Chapter 2

Overview of the Regional Approaches

The Negotiating Process of the International Treaty on Plant Genetic Resources for Food and Agriculture

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Introduction

Throughout history, humanity has suffered from famine. Its causes are multiple and stem, on a case by case basis, from certain human activities, such as war, ethnic, religious and tribal conflicts, as well as bad climate and natural disasters, like droughts, volcanic eruptions and earthquakes. Another danger is genetic uniformity.

During the last two centuries, as a consequence of the agricultural and industrial development and the progressive unification of cultural and eating habits, accentuated more recently due to the globalization and interdependence process, the number of crops and the diversity within them has been progressively reduced.

Genetic erosion is aggravated as a consequence of the disappearance of local species, wild relatives of cultivated plants, due to massive deforestation or the degradation or contamination of natural habitats: in a nutshell, due to the abusive exploitation of the planet’s natural resources.

Climate change is greatly affecting the world’s agricultural production. For this reason, conservation, maintenance, availability and sustainable use of the diversity of existing crop varieties is an issue of the greatest importance. These tasks are crucial to adequately satisfy the dietary needs of an ever-growing and demanding population as well as to constitute a global response to climate change.
The international community and plant genetic resources

It is well known that developing countries are the richest in plant genetic resources for food and agriculture (PGRFA). This set off a search for a reward system that covered the collective innovations carried out by farmers for centuries (for details on farmers’ communities, see Chapter 13). Consequently, at the end of the 70s and the beginning of the 80s of the last century, this brought a great debate at Food and Agriculture Organization (FAO) conferences. In 1979, during the 20th Conference of FAO, the parties agreed upon the signature of an international agreement and the formation of a network of germplasm banks with international sovereignty, under the assumption that plant genetic resources are a heritage of mankind and that a legal framework was needed to ensure its unrestricted availability.

FAO Conference, in its 22nd session held in 1983, adopted Resolution 8/83 on the International Undertaking of Plant Genetic Resources (see Annex 1 of this volume for the list of all Commission and Treaty negotiating meetings). This was the first international agreement for the conservation and sustainable use of agricultural biological diversity. It is worth noting that the International Undertaking (IU), as an international instrument, was not legally binding, which was why it was adopted by several nations, especially by industrialized ones, with reserves. This was irrefutable proof of the discrepancies between North and South on such an important issue.

FAO Conference also approved Resolution 9/83, through which it established the Commission on Plant Genetic Resources, as first permanent intergovernmental body, so that countries could, among other things, monitor the implementation of the IU and advise FAO about its activities and programmes regarding plant genetic resources.

These decisions were the result of a delicate political balance among developed countries, which need access to plant genetic resources, and the wish of developing countries for a more equitable distribution of benefits, including monetary ones. The negotiation of several agreements continued, which later became part of the IU. In 1991, the national sovereignty of plant genetic resources, plant breeders’ rights and farmers’ rights were recognized.

When governments adopted the Convention on Biological Diversity (CBD) in 1992, they recognized the existence of two matters that required special treatment, which were not resolved by the Convention: access to ex situ collections not addressed by the CBD (as is the case of collections under the Consultative Group on International Agricultural Research (CGIAR) and the question of the Farmers’ Rights (Resolution 3 of Nairobi, 1992). It was necessary that these matters be addressed within FAO’s Commission. To that end, the FAO Conference of 1993 requested the Commission to negotiate the revision of the IU, in harmony with the CBD.
The regions of the FAO and PGRFA

FAO member nations are subdivided into seven geographic regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, Northern America and South West Pacific (see Annex 2 to this volume for the list of contracting parties to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) per FAO regional groups). While the existence of these regions responds to technical needs it is also true that this has political implications in the ongoing events of the organization because it allows the rotation among countries in the bureaux of the different organs of FAO, on the basis of equitable and geographical distribution of regions and countries. However, in the Commission on Genetic Resources, during the negotiations of ITPGRFA, the regional groups were represented in the Bureau of the Commission all the time by the same persons, with the exception of Canada which replaced its vice president with another delegate, to facilitate consultations among them when necessary.

It is important to note that countries from each region consult among themselves on important decisions in order to adopt common positions. FAO regional conferences (of which Regional Conference for Asia and the Pacific; Regional Conference for Africa; Regional Conference for Europe; Regional Conference for Latin American and the Caribbean and the Regional Conference for the Near East) shall meet once in every two years in regular sessions and involve ministers for agriculture from their respective countries.

In addition, there are two major groups of countries:

- The G-77: This group was founded on 15 June 1964 by the ‘Joint Declaration of the Seventy-Seven Countries’ issued at the United Nations Conference on Trade and Development (UNCTAD). It integrates 131 developing countries. In the G-77 there are countries from the following regions: Latin America and Caribbean, Africa, Asia, Near East and Pacific.
- The Organisation for Economic Co-operation and Development (OECD) was created in 1960 with 31 developed countries. Country members of OECD are from North America, Europe, Latin America and Asia and the Pacific.

Therefore, in both groups there are developing and developed countries, which sometimes results in confrontation due to conflicting interests. The consultation process to arrive at joint positions in these two groups is progressive. The countries consult among themselves at regional level, and then they meet, as regions, in the G-77 or in the OECD, with the aim of reaching common positions. This process can take a long time and could lead regions to return to regional consultations before finalizing an agreement at the G-77 or OECD level. In any case, as the negotiation progresses and solves some issues and/or others arise, there are consultations, in some cases daily or even two or three times a day within and among the two groups and regions.

In respect to PGRFA, there is a great interdependence among regions (see the Introduction to this book). The agriculture of the majority of countries is greatly
dependent on a supply of resources from other regions of the world. In fact, one study carried out by Kloppenburg and Kleinman (1987) shows that North America is completely dependent upon species originating from other regions of the world for its major food and industrial crops, while sub-Saharan Africa is estimated to be 87 per cent dependent on other parts of the world for the plant genetic resources it needs. The Mediterranean sub-region is dependent for 98 per cent, and Europe for 90 per cent. A large part of Asia (East and South) is dependent on species originated in other parts of the world for 62.8 per cent and Latin-America for 55.6 per cent.

The start of the negotiating process

As expected, the intergovernmental forum in charge of completing the revision of the IU was the Commission on Genetic Resources for Food and Agriculture (CGRFA) (initially the Commission on Plant Genetic Resources). The process started in 1994 through its working group (see Annex 1 of this volume for the list of all Commission and Treaty meetings). At the beginning, the IU tried to be consolidated by integrating its annexes, that is, resolutions 4/89, 5/89 and 3/91 of the FAO conferences, as well as harmonized with the applicable provisions of the CBD. It is worth noting that in that moment, maybe as a reflection of the difficulties it was facing, the working group decided to admit it had no mandate to negotiate the revised text of the IU, so it focused on making notes to the draft prepared by the FAO secretariat, which did not compromise governments but otherwise reflected the opinion of the delegates.

The Commission essentially focused, during the first two years, on three articles of the revised IU – Article 3 (Scope), Article 11 (Availability of Plant Genetic Resources) and Article 12 (Farmers’ Rights). Throughout time, it prepared several drafts of the revised IU, until it reached number four halfway through 1997. These drafts, particularly the last one, contained in some cases several versions, especially in regards to the aforementioned articles. Actually, the text was not useful, since it was a mixture of concepts, without structure or guidelines to guide the negotiation. This was proof of the complexity and innovation of the matter at hand and how conflicted were positions, not only between developing and developed countries, but among the latter, particularly the United States of America, on the one hand, and the European Union, on the other.

In May 1997, I was elected for a term of two years as Chairperson of the CGFRA of FAO, which I served, after reappointment to a second term by unanimous vote, until October 2002. During that time, apart from aptly leading the normal tasks of the Commission, I took on the direction and orientation of the negotiations to harmonize the IU with the CBD. These concluded with the adoption of the IU on 3 November 2001. To effect this, I organized and convened twelve official and two unofficial meetings, as well as endless personal consultations.

Ever since assuming the Chair of CGFRA, I have tried to give negotiations for the revision of the IU a new impulse, through better organization, both to the
process and to the texts to be considered by negotiators, as well as giving a more political view to the negotiating approach. Although there were ups and downs, it can be said that the process had two stages: the first, from 1994 to 1996, the period covering the first four meetings, and the second, from May 1997 to the adoption of ITPGRFA,\(^1\) popularly known as the International Seed Treaty (Rome, 3 November 2001), adding up to a total of 12 meetings (see Annex 1 of this book for a list of these meetings).

**The Montreux Consensus and the ‘Chairman’s Elements’**

During the 5th extraordinary meeting, held in Rome between 8 and 12 June 1998, it was confirmed that though progress had been made during the meeting, positions were still different, distant and profoundly diverging. Consequently, time was given to reflect and allow delegations to analyse the different positions, carry out pertinent consultations and identify areas of possible compromise before continuing with negotiations.

Based on the above, I carried out consultations as of August 1998, particularly with the countries that had been more active during negotiations, as well as with the other six members of the Bureau, since they represented their regions and had actively participated in the whole negotiating process. My role was to assess the situation and then take a decision about a possible extraordinary meeting that would allow negotiations to continue, so long as there was political will, a flexible attitude and a spirit of commitment among members, as well as the availability of extra-budgetary funds to perform it. I was looking for the conditions to reach an understanding and overcome the impasse under which negotiations had fallen, without generating false expectations. In the particular case of developed countries, besides the usual consultations, I also asked that they inform me whether their governments were willing to contribute financially to the preparation and performance of an extraordinary meeting of the Commission, as well as allowing the participation of delegates from developing countries in this session.

From the consultations carried out, I concluded that, although there was ample support for a swift completion of negotiations, the delegations needed more time to make more consultations. The general opinion was that a new extraordinary session of the Commission should not yet be held, and that the available time would be better used in preparing for the continuation of negotiations. As a consequence, the extra-budgetary funds to which countries committed for an extraordinary session were insufficient.

I continued consultations during the 115th session of the FAO Council, 23–28 November 1998. On that occasion, I had bilateral or plurilateral talks with the countries more committed to the negotiating process, that is, Angola, Argentina, Australia, Brazil, Canada, Colombia, Ethiopia, the European Union, France, Germany, India, Islamic Republic of Iran, Japan, Malaysia, Mexico, Norway, South Africa, Switzerland, the United Kingdom and the United States of America.
I explained that in my opinion, negotiations were completely paralysed in the absence of real commitments and due to a negotiating view where the scientific view prevailed above the political or diplomatic. I considered it necessary to resolve that impasse by calling a meeting with the head of the delegations of those countries. They were asked to act in their personal capacity, so that they could separate themselves from their instructions and negotiating postures and try to determine, jointly, the minimum elements that had to be included in what could be an agreement on plant genetic resources acceptable for all and in compliance with the conference’s mandate to harmonize the IU with the CBD. I strongly pointed out that to perform this meeting I would need on the one hand, the good will of all participants, and on the other, the willingness of a country to offer the venue of said meeting and the contribution of sufficient financial funds to afford the tickets of all guests and other related costs. The idea was welcomed and to my satisfaction, the Swiss delegation informed me, in a second meeting, that it was willing to offer Montreux as a venue for the meeting and to contribute sufficient funds thereto. Germany and the United States of America also contributed, providing enough additional funds to support the participation of developing countries in this unofficial consultation meeting.

Consequently, FAO's Council decided to unanimously support my proposal to convene an unofficial meeting of experts representative of different regions and different postures, who, in their personal capacity, would deal with the following matters: a way to share benefits, Farmers’ Rights, financial mechanism, legal condition of the revised IU, and other issues, such as access to PGRFA. Likewise, it decided to accept Switzerland’s offer to organize and host the unofficial meeting at the beginning of 1999, under the responsibility of the Chairperson of the CGRF. It also decided that should the Chairperson confirm that the results of the unofficial consultation provided possible progress, he would ask the Director-General to hold an extraordinary meeting of the Commission, subject to the availability of extra-budgetary funds.

In compliance with the decisions of the 115th session of the FAO Council, as Chairperson of the Commission I summoned, under my responsibility, experts from 21 countries – all of them consulted during the FAO Council plus Poland and Venezuela – and the European Union, to participate, in their personal capacity, in the unofficial meeting, held from 19 to 22 January 1999, in Montreux, Switzerland. This unofficial meeting had the support of FAO’s secretariat – Mr José Esquinas-Alcázar and Mr Clive Stannard – and the International Plant Genetics Research Institute (IPGRI, now Bioversity International) Director-General, Mr Geoffrey Hawtin. These three international high officials were very useful during the whole negotiating process, due to their technical knowledge and personal expertise. A critical role was also played by Mr Gerald Moore in all legal aspects.

Without the limitations of their official orders, participants discussed the legal condition of the revised IU, the idea that it should be an internationally legally binding instrument being of greater importance, with a secretariat taken on by FAO and closely linked both to this organization and to the CBD. The structure of the IU should be such that would allow an efficient revision of all operational
and administrative matters. To allow an understanding in all subjects related to the multilateral system of access and benefit-sharing (MLS), the writing of a less ambitious text with elements that would allow an ample consensus was proposed. The system would cover, at the beginning, a restricted list of crops, based on the criteria related to food security and interdependence, that would be revised and possibly widened on a periodic basis. Likewise, collections from international agricultural research centres (CGIAR; see Chapter 11 for details) would be part of the system as per conditions previously agreed with them. In regards to the Farmers’ Rights, their recognition would be necessary on an international basis, understanding that the development of the Farmers’ Rights would rely upon each government, who should, in due time and in compliance with national law, protect and promote said rights. Concerning the financial resources needed for the implementation of the IU, these would be obtained through a funding strategy that would use a wide range of sufficient financial resources, based on agreed upon and predictable contributions, to implement plans and programmes, particularly in developing countries.

The summons to a meeting of experts to, in their personal capacity, analyse and assess possible areas of understanding was a wise move and a crucial breakthrough, since it allowed negotiators from the main participating countries to debate amply and openly their options. These frank and open debates allowed me to write what was later known as the Chairman’s Elements (see appendix to this chapter). These elements were simply a group of consensus proposals prepared under my total responsibility, after listening to and analysing what the Group of Experts, in their personal capacity, considered that the revised IU in harmony with the CBD needed to include to be approved by the international community. The experts did not approve the Chairman’s Elements but they did consider the Chairperson had adequately gathered the consensus derived from the unofficial consultation.

Subsequently, I submitted the Chairman’s Elements to the consideration of the CGRFA, which approved them, for although the elements had been introduced under the sole responsibility of the Chairman, they reflected an ample consensus and provided a solid base for the continuation and progress of negotiations.

The Chairman’s Elements were adopted by the Commission during its 8th ordinary meeting, held 19–23 April 1999. The Commission decided to continue negotiations on the basis of the elements. Said decision was subsequently supported by the 116th session of the FAO Council and by the FAO Conference in its 30th session, held 12–23 November 1999. This political support at the heart of the Organization was of extreme importance for the continuance of negotiations, since as Chairperson I did not allow negotiators to shift their proposals, in any significant way, away from the Chairman’s Elements.

One of the innovations I introduced in the negotiations from that moment on was the use of so-called ‘contact groups’, so in vogue in other negotiations at the heart of the UN. Therefore, I established a Chairperson’s contact group, with 41 members (Angola, Argentina, Australia, Benin, Brazil, Burkina Faso, Canada, China, Colombia, Cuba, Ethiopia, European Union, Finland, France, Germany,
India, Iran (Islamic Republic of), Japan, Korea (Republic of), Libya (Libyan Arab Jamahiriya), Malaysia, Malta, Mexico, Morocco, The Netherlands, New Zealand, Norway, Philippines, Poland, Romania, Samoa, Senegal, South Africa, Switzerland, Tanzania (United Republic of), the United Kingdom, the United States of America, Uruguay, Venezuela, Zambia and Zimbabwe), which, in accordance with the premise of a fair and equitable geographic representation, represented the seven regions of FAO – Africa, Asia, Latin America and the Caribbean, North America, Near East, Europe and the Pacific Southwest. On countless occasions, one of the vice-chairpersons was in charge of a small contact group, to deal with a specific matter, which results were then passed on to the Chairperson’s contact group, who generally accepted what was agreed upon. The Chairperson’s contact group met seven times from April 1999, suggesting that the most active and positive period of negotiations was from April 1999 to November 2001. It was two years of intense negotiations and consultations, not only among the countries of the Chairperson’s contact group, but also between these and the remaining members of the Commission, through the FAO regional groups.

Perhaps the most important innovation was allowing the involvement of important NGOs (see Chapter 10 for details on civil society), in representation of others, in the works of the contact group, such as the Rural Advancement Foundation International (RAFI, see Chapter 10), whose director Pat Mooney is widely regarded as an authority on agricultural biodiversity and new technology issues, and the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), which gathers at its heart breeders from around the world.

Main aspects of the negotiation

In the 8th regular session of the Commission, held in April 1999, the first fundamental article, the Farmers’ Rights, already established in the Chairman’s Elements, was adopted. Farmers’ Rights is a subject that was originally introduced by the FAO Conference in 1989, and has attracted much interest and controversy since that time.

The African group, the European Union and the United States of America were an integral part of this agreement. However, the African group, the region that had shown the greatest interest in this topic, was criticized by other delegations, and particularly by NGOs, as they pointed out it had made concessions too soon. The reason for this attitude was the international recognition of the national legislation as the foundation to adopt the appropriate measures to protect and promote Farmers’ Rights. In any case, the adoption of said article, which was never again modified, was auspicious for the rest of the negotiating process.

For the writing of the list of crops included in the multilateral system, important research was carried out by the IPGRI and officials of FAO, with the support of the Italian government. The results of said research allowed for the negotiation of the list in 2001, particularly during the last days before the adoption of the Treaty, based on criteria of food security and interdependence. Nevertheless, it
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should be remembered that some regional groups had well-defined positions, as was the case of the European Union which presented a long and ample tentative list of around 270 crops, while the African group preferred a short and concise list of less than 10 crops. The Latin America and the Caribbean region preferred a list of about 40 crops while the other regions, who actively participated in the negotiating process, were not rigid in their position. In truth, last-minute negotiations on this important issue allowed Mexico and Peru to exclude certain sub-species of corn, China soybean and Brazil tomatoes. The most significant food crops missing from the final list are: soybean, cassava, groundnuts, sugar cane and tomato. To conclude, important crops from the South were unfortunately excluded from the final list, perhaps because it was never understood by developing countries themselves how important the link was between said list and the MLS. This perception should be, today, completely different in the light of the implementation of the Treaty.

Concerning benefit sharing, particularly monetary benefits, which are the true innovating concept of the Treaty, ASSINSEL (see Chapter 12 for more detail on the seed industry; see Chapter 15 for more detail on plant breeders), who always participated as an observer in the negotiating process, made a fundamental contribution when it stated, in June 1998, based on a decision of its General Assembly held in Monte Carlo on 5 June 1998, that ‘in case of protection through patents, that would limit the free access to new genetic resources, the members of ASSINSEL would be ready to study a system in which patent proprietors would contribute to a fund established to collect, maintain, evaluate and strengthen genetic resources. The mechanism used to implement this system needed to be discussed.’ From then on, negotiations evolved until reaching what was included in the Treaty.

Brazil always kept a conscientious posture in defence of the CBD (see Chapter 6), as it was adopted in Rio de Janeiro in June 1992. Therefore, when I proposed that the agreed upon text be named ‘International Convention on Plant Genetic Resources for Food and Agriculture’, the delegate from Brazil emphatically opposed the use of the word ‘Convention’ which led me to the word ‘Treaty’, that ultimately has a stronger connotation.

Conclusions

There are still many unresolved issues to make the Treaty more effective and efficient, and as it happens, the Governing Body is working on them (see Annex 3 of this book for details on the main provisions of the Treaty). However, we believe that although today 127 countries are contracting parties to the Treaty, it is more than necessary to disseminate, for both governments and the civil society, the importance of the Treaty. This can be achieved through workshops, forums and seminars, but particularly by developing and strengthening the regional and sub-regional networks of plant genetic resources in which researchers, breeders, farmers and interested members of civil society can foster the political conditions
to achieve the technical exchange between them and contribute to the implementation of the Treaty. Moreover, the formation of National Focal Points in a greater number of member countries has to be promoted.

As time has passed, we have ascertained that it would be more important to verify the list of crops included in the multilateral system to include crops of great importance, such as soy and tomatoes, as well as many others from developing countries, in order for benefit sharing in the multilateral system to increase.

It is necessary that the text included in Article 12.3d be clarified: ‘Recipients shall not claim any intellectual property or other right that limit the facilitated access to the plant genetic resources for food and agriculture, or the genetic parts or components, in the form received from the Multilateral System.’ The European Union and several members thereof wrote the following interpretation when they ratified the International Treaty: ‘The European Union interprets Article 12.3.d of the Treaty on Plant Genetic Resources as recognizing that plant genetic resources for food and agriculture or their genetic parts or components which have undergone innovation may be the subject of intellectual property rights provided that the criteria relating to such rights are met.’ The Governing Body needs to determine which changes will affect intellectual property. It will not be an easy task, but undoubtedly necessary.

With the approval of the Treaty and the implementation of several of its mechanisms, such as the standard material transfer agreement and the benefit-sharing fund, the regions of the G-77, which are mostly developing countries, are acting more cohesively in order to make the Treaty a tool through which the stakeholders of their countries could obtain greatest benefit. Moreover, the stakeholders, particularly those of developing countries, are participating more actively through the creation of support networks.

The Treaty is, without a doubt, an international agreement of the greatest importance for developing and developed countries. Its provisions meet the real interests of all parties. Moreover, it appropriately takes into account the interests of other interested parties, such as autonomous communities, universities, research centres and the private sector in general. This is the first great international agreement of the new millennium.

PGRFA are *sine qua non* for the sustainable development of agriculture, which is why an agreement about the fair and equitable sharing of benefits, including those of a commercial nature, provides an incentive for farmers of every country, especially those from developing countries and countries in economic transition, to conserve and sustainably use plant genetic resources for the benefit of all.

Through the Treaty countries agreed that these plant genetic resources are vital for the survival and well-being of present and future generations, which is why conservation, maintenance and sustainable use of these resources are a transcendental cause.
Notes

1 On 3 November 2001, the 31st session of the Conference of the Food and Agriculture Organization of the United Nations (FAO) adopted, by its resolution 3/2001, the International Treaty on Plant Genetic Resources for Food and Agriculture and Interim Arrangements for its Implementation.

Reference

Appendix: Chairman’s Elements

1. **Scope:** Plant genetic resources for food and agriculture (PGRFA).
2. **Objectives:** Conservation and use of PGRFA, and the fair and equitable sharing of benefits arising from the use of PGRFA, in harmony with the CBD, for sustainable agriculture and food security.
3. **National commitments** towards conservation and sustainable use, national programmes integrated into agriculture and rural development policies.
4. **Multilateral system**, including components for facilitated access and benefit-sharing.
   a) **Coverage**
      • A list of crops, established on the criteria of food security and interdependence.
      • The collections of the International Agricultural Research Centers (IARCs), on terms to be accepted by the IARCs.
   b) **Facilitated access**
      • To minimise transaction costs, obviate the need to track individual accessions, and ensure expeditious access, in accordance with applicable property regimes.
      • Plant genetic resources in the multilateral system may be used in research, breeding and/or training, for food and agriculture only. For other uses (chemical, pharmaceutical, non-food and agricultural industrial uses, etc.), mutually agreed arrangements under the CBD will apply.
      • Access for non-parties shall be in accordance with terms to be established in the IU.
   c) **Equitable and fair sharing of benefits**
      • Fair and equitable sharing of benefits arising from the use of PGRFA, inter alia, through:
        – transfer of technology;
        – capacity-building;
        – the exchange of information;
        – funding.
      Taking into account the priorities in the rolling Global Plan of Action, under the guidance of the Governing Body:
      • Benefits should flow primarily, directly and indirectly, to farmers in developing countries, embodying traditional lifestyles relevant for the conservation and sustainable utilization of PGRFA.
   d) **Supporting components**
      • Information system(s).
      • PGRFA networks.
      • Partnership in research and technology development.
5. **Farmers’ rights**
   • Recognition of the enormous contribution that farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation
and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.

- The responsibility for realizing farmers’ rights, as they relate to PGRFA, rests with national governments. In accordance with their needs and priorities, each party should, as appropriate, and subject to its national legislation, take measures to protect and promote farmers’ rights, including:
  - the right to use, exchange, and, in the case of landraces and varieties that are no longer registered, market farm-saved seeds;
  - protection of traditional knowledge;
  - the right to equitably participate in benefit-sharing;
  - the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA.

6. Financial resources

Commitment to a funding strategy for the implementation of the IU, which includes:

- budget and contributions to manage the operations of the Governing Body/Secretariat etc. (some of their activities could be delegated);
- agreed and predictable contributions to implement agreed plans and programmes, in particular in developing countries, from sources such as:
  - CGIAR, GEF, plus ODA, IFAD, CFC, NGOs, etc., for project funding
  - country contributions;
  - private sector;
  - other contributions;
  - national allocations to implement national PGRFA programmes, according to national priorities.
- priority given to implementation of the rolling GPA, in particular in support of farmers’ rights in developing countries.

7. Legally binding instrument

- Governing Body.
- Policy direction, and adoption of budgets, plans and programmes.
- Monitoring the implementation of the IU.
- Periodically reviewing, and, as necessary, updating and amending the elements of the IU and its annexes.
- Secretariat.