress report on CDC report on Centres’ technology transfers as benefit sharing and contributions to Farmers’ rights**

Emile Frison and Victoria Henson-Apollonio provided an update on this activity. The sixth section of the survey presented by Victoria under the previous agenda item includes requests for information related to this separate study. Putting the questions for both studies in the same questionnaire represented efficiency in terms of time, labour, and the total number of questionnaires to be sent.

The Committee noted the fact that good progress is being made with respect to both studies. The Committee recommended that whatever data is obtained through the questionnaire should be supplemented by ‘real stories’ such as the potato park being developed in the Andes; it also recommended that it will be necessary to develop models for the kinds of policy advice we want to be able to give regarding transfer of technologies. To this end, it would be desirable to share the results of the survey early on with the Committee members and other relevant peers to be able to focus on identifying gaps and potential activities to address those gaps and, from there, to develop policy models.

## **Progress report on agricultural microorganisms and exchange policies.**

Michael Halewood provided a progress report on efforts to conduct a study on agricultural microorganisms and exchange policies. Terms of reference for a consultant to do background research and draft a report were developed and circulated for comment to the ICWG-GR and FAO. The TORs were subsequently revised and shared with the Committee for comment during the meeting. A consultant has been identified to carry out the study. In addition, contacts have been made with the coordinator of the Micro-

Organisms Sustainable use and Access regulation International Code of Conduct (MOSAICC) project, who is a staff member of Belgian Co-ordinated Collections of Micro-organisms (BCCM). MOSAICC is in the early stages of considering the development of a standard MTA for transfers of some categories of microbial genetic resources. IPGRI has been invited to send a representative to a MOSAICC meeting in Brussels in September 2005. Meanwhile, the Secretariat will work closely with MOSAICC and the consultant to identify the most appropriate scope of the research paper. The Secretariat will further revise the TORs for the consultancy and make sure that there will be a tight collaboration with MOSAICC and BCCS to stimulate synergies. The Secretariat will report back to the Committee on its progress in this regard by the end of April, 2005, including the revised terms of reference, to be adopted on a no-objection basis. In the interim, Committee members may send Michael comments on the TORs that were circulated at the meeting.

Progress on this matter should be reported to the Eleventh Session of the Commission in the context of the preparation of its MYPOW which includes genetic resources of microorganisms for food and agriculture.

### **The African Working Group on Genetic Resources for Food and Agriculture**

Michael Halewood reported that NEPAD, in partnership with other institutions, is planning to convene the African Working Group on Genetic Resources for Food and Agriculture (AWG). The creation of the AWG was recommended in 2004 at a Rockefeller Foundation-supported meeting in Bellagio, Italy, on policies affecting the conservation and use of PGRFA in East Africa. The idea was subsequently endorsed by delegates from Sub-Saharan African countries at the 2<sup>nd</sup> meeting of the Interim Committee, November 2004. Those delegates have issued a joint statement in support of the creation of the AWG.

The objectives of the AWG are to provide a platform for the discussion of regional technical issues concerning GRFA that need to be addressed in the context of ongoing international negotiations with particular emphasis, at least initially, on the implementation of the International Treaty; to provide a mechanism for outreach to a wide range of stakeholders on a regional and subregional basis; and to identify ways of enlarging political actions for genetic resources conservation and sustainable use within Africa. IPGRI is assisting in the coordination of the first meeting of the AWG and working to ensure that it complements ongoing processes within the Commission.

The Committee recognizes the importance of capacity building at the regional level and welcomed this initiative.

**Tuesday 1 March**

**Update on ethics for food and agriculture (FAO and UNESCO)**

Dr. Esquinas-Alcázar reported on the activities in FAO's Programme on Ethics in Food and Agriculture and the UNESCO interagency committee on bioethics. Regarding FAO, the membership of the Panel of Eminent Experts on Ethics for Food and Agriculture is being renewed at the current time. A new paper, "Ethical issues in fisheries," has recently been published. It is possible for the GRPC to propose titles or provide concept notes for future FAO publications on ethics.

Regarding UNESCO, the draft "Declaration on Universal Norms on Bioethics" has been discussed by the UN Interagency Committee on Bioethics. It will go to UNESCO General Assembly for adoption in 2005. It was noted that it may be possible to communicate comments on the Declaration on Bioethics through Dr. Esquinas-Alcázar.

UNESCO is also coordinating the development of code of conduct for scientists. The aim is to have this code finalized in 2006/2007.

It was noted that Science Council will be encouraging all Centres to create their own bioethics committees. Furthermore, the Science Council will be sponsoring two studies on a) research ethics and the CGIAR, and b) ethics and the CGIAR mission.

It was noted that the Private Sector Committee of the CGIAR at AGM 03 requested a clear set of rules/guidelines for collaboration between CG Centres and companies.

It was noted that the CDC is currently discussing a common approach to collaboration between IARCs and the private sector. There will be a meeting in June between the CDC and private sector about this issue. It was agreed that the GRPC would develop a statement on behalf of the GRPC, including ethical principles concerning confidentiality agreements and other relevant aspects, to send to that meeting. A small group of Committee members started work on developing that statement during the GRPC meeting. It was agreed to continue development of that statement following the GRPC meeting and to finalize it by the end of April. It will be adopted on a no-objection basis.

It was agreed that the GRPC should also develop a statement of ethical principles for CG scientists' regarding the use of traditional knowledge for adoption at the next meeting. A small group of Committee members started work on developing that statement during the GRPC meeting. It was agreed to continue development of that statement following this meeting and that it would be examined at the next meeting of the GRPC.

It was agreed to conduct an update on how the individual Centres have developed IP Policies based on the CGIAR IPR guidelines developed in 1999. It will be useful to examine this issue in light of the results of the Centre-wide survey discussed in agenda points above. It was noted that there are several references to the CGIAR In Trust agreements in the current Centre IP guidelines which would need to be updated to take

the International Treaty into account. The Committee requested CAS to compile this information and make suggestions for feedback to the GRPC prior to its next meeting.

### **Update on CDC policy issues suggestions for the GRPC agenda**

Emile Frison provided an update on suggestions from Centres for policy issues to be included on the GRPC agenda. He reported that on Wednesday March 2 there would be a joint meeting of the ICWG-GR, CDDC and GRPC, during which time it would be possible to get suggestions for issues to be included in the GRPC's future work plan. The Secretariat will send a summary of the outcomes of that meeting to the GRPC members.

It was noted that the Committee's agenda should be demand driven, and ongoing efforts to assess demand are important.

### **The decline of germplasm acquisitions into Centres' collections**

Carl-Gustaf Thornstrom made a presentation on the decline of germplasm acquisitions by CIP, particularly after 1993.

It was noted that there is a general decline in collections by Centres after 1993. The explanations for the decline are not uniform. Most evidence is anecdotal. Some say that Centres already have collections that represent a significant proportion of the diversity of the crop. Other accounts attribute difficulties to the existing policy environment. It was noted that there are similar patterns of decreased collection for non-CG genebanks as well.

The Committee agreed that it would be useful to have comparative data on rates of materials being collected and disseminated by gene banks. This study should be linked to the study of genebanks' experiences requesting non-Annex 1 materials described in the context of operationalizing article 15.4 of the Treaty, above. Data on distribution of germplasm should also be collected.

It was noted that the study should be completed a few months before the first meeting of the Governing Body (which is likely to be 14-18 Feb 2006). It was further noted that it might be easier for countries to receive requests for data from FAO. It was therefore recommended that the possibility of this being a joint research activity between IPGRI and FAO should be explored.

The Secretariat will develop TORs for this study with an estimated budget and circulate them for approval to the Committee members by the end of April, to be adopted on a no-objection basis.

## **Key issues arising in the CBD's Ad Hoc Open-ended Working Group on Access and Benefit Sharing, and WIPO's Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore**

Michael Halewood provided an update on key issues arising in both of these fora. The Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (IGC) met last in November 2004. There was broad support among delegates for the fairly detailed articulation, as prepared by the IGC Secretariat, of policy objectives and core principles for protection of traditional knowledge against misappropriation and misuse. That document is being revised and will be presented at the next meeting of the IGC June 6-10, 2005. Meanwhile, the IGC delegates could not agree on what process to follow, if any, for the further development of two documents concerning genetic resources: one regarding draft intellectual property guidelines for access and equitable sharing of benefits, and another concerning patent disclosure requirements. Both documents are interesting to read and available on the WIPO website.

The CBD's Ad Hoc Open-ended Working Group on Access and Benefit Sharing met in Bangkok, February 14-18, 2005. It was the first time the Working Group met to explore its new mandate, at the request of the World Summit on Sustainable Development, to "negotiate within the framework of the CBD, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising from the utilization of genetic resources." Two working groups met in parallel sessions, one focusing on the possible development of the international regime and the other focusing on means to implement prior informed consent in national law and to implement systems to use certificates of origin or source or provenance. Delegates generally paid little attention to the special situation of genetic resources for food and agriculture in general, and the existence of the International Treaty in particular. The negotiating text that emerged at the end of the meeting reflects the desire of many countries to deepen the bilaterally-oriented approach to the implementation of the CBD that has been so much discussed, but so unsuccessful, since the CBD came into force. IPGRI, IIRRI and FAO made a lunch time presentation on germplasm flows and their implications for ABS regulations. IPGRI and IIRRI also developed a policy brief that was widely distributed.

It was noted that the CGIAR must be more proactive in terms of delivering its message about the importance of GRFA and multilateralism to the constituencies who are participating in these CBD meetings, taking the Multilateral System of the IT PGRFA as a pragmatic and effective example. The message has been well communicated to the agricultural people attending CGRFA meetings, but not to the delegates from different departments and backgrounds attending meetings of WIPO, CBD, etc. To this end, the CGIAR, through SGRP, needs to develop more presentations for such side events at these meetings and other means of communication. Cooperation with FAO in this endeavour is considered important.

### **Key developments in intellectual property: what role should the CGIAR play with regard to very broad patent claims?**

Victoria Henson Apollonio provided details of three recent controversial patent applications and concluded that, on the basis that the claims were not well drafted and included prior art, they were very unlikely to succeed.

The Committee is concerned about the potential implications of such broad claims on access to GRFA. The Committee further recognizes the role that civil society groups have played in identifying these patents. It is a complex issue that requires case-by-case analysis and response.

It was noted that the CGIAR could not dedicate significant time/ resources to identifying such claims on its own. However, the CGIAR should maintain the capacity (most notably, within CAS) to respond when others notify the CGIAR of such patents. The Secretariat will explore with CAS what action could be considered with respect to this issue.

### **Key issues concerning biosafety regulations and the implementation of the Cartagena Biosafety Protocol (CBP)**

Emile Frison made a presentation, pointing out that it is important to distinguish between the CBP and national biosafety laws. He highlighted the need for capacity building and the fact that, in many cases, the results of public sector research cannot be used in developing countries due to the regulatory environment that is being developed. Difficulties are also reported in a number of countries to carry out field testing of genetically modified materials because of lack of operational regulatory systems.

It was also noted that liability and redress issues are being discussed in the framework of the CBP and that there may be important implications for developing countries. Sean Sullivan of CIMMYT has recently written a paper on biosafety liability issues that require consideration.

The Committee recommends that the Secretariat look more deeply into the issue of the relevance of biosafety issues to the GRPC and report back at the next meeting. It was noted that there is a working group on biosafety within the FAO Priority Areas for Interdisciplinary Action (PAIA on Biosecurity) with which collaboration could be sought.

It was also noted that public-private collaborations might help in addressing the complex regulatory issues hampering the adequate field-testing and release of genetically modified materials.

## **Update on the Global Crop Diversity Trust**

Emile Frison provided an update on the Trust. There have been regional meetings to develop regional strategies for conservation. These efforts have included identifying key collections in each region, and then bringing together key scientists from the regions to make recommendations about which genebank(s) would be the most appropriate to conserve the most important material.

While progress has been slower than hoped in attaining donations for the Trust, money does continue to come in. Some grants have been already provided from the Trust.

The committee notes the encouraging progress made by the Trust.

## **Issues related to animals, fisheries, forestry**

Michael Halewood made a presentation on policy issues related to forest GR that are of relevance to the GRPC. The final meeting of the United Nations Forum on Forestry (UNFF) will take place in May 2005. Delegates to the UNFF will decide whether to proceed with the negotiation of an international agreement on Forests.

ICRAF and CIFOR are members of the Collaborative Partnership on Forests (CPF), an interagency body that supports the work of the UNFF. FAO is the host of the CPF.

The Committee recommended that the Secretariat requests CIFOR and ICRAF for a report of how GR policy issues are being addressed in the CFP. In addition, the Secretariat should monitor the fifth meeting of the UNFF and report back to the Committee about it.

It was noted that the Science Council has commissioned papers on fish GR and livestock GR.

The GRPC noted the relevance of the Multi-year Programme of Work that was being developed for the CGRFA's consideration at its next session.

## **Update on ongoing work on economic valuation of GRFA**

Melinda Smale and Adam Drucker provided an update on ongoing research work on economic valuation of GRFA. Melinda described the joint IFPRI-IPGRI economics work in the context of managing crop diversity, managing crop biotechnology, and assisting policy makers to take economics into consideration when considering policy options. She presented general findings including the following:

- The marginal commercial value expected from an individual plant genetic resource in agricultural use generally will not be high enough to fund national innovation or conservation efforts at socially desirable levels.

- The commercial value of plant genetic resources is a relatively small component of their total value.
- Successive, continuous releases of improved varieties by plant breeding programs, many of them publicly-financed, have generated economic returns that far outweigh the costs of investment.
- The expected marginal value of exploiting an individual accession in commercial agricultural use justifies the cost of conserving it in a gene bank.

Adam presented a list of research questions pertinent to AnGR policy, including the following:

- What are the net international flows of AnGR and the value of them?
- What can be learned from the International Treaty and what can be learned given differences between AnGR and PGRFA?
- What are the benefits of AnGR and how can they be shared?
- What kinds of policies other than ABS are important?
- How to identify breeds that should be priorities for conservation purposes?
- What traits should be taken into account when designing interventions?
- What policy factors need to be considered to support conservation of AnGR?

He also mentioned a few projects in which ILRI is working to develop decision-support tools to work through some of these questions.

It was noted that more and more data is available to ‘make the case’ of the value of agrobiodiversity. Much more work needs to be done and awareness raised with policy makers, ministries responsible for livestock, and people who generally tend to prefer imported things over local products.

It was further noted that it is possible to generate information on non-market values, but that it costs significant amounts of money to develop that information and it tends to be location specific. On the global level however, there is more data available to be used and packaged without the need to collect new original data.

The Committee expressed its appreciation for the presentations of Melinda and Adam. It was noted that their information would be very useful when ‘making the case’ at international fora in the future, and that it would be advisable to keep in touch with them for the purposes of making best use of the information they have.

### **Invasive species and policy issues for the CGIAR**

Tony Simons of ICRAF presented ICRAF’s policy on invasive species. He provided details of the ICRAF policy on invasive species and the history of its development.

The committee welcomed the presentation. The committee recommended the development of a common approach to the development of Centres’ invasive species

policies. It was recommended that the possibility of SGRP coordinating efforts in this regard should be considered by the ICWG.

### **Bilateral agreements**

Carlos Correa provided a review of trends in bilateral trade agreements and obligations. He described the fact that the USA was pressing for the inclusion of the requirement to provide patent protection for plants in its bilateral agreements. He provided the example of the US-Chile Free Trade agreement. He further pointed out that disclosure requirements linked to patenting are likely to rely upon amendments to article 29, and not article 27 of TRIPS.

### **Wednesday 2 March**

With respect to future reports to the Committee on developments in international fora, the Chair suggested that the Secretariat should submit short summaries highlighting issues of relevance to the GRPC two weeks prior to the meeting, and allow a short period of time during the meeting for questions and answers. It was also suggested to circulate all other documents relevant to the meeting two weeks before the meeting.

It was decided that a standing item on the GRPC meeting agenda should be added for considering reports from the SGRP.

The Committee will hold the next GRPC meeting from 29 to 31 August 2005 at IPGRI Headquarters in Rome.

## Attachment 1

Issue	Activity/Input	Outputs	Timetable
Guiding principles for the development of Future Harvest Centres' policies to address the possibility of unintentional presence of transgenes in <i>ex situ</i> collections	<p>IPGRI will issue a press release informing about the guiding principles</p> <p>The Secretariat will post the guiding principles on IPGRI &amp; SGRP websites; include them in the SGRP CGIAR policy instruments booklet; release them in leaflet format.</p> <p>Emile Frison will send them to the CGIAR Secretariat to be distributed to Ex Co and all CGIAR members.</p> <p>Emile Frison will send message to the CDC requesting the CDC to endorse them, inform Centre Boards about them, &amp; to request SGRP to:</p> <p>a) convene group of technical experts;  b) coordinate guidelines development;  c) coordinate updating GMO database;  d) establish feed back mechanism, as set out in points 1-4, pg 2 of the minutes and make annual progress reports to GRPC</p> <p>Secretariat of the CGRFA will inform CGRFA about the Guiding Principles</p>	<p>Press release</p> <p>Website postings  Revised booklet  Published leaflet</p> <p>Message to CG Secretariat</p> <p>Message to CDC</p> <p>Report to 11<sup>th</sup> Session of the CGRFA</p>	<p>2<sup>nd</sup> week March 05</p> <p>1<sup>st</sup> week April 05  Next edition  1<sup>st</sup> week June 05</p> <p>2nd week April 05</p> <p>2nd week April 05</p> <p>[to be confirmed]</p>
Implementation of the International Treaty	GRPC will monitor developments including the Contact Group meeting, the informal Norway meeting, & the informal meeting of African Working Group on Genetic Resources for Food and Agriculture	Update by GRPC Secretariat	GRPC meeting, August 2005
Agreement between Centres and Governing Body of the IT	<p>Emile Frison to send text as revised at 2<sup>nd</sup> meeting of Interim Committee to CDC, recommending the CDC's re-approval of that text</p> <p>IPGRI will draft text of statement that could be issued by Centres upon signing</p> <p>GRPC to monitor developments</p>	<p>Message to CDC</p> <p>Draft statement</p> <p>Update by GRPC Secretariat</p>	<p>4<sup>th</sup> week March 05</p> <p>Two weeks before GRPC meeting, August 2005</p> <p>GRPC meeting, August 2005</p>
MTA for products of Centre research	<p>IPGRI will draft text to be included in a statement that could be issued by the Centres upon signing the agreement with the Governing Body</p> <p>Monitor developments of negotiation of the standard MTA for annex 1 materials</p>	<p>IPGRI will draft clause and circulate the MTA through the SGRP and to the GRPC</p> <p>Update by GRPC Secretariat</p>	<p>Depends upon progress of negotiations of the standard MTA</p> <p>GRPC meeting, August 2005</p>

Svalbard long term storage facility	GRPC will monitor developments	Update by GRPC Secretariat	GRPC meeting, August 2005
Operationalization of article 15.4 of IT	<p>Emile Frison will ask the SGRP on behalf of the GRPC to monitor, through the ICWG-GR, Centres' experiences requesting non-Annex 1 materials from non-CG sources during last 5 years, with details about restrictions (if any) suppliers placed on Centres' use of that material.</p> <p>Emile will also ask for data on subsequent uses by centres of that material, in particular, subsequent distributions and value additions.</p> <p>Secretariat will initiate work on development of a strategy for acquisition of non-Annex 1 crops in the form of a germplasm acquisition agreement under article 15.4</p>	<p>Verbal request to ICWG-GR meeting, Hyderabad, Feb/March 05</p> <p>Written message to SGRP and ICWG-GR</p> <p>Update by GRPC Secretariat</p> <p>Draft elements of GAA</p>	<p>March 4, 05</p> <p>2<sup>nd</sup> week May 05</p> <p>GRPC meeting, August 2005</p> <p>GRPC meeting, August 2005</p>
CAS paper on IPR strategy for the CGIAR	<p>CAS will extend deadline for Centres to answer questionnaire to end March 05</p> <p>CAS will circulate 1<sup>st</sup> draft to participants</p> <p>CAS will send 2<sup>nd</sup> draft to GRPC</p>	<p>Letter extending deadline</p> <p>Draft circulated</p> <p>2<sup>nd</sup> draft</p>	<p>2<sup>nd</sup> week March 05</p> <p>End of April 05</p> <p>End of May 05</p>
<p>Assessment of Centres' impact concerning:</p> <p>1. technology transfers as benefit-sharing, and</p> <p>2. contributions to Farmers' Rights</p>	<p>Extend deadline for Centres to answer questionnaire to end March 05</p> <p>Survey results tabulated and sent to GRPC members.</p> <p>GRPC members will identify gaps, relevant activities, suggest 'real life' stories to be added to the survey results and recommend, overall, how to develop policy models,</p> <p>Secretariat will draft a short paper identifying policy related issues that could potentially be addressed by the GRPC based on these inputs</p>	<p>Letter extending deadline</p> <p>Survey results tabulated</p> <p>Members' comments</p> <p>Draft paper</p>	<p>2<sup>nd</sup> week March 05</p> <p>End of April 05</p> <p>End of May 05</p> <p>GRPC meeting, August 2005</p>
Agricultural microorganisms and exchange policies	<p>Committee members will send Michael Halewood their comments on TORs distributed at the meeting</p> <p>Secretariat will consult with MOSAICC, FAO and potential consultant to revise TORs for consultancy. Circulate revised TORs to Committee members for approval on no objections basis</p> <p>Report on progress to 11<sup>th</sup> session of CGRFA</p>	<p>comments</p> <p>Revised TORs</p> <p>Approved TORs</p> <p>Note in CGRFA information document</p>	<p>April 15 05</p> <p>End of April 05</p> <p>End of May 05</p> <p>[to be confirmed]</p>

Statements on ethics and agriculture	<p>Small group of GRPC members will draft statement on ethical principles concerning CG Centres-Private Sector collaboration to submit to CDC/private sector meeting.</p> <p>Statement will be circulated for approval on no-objection basis</p> <p>Emile Frison will submit the statement to the CDC-Private Sector meeting</p> <p>Small group of GRPC members will develop draft statement on ethical principles concerning use of traditional knowledge</p>	<p>Ethical statement by GRPC re: private sector collaboration</p> <p>Approved statement</p> <p>Statement submitted</p> <p>Draft ethical statement by GRPC re: traditional knowledge</p>	<p>End of April 05</p> <p>2<sup>nd</sup> week of May</p> <p>June 2005</p> <p>GRPC meeting, August 2005</p>
Centre IPR guidelines	CAS will compile information on how Centres' IPR guidelines have evolved since 1999 with recommendations for potential activities by the GRPC	Draft paper	GRPC meeting, August 2005
Demand driven GRPC agenda setting process	Secretariat will provide the Committee with a summary of issues raised during special policy session with ICWG-GR and DDGs, March 2, 05	Note from GRPC Secretariat	2 <sup>nd</sup> week April 05
Decline in rates of acquisition of new materials by genebanks	<p>Secretariat will develop TORs for study of genebanks' rates of acquisition, including comparative data on rates of distributions</p> <p>Secretariat will explore collaboration with FAO on this issue</p>	TORs	End of April 05
Developments at CBD, WIPO, WTO, other bodies	Secretariat will prepare short paper summarizing relevant developments	Information paper	Two weeks before GRPC meeting, August 2005
Animals, fisheries & forestry	<p>Secretariat will prepare short paper summarizing relevant developments</p> <p>Regarding forestry in particular, the Secretariat will request CIFOR and ICRAF for a report of how GR policy issues are being addressed in the CFP and UNFF</p> <p>The Secretariat will explore collaboration with FAO on these issues.</p>	Information paper	Two weeks before GRPC meeting, August 2005
Broad patent claims	CAS and the Secretariat will further analyze options for how the Centres can address this issue in the future	Update by CAS	GRPC meeting, August 2005
Biosafety	<p>Secretariat will investigate biosafety issues of relevance to the CGIAR</p> <p>The secretariat will explore collaboration with FAO on this issue</p>	Update by GRPC Secretariat	GRPC meeting, August 2005
Global Crop Diversity Trust	GRPC will monitor progress	Update by GRPC Secretariat	GRPC meeting, August 2005

Invasive Species	<p>Emile Frison will discuss with ICWG-GR the possibility of SGRP coordinating efforts to develop a system-wide approach to creating Centres' policies on invasive species</p> <p>GRPC will monitor developments</p>	<p>Discussions during ICWG-GR meeting, Hyderabad, Feb/March 05</p> <p>Update by GRPC Secretariat</p>	<p>March 4, 05</p> <p>GRPC meeting, August 2005</p>
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## Attachment 2

### GUIDING PRINCIPLES FOR THE DEVELOPMENT OF FUTURE HARVEST CENTRES' POLICIES TO ADDRESS THE POSSIBILITY OF UNINTENTIONAL PRESENCE OF TRANSGENES IN EX SITU COLLECTIONS

#### *Background*

1. In the management of germplasm, the Future Harvest Centres embrace the following overarching principles: ethics, transparency, accountability, risk analysis and quality control.
2. The purpose of genebanks is to collect, conserve and make genetic resources available. The maintenance of the genetic identity of the accessions is an overriding objective of genebanks. The Centres take proactive steps that aim to prevent the unintentional introgression of exotic genes, including transgenes, not already present into samples conserved in their genebanks. Proper germplasm management procedures and genebank practices and protocols to ensure quality and integrity of accessions must be followed.
3. Transgenes and conventional genes are subject to the same underlying biological processes of mutation, geneflow, introgression, recombination and natural selection. Therefore, best practices for preventing introgression of conventional genes provide an appropriate basis for preventing introgression of transgenes.
4. Germplasm management procedures and practices should conform to best practices. Best practices and appropriate technologies vary with the crop, influenced, for example, by its breeding system, pollination system, and whether it is an annual/perennial. These best practices include procedures and practices that aim to prevent the transfer of genes from sources other than the accession in question. Routes for transfer by other sources include admixture of seeds and pollination.
5. It is recognized that available technical means do not permit the complete exclusion of unintentional presence of exotic genes, including transgenes, in genebank accessions. It is also recognized that available testing techniques do not provide an absolute guarantee, without testing every single seed or plant that any given accession is free of transgenes. However, best practices in genebanks will achieve a high degree of statistical probability that an accession does not include unintentionally present transgenes.

#### *Guiding Principles*

6. The Centres should take proactive steps to determine the risk of the unintentional presence of exotic genes, including transgenes, in their *ex situ* collections.
7. The Centres should develop, document and communicate crop-specific guidelines for best gene bank management practices. These guidelines should include crop-specific risk analysis procedures (i.e., risk assessment, management, and communication) addressing critical control points.

8. The major genebank operations that need to be evaluated are collecting, acquisition, regeneration, characterization, delivery, conservation, testing health and viability, evaluation and documentation (genebanks are most open to unintentional introduction of transgenes at the collecting and acquisition stage, because germplasm may have been exposed to geneflow outside the control of the genebank).  
The guidelines must aim to minimize geneflow at these stages, for transgenes and for conventional genes.
9. As part of their risk analysis, when collecting or acquiring new accessions by other means, Centres should consider the following regarding testing:
  - a. whether transgenic events (commercial and research) in the relevant taxa are likely to be present in the area of collecting or acquisition;
  - b. the distance between the collecting site and areas where transgenic events (commercial and research) are situated; or
  - c. whether germplasm providers can provide adequate documentation of their germplasm management practices with respect to the material in question.
10. With respect to existing accessions, Centres' testing procedures should be guided by the following criteria:
  - a. No testing would be required when:
    - i. there are no transgenic events (commercial or research) in the relevant taxa at the present time;
    - ii. there were no transgenic events (commercial or research) in the relevant taxa at the time of acquisition (e.g., maize prior to 1996);
    - iii. it is determined that, unless there are other factors, there is no presence of transgenic events within a distance that would allow for introgression; or
    - iv. there are transgenic events (commercial or research) present, however, proper management practices have been followed and documented in the management of the accession,
  - b. Tests should be undertaken when there are transgenic events (commercial or research) present and good management practices cannot be demonstrated.
  - c. Once an accession has been determined to either not require testing or has tested negative, the Centre will follow best practice regeneration and maintenance procedures to maintain the genetic integrity, as for all accessions.
11. If and when transgenes are detected in an accession, in following best practice management procedures, the Centres will take appropriate steps to prevent introgression of those transgenes to other accessions.
12. The Centres should establish and maintain a database on the global status of GM research and development for the crops within their collections in order to facilitate risk analysis. The database should be posted on a publicly accessible website.

13. The Centre should bear the costs of the procedures, including tests when necessary, set out above. Requests for additional assurances above those established by the Centre should be met through additional funds on a case-by-case basis from outside sources.
14. Upon request by the recipients of materials, the Centre will provide information describing procedures and tests that the Centre has followed for the accession concerned.
15. All data resulting from any testing should be properly documented and made publicly available as soon as it is considered scientifically reliable (e.g., by posting on the Centre's web site). All procedures and supporting information should be presented at the same time. The Centre will also inform the relevant authority of the country of collecting or acquisition of the material in question when transgenes are found; the Centre will also inform the relevant authority of the country in which the Centre is located.