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TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE, ADOPTED BY THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS ON NOVEMBER 3, 2001, AND SIGNED BY THE UNITED STATES ON NOVEMBER 1, 2002 (THE "TREATY")

JULY 7, 2008.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

69–118 WASHINGTON : 2008

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *July 7, 2008.*

To the Senate of the United States:

I transmit herewith for advice and consent of the Senate to ratification the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty"). The Treaty entered into force in June 2004.

The centerpiece of the Treaty is the establishment of a multilateral system under which a party provides access to other parties, upon request, to listed plant genetic resources held in national genebanks. These resources are to be used solely for purposes of research, breeding, and training in agriculture. A recipient of such a resource must then share the benefits from its use, e.g., a recipient who commercializes a product containing an accessed plant genetic resource must generally pay a percentage of any gross sales into a trust account.

Transfers under the multilateral system are to be accompanied by a standard material transfer agreement, the current version of which was concluded in June 2006.

Provision of plant genetic resources from U.S. genebanks is fully consistent with the Department of Agriculture's long-standing general practice of providing access to such plant genetic resources upon request. Ratification of the Treaty will provide U.S. agricultural interests with similar access to other parties' genebanks, thus helping U.S. farmers and researchers sustain and improve their crops and promote food security.

The Treaty may be implemented under existing U.S. authorities.

I also transmit, for the information of the Senate, the report of the Department of State concerning the Treaty, which contains an understanding regarding Article 12.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 11, 2008.

THE PRESIDENT,
THE WHITE HOUSE.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmittal to the Senate for advice and consent to ratification, the International Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Conference of the Food and Agriculture Organization of the United Nations on November 3, 2001 (the "Treaty"), and signed by the United States on November 1, 2002.

The Treaty establishes a system of access to plant genetic resources held in a Party's national gene banks with concomitant sharing of benefits by the recipient arising trom their use. It also commits Parties to promote the conservation and sustainable use of plant genetic resources integral to global food security. Throughout the complex negotiations, the United States was firmly committed to creating a system that promotes U.S. and global food security and protects U.S. access to genetic resources held outside of our borders.

All interested agencies in the Executive Branch favor ratification of the Treaty, which can be implemented under existing authorities. I recommend, therefore, that the Treaty be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted.

CONDOLEEZZA RICE.

Enclosures: As stated.

International Treaty on Plant Genetic Resources for Food and Agriculture (the "Treaty")
Article-by-Article analysis

Preamble

The preamble, among other things, emphasizes the intent of the negotiating States that nothing in the Treaty shall be interpreted as implying in any way a change in the rights and obligations of the Contracting Parties under other international agreements. The text, which contains language commonly referred to as a "savings clause," thus clarifies that the Treaty does not affect rights and obligations created by agreements such as the Agreement establishing the World Trade Organization. The preamble also provides that the negotiating States did not intend to create a hierarchy between this Treaty and other international agreements, which is consistent with the U.S. view that the preamble, while addressing the intent of the negotiating States regarding the legal relationship between this Treaty and other agreements, is not addressing the relative policy significance, in general, of environmental agreements versus other types of agreements.

PART I – INTRODUCTION

Article 1 – Objectives

Article 1 lays out the objectives of the Treaty: the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use.

Articles 2 and 3 – Use of Terms and Scope

Article 2 defines several terms including "plant genetic resources for food and agriculture" (PGRFA) and "genetic material." PGRFA means any genetic material of plant origin of actual or potential value for food and agriculture, and, in turn, "genetic material" means any material of plant origin, including reproductive and vegetative propagating material, containing functional units of heredity. Notably, these definitions do not contain a reference to "genetic parts and components," which some countries had sought and, from the U.S. perspective, would have been impractical to exchange. Article 3 defines the scope of the Treaty as relating to PGRFA.

PART II – GENERAL PROVISIONS

Articles 4, 5, and 6 – General Obligations; Conservation; Sustainable Use of Plant Genetic Resources for Food and Agriculture

Article 4 requires each Party to ensure the conformity of its laws with its Treaty obligations. As described herein, the Treaty may be implemented in the United States using existing authorities.

Article 5 requires each Party, subject to its national legislation and as appropriate, to promote an integrated approach to the exploration, conservation, and sustainable use of PGRFA, such as the survey and inventory of PGRFA, promotion of collection of PGRFA, promotion of *in situ* and *ex situ* conservation, and the taking of steps to minimize or eliminate threats to PGRFA. Article 6 requires Parties to develop and maintain appropriate policy and legal measures that promote sustainable use of PGRFA such as, for example, promotion of diverse farming systems, promotion of plant breeding efforts, broadening the genetic base of crops, and promoting the expanded use of local and locally adapted crops.

The activities described in Articles 5 and 6 are consistent with current U.S. practice and would be implemented using existing USDA authorities to operate the National Plant Germplasm System and for the Agricultural Research Service's (ARS) research activities derived from, *inter alia,* 7 U.S.C. §§ 1621-27, 2201, 2204, 3291, and 5841.

Articles 7 and 8 – National Commitments and International Cooperation; Technical Assistance

Article 7 requires each Party, as appropriate, to integrate PGRFA conservation and sustainable use polices into its agriculture and rural development policies. Each Party is also to cooperate with other Parties, directly or through the United Nations Food and Agriculture Organization (FAO) and other relevant international organizations, in activities to enhance conservation and sustainable use of PGRFA. Under Article 8, the Parties agree to promote the provision of technical assistance, either bilaterally or through the appropriate international organizations, to facilitate implementation of the Treaty, especially to those that are developing countries or countries with economies in transition.

Once again, the activities described in these articles are consistent with current U.S. practice, including through U.S. participation in FAO. Also, USDA provision of technical assistance to further the sustainability of global agriculture is currently provided pursuant to 7 U.S.C. § 3291. USAID provides program support for International Agricultural Research Centers and international organizations such as

FAO and strengthens national research systems in developing countries regarding agriculture pursuant to authority derived from the Foreign Assistance Act of 1961, as amended, 22 U.S.C. § 2220b. Further, the U.S. Patent and Trademark Office sponsors the Global Intellectual Property Academy, which holds seminars for sponsored participants from developing countries on, *e.g.*, conservation and sustainable use of genetic resources.

PART III – FARMERS' RIGHTS

Article 9 – Farmers' Rights

Article 9 recognizes the enormous contribution local and indigenous communities and farmers of all regions of the world have made to PGRFA. Significantly, it acknowledges that the responsibility for realizing Farmers' Rights rests with national governments. In accordance with each Party's needs and priorities, each Party should, as appropriate and subject to its national legislation, take measures to protect and promote Farmers' Rights including protection of traditional knowledge, the right to equitably share in benefits arising from the use of PGRFA, and the right to participate in decision making.

The United States recognizes the importance of such consultation and recognition and does so pursuant to various national and state laws, regulations and orders, including contract laws, unfair competition laws, intellectual property laws, and Executive Order 13175 (November 6, 2000) "Consultation and Coordination with Indian Tribal Governments." Further, USDA has long conveyed extensive non-monetary benefits to farmers through land grant universities and extension services authorized under, *inter alia,* 7 U.S.C. §§ 301 *et seq.*, 322 *et seq.* and 341 *et seq.* USDA also provides services specifically to indigenous communities through, *inter alia*, Title V of P.L. 103-382 (Oct. 20, 1994); Title XVI, § 1677, P.L. 101-64 (1990 Farm Bill); 7 U.S.C § 3241 and 20 U.S.C § 1059d.

PART IV – THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

Article 10 – Multilateral System of Access and Benefit-Sharing

Article 10 recognizes the sovereign rights of States over their PGRFA, including the right to determine access. In exercising such rights, the Parties have elected to create a Multilateral System of access and benefit-sharing, the centerpiece of the Treaty, with the twin purposes of facilitating access to PGRFA and sharing, in a fair and equitable way, the benefits arising from use of PGRFA.

Article 11 – Coverage of the Multilateral System
Article 11 specifies the PGRFA covered by the Multilateral System as those which are listed on Annex I and are both under the management and control of the Parties and in the public domain.

The list in Annex I covers 35 crops and 29 forages, including many major crops of importance to the United States either for domestic use or export. The list includes, among others, wheat, corn, rice, barley, chickpeas, potatoes, citrus, apples, strawberries, rye, peas, rapeseed, oats, beets, lentils, sweet potatoes, yams, eggplant, and sunflower.

Under this article, Parties agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold listed PGRFA to include it in the Multilateral System. Within two years of entry into force of the Treaty, the Governing Body was to assess the progress made in this regard and, following that assessment, decide whether facilitated access shall continue to be provided to such natural and legal persons who have not included PGRFA in the Multilateral System. The Governing Body deferred this decision until more experience is gained with the standard material transfer agreement. The United States currently encourages private entities to deposit germplasm in the National Plant Germplasm System pursuant to authority derived from 7 U.S.C. § 5841.

The Multilateral System also includes PGRFA held in the *ex situ* collections of the International Agricultural Research Centers of the Consultative Group on International Agricultural Research, as well as that held in other international institutions, by agreement with the Governing Body, as referenced in Article 15.

Article 12 – Facilitated Access to Plant Genetic Resources for Food and Agriculture within the Multilateral System
This article creates the core obligation of the Treaty: the obligation to provide to other Parties facilitated access to covered PGRFA (*i.e.*, on the Annex I list and under a Party's management and control). Such access is also to be provided to legal and natural persons within a Party's jurisdiction, subject to a decision by the Governing Body providing otherwise as referenced in Article 11. The Multilateral System does not cover transfers of domestic PGRFA to domestic entities (*e.g.*, from USDA to a legal or natural person under the jurisdiction of the United States), unless the PGRFA was obtained from the Multilateral System.

Article 12 describes the conditions under which a Party takes on an obligation to provide access. Significantly, Parties are only obliged to provide access to PGRFA

under the Multilateral System when the PGRFA will be used solely for the purpose of research, breeding, and training for food and agriculture (not chemical, pharmaceutical, or other non-food/feed industrial uses). Parties are to provide PGRFA expeditiously and for free or minimal charge. They also shall include available passport data for the PGRFA.

Article 12 also describes the terms under which recipients accept the PGRFA. Notably, recipients shall not claim any intellectual property or other rights that limit access to PGRFA or their genetic parts or components, in the form received from the Multilateral System. Recipients shall also continue to make accessed PGRFA available to the Multilateral System under the terms of the Treaty.

The United States interprets the intellectual property language as in no way denying the availability or exercise of intellectual property rights under national laws, including U.S. laws. It is therefore recommended that the United States notify the Depositary of the following understanding upon deposit of its instrument of ratification:

The United States understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws.

The obligations in Article 12 regarding provision of access would be implemented using existing authorities. Most significantly, USDA's Agricultural Research Service maintains the National Plant Germplasm System, a network of more than 20 federal genebanks that operate under authority derived from, *inter alia*, 7 U.S.C. §§ 2201, 2204, 3125a, 3291, 5841, and 5924. Under these authorities the USDA Secretary is authorized to provide, free of charge, samples of germplasm from the federal genebanks to any requestor, as long as such provision is not inconsistent with other laws or regulations. Should a situation arise where U.S. provision of PGRFA to certain Parties/persons would require a license under U.S. law (which is unlikely in light of, *inter alia*, the Treaty's requirements, the nature and scope of the PGRFA list and applicable Security Council resolutions), it would be addressed on a case-by-case basis.

Article 12 provides that a standard material transfer agreement is to accompany any transfer of PGRFA under the Multilateral System. The Governing Body adopted the text of the standard material transfer agreement in June 2006. Although the Governing Body may choose to revise aspects of the standard agreement over time, certain core obligations listed in Article 12.4 must be

included in the text. A recipient of PGRFA must pass on the standard agreement in any subsequent transfer of PGRFA to another person or entity.

With respect to contractual disputes arising under the standard material transfer agreement, Article 12 recognizes that obligations arising under this contract rest exclusively with the parties to it. It further requires that the Parties to the Treaty ensure that the opportunity to seek recourse under the contract is available to contract parties under national legal systems, consistent with applicable jurisdictional requirements. The standard material transfer agreement specifies that disputes will be resolved through international arbitration. In the United States such recourse would be available via existing authorities that allow for recognition and enforcement of arbitral judgments in the Federal Arbitration Act, 9 U.S.C. § 201 *et seq*.

Article 13 – Benefit-Sharing in the Multilateral System

This article describes the types of benefit-sharing that may result from provision of access to PGRFA. It recognizes that the provision of PGRFA to the Multilateral System is itself a major benefit to the world community. Other benefit-sharing takes the form of exchange of information, access to and transfer of technology, capacity-building, and monetary benefit-sharing arising from the commercialization of PGRFA.

This article would be implemented using existing USDA authorities to operate the National Plant Germplasm System derived from, *inter alia,* 7 U.S.C. § 5841. Provision of technical assistance by USDA to further the sustainability of global agriculture is currently provided pursuant to 7 U.S.C. § 3291. USAID furnishes technical assistance for agriculture development in rural areas pursuant to the Foreign Assistance Act of 1961, as amended, *see* 22 U.S.C. § 2151a.

With respect to technology transfer, the obligation in Article 13.2b to "provide and/or facilitate" access to technology means Parties are to encourage such access, not ensure that it is indeed provided.

Under the monetary benefit-sharing obligation found in Article 13.2d(ii), a recipient of PGRFA who commercializes a product incorporating material accessed from the Multilateral System is to pay an equitable share of the benefits arising from the commercialization into the Trust Account created under Article 19. Recipients who make such a product available without restriction to others for further research and breeding are encouraged, but not required, to make such payment. This is the only benefit-sharing obligation that may result, through its

inclusion in the standard material transfer agreement, in an obligation on a private entity who obtains material through the Multilateral System.

The Treaty requires the Governing Body at its first meeting to determine the level, form, and manner of the payment, in line with commercial practice. The standard material transfer agreement adopted in June 2006 includes a payment level of 1.1 percent of gross sales of a product incorporating material from the Multilateral System minus a standard deduction of 30 percent. Article 13 specifies that the Governing Body may, from time to time, review the levels of payment and it is anticipated that such a review will occur at the third meeting of the Governing Body.

The Parties agree in this article that the benefits should flow primarily, directly and indirectly, to farmers in all countries who conserve and sustainably utilize PGRFA.

PART V – SUPPORTING COMPONENTS

Article 14 – Global Plan of Action

This article highlights the importance of the Global Plan of Action for the implementation of the Treaty. The Global Plan of Action, which is updated periodically, describes 20 areas of activity that need to be done to contribute to conservation and sustainable use of PGRFA. The activities range from collection and characterization, to utilization on farm and in research programs, to restoration of diversity post-disaster.

Articles 15-17 Ex Situ Collections held in International Institutions; the International Plant Genetic Resource Networks; and the Global Information System

As referenced in Article 11, the PGRFA held by International Agricultural Research Centers are part of the Multilateral System. Article 15 describes the terms and conditions of their coverage, to be included in signed agreements between the Governing Body and these Centers. Such agreements were signed with the relevant Centers in October 2006.

Article 16 highlights the importance of cooperation in international PGRFA networks.

Under Article 17, Parties agree to cooperate to develop and strengthen a global information system to facilitate exchange of information on matters related to PGRFA, based on existing information systems. Currently, USAID's support to the International Agricultural Research Centers pursuant to 22 U.S.C. § 2220b,

provides for information-sharing on characteristics, adaptation, and availability of Center accessions. The USDA Genetic Resource Information Network is one of the premier information platforms for facilitating exchange of information on PGRFA and operates under authority derived from 7 U.S.C. § 5841.

PART VI – FINANCIAL PROVISIONS

Article 18 – Financial Resources

This article describes the funding strategy that Parties undertake for implementation of the Treaty. The funding strategy encompasses, *inter alia*, monies from the Trust Account established under Article 19 to receive payments arising from transfers under the Multilateral System, voluntary contributions, and monies from relevant international mechanisms, funds, and bodies. There are no assessed contributions from Parties to the Treaty.

PART VII – INSTITUTIONAL PROVISIONS

Articles 19 and 20 – Governing Body and Secretary

Article 19 establishes the Governing Body of the Treaty, composed of all Parties, which functions to promote the full implementation of the Treaty. Key functions of the Governing Body are listed including *e.g.* establishment of a Trust Account for receiving and utilizing financial resources. All of the Governing Body's decisions are to be taken by consensus, unless the Body agrees by consensus to another method of arriving at a decision on any particular measure. Consensus is always to be used for adoption of amendments to the text and annexes.

Article 20 establishes a Secretary for the Governing Body to be appointed by the Director-General of the FAO, with the approval of the Governing Body.

Article 21 – Compliance

Article 21 requires the Governing Body to consider and approve cooperative and effective procedures to promote compliance with the Treaty and address issues of non-compliance with the Treaty.

Article 22 – Settlement of Disputes

Article 22 provides for a non-binding form of dispute settlement between Parties in the event of a dispute concerning the interpretation or application of the Treaty, unless at the time of ratification a Party declares in writing that it accepts one of the specified binding forms of dispute settlement: arbitration in accordance with procedures set forth in an Annex or adjudication by the International Court of Justice. If the Parties to a particular dispute have not accepted the same or any

dispute settlement procedure, non-binding conciliation as set forth in the same Annex will be used.

Article 23 – Amendments of the Treaty
An amendment to the Treaty may be adopted only by consensus of all Parties present at the relevant session of the Governing Body. An amendment so adopted enters into force 90 days after two-thirds of the Parties have deposited instruments of ratification, acceptance, or approval, and binds only those Parties having accepted it through ratification, acceptance, or approval. Thereafter, a Party may subsequently deposit an instrument of ratification, acceptance, or approval of the amendment, which will enter into force for that Party 90 days later.

Article 24 – Annexes
The annexes to the Treaty form an integral part thereof. The provisions of Article 23 regarding amendments apply equally to annexes.

As referenced in Article 11, Annex I lists the 35 crops and 29 forages that are covered by the Multilateral System. Annex II describes the dispute settlement procedures referenced in Article 22.

Articles 25-35 – Final clauses
These articles contain standard final clauses regarding Signature, Ratification, Accession, Entry into Force (40 Parties required), participation of Member Organizations of FAO (such as the European Community), Withdrawal, Termination, Depositary, and Authentic Texts. Article 30 on Reservations specifies that no reservations may be made to the Treaty. Article 31 on non-Parties encourages any Member of FAO or other State, not a Party to the Treaty, to accept the Treaty, but contains no restrictions on dealings with non-Parties.

Annex I

INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

PREAMBLE

The Contracting Parties,

Convinced of the special nature of plant genetic resources for food and agriculture, their distinctive features and problems needing distinctive solutions;

Alarmed by the continuing erosion of these resources;

Cognizant that plant genetic resources for food and agriculture are a common concern of all countries, in that all countries depend very largely on plant genetic resources for food and agriculture that originated elsewhere;

Acknowledging that the conservation, exploration, collection, characterization, evaluation and documentation of plant genetic resources for food and agriculture are essential in meeting the goals of the Rome Declaration on World Food Security and the World Food Summit Plan of Action and for sustainable agricultural development for this and future generations, and that the capacity of developing countries and countries with economies in transition to undertake such tasks needs urgently to be reinforced;

Noting that the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is an internationally agreed framework for such activities;

Acknowledging further that plant genetic resources for food and agriculture are the raw material indispensable for crop genetic improvement, whether by means of farmers' selection, classical plant breeding or modern biotechnologies, and are essential in adapting to unpredictable environmental changes and future human needs;

Affirming that the past, present and future contributions of farmers in all regions of the world, particularly those in centres of origin and diversity, in conserving, improving and making available these resources, is the basis of Farmers' Rights;

Affirming also that the rights recognized in this Treaty to save, use, exchange and sell farm-saved seed and other propagating material, and to participate in decision-making regarding, and in the fair and equitable sharing of the benefits arising from, the use of plant genetic resources for food and agriculture, are fundamental to the realization of Farmers' Rights, as well as the promotion of Farmers' Rights at national and international levels;

Recognizing that this Treaty and other international agreements relevant to this Treaty should be mutually supportive with a view to sustainable agriculture and food security;

Affirming that nothing in this Treaty shall be interpreted as implying in any way a change in the rights and obligations of the Contracting Parties under other international agreements;

Understanding that the above recital is not intended to create a hierarchy between this Treaty and other international agreements;

Aware that questions regarding the management of plant genetic resources for food and agriculture are at the meeting point between agriculture, the environment and commerce, and convinced that there should be synergy among these sectors;

Aware of their responsibility to past and future generations to conserve the World's diversity of plant genetic resources for food and agriculture;

Recognizing that, in the exercise of their sovereign rights over their plant genetic resources for food and agriculture, states may mutually benefit from the creation of an effective multilateral system for facilitated access to a negotiated selection of these resources and for the fair and equitable sharing of the benefits arising from their use; and

Desiring to conclude an international agreement within the framework of the Food and Agriculture Organization of the United Nations, hereinafter referred to as FAO, under Article XIV of the FAO Constitution;

Have agreed as follows:

PART I – INTRODUCTION

Article 1 – Objectives

1.1 The objectives of this Treaty are the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.

1.2 These objectives will be attained by closely linking this Treaty to the Food and Agriculture Organization of the United Nations and to the Convention on Biological Diversity.

Article 2 – Use of terms

For the purpose of this Treaty, the following terms shall have the meanings hereunder assigned to them. These definitions are not intended to cover trade in commodities:

"*In situ* conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated plant species, in the surroundings where they have developed their distinctive properties.

"*Ex situ* conservation" means the conservation of plant genetic resources for food and agriculture outside their natural habitat.

"Plant genetic resources for food and agriculture" means any genetic material of plant origin of actual or potential value for food and agriculture.

"Genetic material" means any material of plant origin, including reproductive and vegetative propagating material, containing functional units of heredity.

"Variety" means a plant grouping, within a single botanical taxon of the lowest known rank, defined by the reproducible expression of its distinguishing and other genetic characteristics.

"*Ex situ* collection" means a collection of plant genetic resources for food and agriculture maintained outside their natural habitat.

"Centre of origin" means a geographical area where a plant species, either domesticated or wild, first developed its distinctive properties.

"Centre of crop diversity" means a geographic area containing a high level of genetic diversity for crop species in *in situ* conditions.

Article 3 – Scope

This Treaty relates to plant genetic resources for food and agriculture.

PART II - GENERAL PROVISIONS

Article 4 - General Obligations

Each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in this Treaty.

Article 5 – Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture

5.1 Each Contracting Party shall, subject to national legislation, and in cooperation with other Contracting Parties where appropriate, promote an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture and shall in particular, as appropriate:

(a) Survey and inventory plant genetic resources for food and agriculture, taking into account the status and degree of variation in existing populations, including those that are of potential use and, as feasible, assess any threats to them;

(b) Promote the collection of plant genetic resources for food and agriculture and relevant associated information on those plant genetic resources that are under threat or are of potential use;

(c) Promote or support, as appropriate, farmers and local communities' efforts to manage and conserve on-farm their plant genetic resources for food and agriculture;

(d) Promote *in situ* conservation of wild crop relatives and wild plants for food production, including in protected areas, by supporting, *inter alia*, the efforts of indigenous and local communities;

(e) Cooperate to promote the development of an efficient and sustainable system of *ex situ* conservation, giving due attention to the need for adequate documentation, characterization, regeneration and evaluation, and promote the development and transfer

of appropriate technologies for this purpose with a view to improving the sustainable use of plant genetic resources for food and agriculture;

(f) Monitor the maintenance of the viability, degree of variation, and the genetic integrity of collections of plant genetic resources for food and agriculture.

5.2 The Contracting Parties shall, as appropriate, take steps to minimize or, if possible, eliminate threats to plant genetic resources for food and agriculture.

Article 6 – Sustainable Use of Plant Genetic Resources

6.1 The Contracting Parties shall develop and maintain appropriate policy and legal measures that promote the sustainable use of plant genetic resources for food and agriculture.

6.2 The sustainable use of plant genetic resources for food and agriculture may include such measures as:

(a) pursuing fair agricultural policies that promote, as appropriate, the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;

(b) strengthening research which enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers, especially those who generate and use their own varieties and apply ecological principles in maintaining soil fertility and in combating diseases, weeds and pests;

(c) promoting, as appropriate, plant breeding efforts which, with the participation of farmers, particularly in developing countries, strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;

(d) broadening the genetic base of crops and increasing the range of genetic diversity available to farmers;

(e) promoting, as appropriate, the expanded use of local and locally adapted crops, varieties and underutilized species;

(f) supporting, as appropriate, the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development in order to reduce crop vulnerability and genetic erosion, and promote increased world food production compatible with sustainable development; and

(g) reviewing, and, as appropriate, adjusting breeding strategies and regulations concerning variety release and seed distribution.

Article 7 – National Commitments and International Cooperation

7.1 Each Contracting Party shall, as appropriate, integrate into its agriculture and rural development policies and programmes, activities referred to in Articles 5 and 6, and cooperate with other Contracting Parties, directly or through FAO and other relevant international organizations, in the conservation and sustainable use of plant genetic resources for food and agriculture.

7.2 International cooperation shall, in particular, be directed to:

(a) establishing or strengthening the capabilities of developing countries and countries with economies in transition with respect to conservation and sustainable use of plant genetic resources for food and agriculture;

(b) enhancing international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication; and sharing, providing access to, and exchanging, in conformity with Part IV, plant genetic resources for food and agriculture and appropriate information and technology;

(c) maintaining and strengthening the institutional arrangements provided for in Part V; and

(d) implement the funding strategy of Article 18.

Article 8 – Technical Assistance

The Contracting Parties agree to promote the provision of technical assistance to Contracting Parties, especially those that are developing countries or countries with economies in transition, either bilaterally or through the appropriate international organizations, with the objective of facilitating the implementation of this Treaty.

PART III - FARMERS' RIGHTS

Article 9 – Farmers' Rights

9.1 The Contracting Parties recognize the enormous contribution that the local and indigenous communities and 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.

9.2 The Contracting Parties agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:

(a) protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and

(c) the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.

9.3 Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.

PART IV - THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

Article 10 – Multilateral System of Access and Benefit-sharing

10.1 In their relationships with other States, the Contracting Parties recognize the sovereign rights of States over their own plant genetic resources for food and agriculture, including that the authority to determine access to those resources rests with national governments and is subject to national legislation.

10.2 In the exercise of their sovereign rights, the Contracting Parties agree to establish a multilateral system, which is efficient, effective, and transparent, both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis.

Article 11 – Coverage of the Multilateral System

11.1 In furtherance of the objectives of conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out of their use, as stated in Article 1, the Multilateral System shall cover the plant genetic resources for food and agriculture listed in Annex I, established according to criteria of food security and interdependence.

11.2 The Multilateral System, as identified in Article 11.1, shall include all plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain. With a view to achieving the fullest possible coverage of the Multilateral System, the Contracting Parties invite all other holders of the plant genetic resources for food and agriculture listed in Annex I to include these plant genetic resources for food and agriculture in the Multilateral System.

11.3 Contracting Parties also agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources for food and agriculture listed in Annex I to include such plant genetic resources for food and agriculture in the Multilateral System.

11.4 Within two years of the entry into force of the Treaty, the Governing Body shall assess the progress in including the plant genetic resources for food and agriculture referred to in paragraph 11.3 in the Multilateral System. Following this assessment, the Governing Body shall decide whether access shall continue to be facilitated to those natural and legal persons referred to in paragraph 11.3 that have not included these plant genetic resources for food and agriculture in the Multilateral System, or take such other measures as it deems appropriate.

11.5 The Multilateral System shall also include the plant genetic resources for food and agriculture listed in Annex I and held in the *ex situ* collections of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (CGIAR), as provided in Article 15.1a, and in other international institutions, in accordance with Article 15.5.

Article 12 – Facilitated access to plant genetic resources for food and agriculture within the Multilateral System

12.1 The Contracting Parties agree that facilitated access to plant genetic resources for food and agriculture under the Multilateral System, as defined in Article 11, shall be in accordance with the provisions of this Treaty.

12.2 The Contracting Parties agree to take the necessary legal or other appropriate measures to provide such access to other Contracting Parties through the Multilateral System. To this effect, such access shall also be provided to legal and natural persons under the jurisdiction of any Contracting Party, subject to the provisions of Article 11.4.

12.3 Such access shall be provided in accordance with the conditions below:

(a) Access shall be provided solely for the purpose of utilization and conservation for research, breeding and training for food and agriculture, provided that such purpose does not include chemical, pharmaceutical and/or other non-food/feed industrial uses. In the case of multiple-use crops (food and non-food), their importance for food security should be the determinant for their inclusion in the Multilateral System and availability for facilitated access.

(b) Access shall be accorded expeditiously, without the need to track individual accessions and free of charge, or, when a fee is charged, it shall not exceed the minimal cost involved;

(c) All available passport data and, subject to applicable law, any other associated available non-confidential descriptive information, shall be made available with the plant genetic resources for food and agriculture provided;

(d) Recipients shall not claim any intellectual property or other rights that limit the facilitated access to the plant genetic resources for food and agriculture, or their genetic parts or components, in the form received from the Multilateral System;

(e) Access to plant genetic resources for food and agriculture under development, including material being developed by farmers, shall be at the discretion of its developer, during the period of its development;

(f) Access to plant genetic resources for food and agriculture protected by intellectual and other property rights shall be consistent with relevant international agreements, and with relevant national laws;

(g) Plant genetic resources for food and agriculture accessed under the Multilateral System and conserved shall continue to be made available to the Multilateral System by the recipients of those plant genetic resources for food and agriculture, under the terms of this Treaty; and

(h) Without prejudice to the other provisions under this Article, the Contracting Parties agree that access to plant genetic resources for food and agriculture found in *in situ* conditions will be provided according to national legislation or, in the absence of such legislation, in accordance with such standards as may be set by the Governing Body.

12.4 To this effect, facilitated access, in accordance with Articles 12.2 and 12.3 above, shall be provided pursuant to a standard material transfer agreement (MTA), which shall be adopted by the Governing Body and contain the provisions of Articles 12.3a, d and g, as well as the benefit-sharing provisions set forth in Article 13.2d(ii) and other relevant provisions of this Treaty, and the provision that the recipient of the plant genetic resources for food and agriculture shall require that the conditions of the MTA shall apply to the transfer of plant genetic resources for food and agriculture to another person or entity, as well as to any subsequent transfers of those plant genetic resources for food and agriculture.

12.5 Contracting Parties shall ensure that an opportunity to seek recourse is available, consistent with applicable jurisdictional requirements, under their legal systems, in case of

contractual disputes arising under such MTAs, recognizing that obligations arising under such MTAs rest exclusively with the parties to those MTAs.

12.6 In emergency disaster situations, the Contracting Parties agree to provide facilitated access to appropriate plant genetic resources for food and agriculture in the Multilateral System for the purpose of contributing to the re-establishment of agricultural systems, in cooperation with disaster relief co-ordinators.

Article 13 - Benefit-sharing in the Multilateral System

13.1 The Contracting Parties recognize that facilitated access to plant genetic resources for food and agriculture which are included in the Multilateral System constitutes itself a major benefit of the Multilateral System and agree that benefits accruing therefrom shall be shared fairly and equitably in accordance with the provisions of this Article.

13.2 The Contracting Parties agree that benefits arising from the use, including commercial, of plant genetic resources for food and agriculture under the Multilateral System shall be shared fairly and equitably through the following mechanisms: the exchange of information, access to and transfer of technology, capacity-building, and the sharing of the benefits arising from commercialization, taking into account the priority activity areas in the rolling Global Plan of Action, under the guidance of the Governing Body:

(a) Exchange of information:

The Contracting Parties agree to make available information which shall, *inter alia*, encompass catalogues and inventories, information on technologies, results of technical, scientific and socio-economic research, including characterization, evaluation and utilization, regarding those plant genetic resources for food and agriculture under the Multilateral System. Such information shall be made available, where non-confidential, subject to applicable law and in accordance with national capabilities. Such information shall be made available to all Contracting Parties to this Treaty through the information system, provided for in Article 17.

(b) Access to and transfer of technology

(i) The Contracting Parties undertake to provide and/or facilitate access to technologies for the conservation, characterization, evaluation and use of plant genetic resources for food and agriculture which are under the Multilateral System. Recognizing that some technologies can only be transferred through genetic material, the Contracting Parties shall provide and/or facilitate access to such technologies and genetic material which is under the Multilateral System and to improved varieties and genetic material developed through the use of plant genetic resources for food and agriculture under the Multilateral System, in conformity with the provisions of Article 12. Access to these technologies, improved varieties and genetic material shall be provided and/or facilitated, while respecting applicable property rights and access laws, and in accordance with national capabilities.

(ii) Access to and transfer of technology to countries, especially to developing countries and countries with economies in transition, shall be carried out through a set of measures, such as the establishment and maintenance of, and participation in, crop-based thematic groups on utilization of plant genetic resources for food and agriculture, all types of partnership in research and development and in commercial joint ventures relating to the material received, human resource development, and effective access to research facilities.

(iii) Access to and transfer of technology as referred to in (i) and (ii) above, including that protected by intellectual property rights, to developing countries that are Contracting Parties, in particular least developed countries, and countries with economies in transition, shall be provided and/or facilitated under fair and most favourable terms, in particular in the case of technologies for use in conservation as well as technologies for the benefit of farmers in developing countries, especially in least developed countries, and countries with economies in transition, including on concessional and preferential terms where mutually agreed, *inter alia*, through partnerships in research and development under the Multilateral System. Such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights.

(c) Capacity-building

Taking into account the needs of developing countries and countries with economies in transition, as expressed through the priority they accord to building capacity in plant genetic resources for food and agriculture in their plans and programmes, when in place, in respect of those plant genetic resources for food and agriculture covered by the Multilateral System, the Contracting Parties agree to give priority to (i) establishing and/or strengthening programmes for scientific and technical education and training in conservation and sustainable use of plant genetic resources for food and agriculture, (ii) developing and strengthening facilities for conservation and sustainable use of plant genetic resources for food and agriculture, in particular in developing countries, and countries with economies in transition, and (iii) carrying out scientific research preferably, and where possible, in developing countries and countries with economies in transition, in cooperation with institutions of such countries, and developing capacity for such research in fields where they are needed.

(d) Sharing of monetary and other benefits of commercialization

(i) The Contracting Parties agree, under the Multilateral System, to take measures in order to achieve commercial benefit-sharing, through the involvement of the private and public sectors in activities identified under this Article, through partnerships and collaboration, including with the private sector in developing countries and countries with economies in transition, in research and technology development;

(ii) The Contracting Parties agree that the standard Material Transfer Agreement referred to in Article 12.4 shall include a requirement that a recipient who commercializes a product that is a plant genetic resource for food and agriculture and that incorporates material accessed from the Multilateral System, shall pay to the mechanism referred to in Article 19.3f, an equitable share of the benefits arising from the commercialization of that product, except whenever such a product is available without restriction to others for further research and breeding, in which case the recipient who commercializes shall be encouraged to make such payment.

The Governing Body shall, at its first meeting, determine the level, form and manner of the payment, in line with commercial practice. The Governing Body may decide to establish different levels of payment for various categories of recipients who commercialize such products; it may also decide on the need to exempt from such payments small farmers in developing countries and in countries with economies in transition. The Governing Body may, from time to time, review the levels of payment with a view to achieving fair and equitable sharing of benefits, and it may also assess, within a period of five years from the

entry into force of this Treaty, whether the mandatory payment requirement in the MTA shall apply also in cases where such commercialized products are available without restriction to others for further research and breeding.

13.3 The Contracting Parties agree that benefits arising from the use of plant genetic resources for food and agriculture that are shared under the Multilateral System should flow primarily, directly and indirectly, to farmers in all countries, especially in developing countries, and countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture.

13.4 The Governing Body shall, at its first meeting, consider relevant policy and criteria for specific assistance under the agreed funding strategy established under Article 18 for the conservation of plant genetic resources for food and agriculture in developing countries, and countries with economies in transition whose contribution to the diversity of plant genetic resources for food and agriculture in the Multilateral System is significant and/or which have special needs.

13.5 The Contracting Parties recognize that the ability to fully implement the Global Plan of Action, in particular of developing countries and countries with economies in transition, will depend largely upon the effective implementation of this Article and of the funding strategy as provided in Article 18.

13.6 The Contracting Parties shall consider modalities of a strategy of voluntary benefit-sharing contributions whereby Food Processing Industries that benefit from plant genetic resources for food and agriculture shall contribute to the Multilateral System.

PART V - SUPPORTING COMPONENTS

Article 14 – Global Plan of Action

Recognizing that the rolling Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is important to this Treaty, Contracting Parties should promote its effective implementation, including through national actions and, as appropriate, international cooperation to provide a coherent framework, *inter alia*, for capacity-building, technology transfer and exchange of information, taking into account the provisions of Article 13.

Article 15 - Ex Situ Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions

15.1 The Contracting Parties recognize the importance to this Treaty of the *ex situ* collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR). The Contracting Parties call upon the IARCs to sign agreements with the Governing Body with regard to such *ex situ* collections, in accordance with the following terms and conditions:

(a) Plant genetic resources for food and agriculture listed in Annex I of this Treaty and held by the IARCs shall be made available in accordance with the provisions set out in Part IV of this Treaty.

(b) Plant genetic resources for food and agriculture other than those listed in Annex I of this Treaty and collected before its entry into force that are held by IARCs shall be made available in accordance with the provisions of the MTA currently in use pursuant to agreements between the IARCs and the FAO. This MTA shall be amended by the Governing Body no later than its second regular session, in consultation with the IARCs, in accordance with the relevant provisions of this Treaty, especially Articles 12 and 13, and under the following conditions:

(i) The IARCs shall periodically inform the Governing Body about the MTAs entered into, according to a schedule to be established by the Governing Body;

(ii) The Contracting Parties in whose territory the plant genetic resources for food and agriculture were collected from *in situ* conditions shall be provided with samples of such plant genetic resources for food and agriculture on demand, without any MTA;

(iii) Benefits arising under the above MTA that accrue to the mechanism mentioned in Article 19.3f shall be applied, in particular, to the conservation and sustainable use of the plant genetic resources for food and agriculture in question, particularly in national and regional programmes in developing countries and countries with economies in transition, especially in centres of diversity and the least developed countries; and

(iv) The IARCs shall take appropriate measures, in accordance with their capacity, to maintain effective compliance with the conditions of the MTAs, and shall promptly inform the Governing Body of cases of non-compliance.

(c) IARCs recognize the authority of the Governing Body to provide policy guidance relating to *ex situ* collections held by them and subject to the provisions of this Treaty.

(d) The scientific and technical facilities in which such *ex situ* collections are conserved shall remain under the authority of the IARCs, which undertake to manage and administer these *ex situ* collections in accordance with internationally accepted standards, in particular the Genebank Standards as endorsed by the FAO Commission on Genetic Resources for Food and Agriculture.

(e) Upon request by an IARC, the Secretary shall endeavour to provide appropriate technical support.

(f) The Secretary shall have, at any time, right of access to the facilities, as well as right to inspect all activities performed therein directly related to the conservation and exchange of the material covered by this Article.

(g) If the orderly maintenance of these *ex situ* collections held by IARCs is impeded or threatened by whatever event, including *force majeure*, the Secretary, with the approval of the host country, shall assist in its evacuation or transfer, to the extent possible.

15.2 The Contracting Parties agree to provide facilitated access to plant genetic resources for food and agriculture in Annex I under the Multilateral System to IARCs of the CGIAR that have signed agreements with the Governing Body in accordance with this Treaty. Such Centres shall be included in a list held by the Secretary to be made available to the Contracting Parties on request.

15.3 The material other than that listed in Annex I, which is received and conserved by IARCs after the coming into force of this Treaty, shall be available for access on terms consistent with those mutually agreed between the IARCs that receive the material and the country of origin of such resources or the country that has acquired those resources in accordance with the Convention on Biological Diversity or other applicable law.

15.4 The Contracting Parties are encouraged to provide IARCs that have signed agreements with the Governing Body with access, on mutually agreed terms, to plant genetic resources for food and agriculture not listed in Annex I that are important to the programmes and activities of the IARCs.

15.5 The Governing Body will also seek to establish agreements for the purposes stated in this Article with other relevant international institutions.

Article 16 – International Plant Genetic Resources Networks

16.1 Existing cooperation in international plant genetic resources for food and agriculture networks will be encouraged or developed on the basis of existing arrangements and consistent with the terms of this Treaty, so as to achieve as complete coverage as possible of plant genetic resources for food and agriculture.

16.2 The Contracting Parties will encourage, as appropriate, all relevant institutions, including governmental, private, non-governmental, research, breeding and other institutions, to participate in the international networks.

Article 17 – The Global Information System on Plant Genetic Resources for Food and Agriculture

17.1 The Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture, with the expectation that such exchange of information will contribute to the sharing of benefits by making information on plant genetic resources for food and agriculture available to all Contracting Parties. In developing the Global Information System, cooperation will be sought with the Clearing House Mechanism of the Convention on Biological Diversity.

17.2 Based on notification by the Contracting Parties, early warning should be provided about hazards that threaten the efficient maintenance of plant genetic resources for food and agriculture, with a view to safeguarding the material.

17.3 The Contracting Parties shall cooperate with the Commission on Genetic Resources for Food and Agriculture of the FAO in its periodic reassessment of the state of the world's plant genetic resources for food and agriculture in order to facilitate the updating of the rolling Global Plan of Action referred to in Article 14.

PART VI - FINANCIAL PROVISIONS

Article 18 – Financial Resources

18.1 The Contracting Parties undertake to implement a funding strategy for the implementation of this Treaty in accordance with the provisions of this Article.

18.2 The objectives of the funding strategy shall be to enhance the availability, transparency, efficiency and effectiveness of the provision of financial resources to implement activities under this Treaty.

18.3 In order to mobilize funding for priority activities, plans and programmes, in particular in developing countries and countries with economies in transition, and taking the Global Plan of Action into account, the Governing Body shall periodically establish a target for such funding.

18.4 Pursuant to this funding strategy:

(a) The Contracting Parties shall take the necessary and appropriate measures within the Governing Bodies of relevant international mechanisms, funds and bodies to ensure due priority and attention to the effective allocation of predictable and agreed resources for the implementation of plans and programmes under this Treaty.

(b) The extent to which Contracting Parties that are developing countries and Contracting Parties with economies in transition will effectively implement their commitments under this Treaty will depend on the effective allocation, particularly by the developed country Parties, of the resources referred to in this Article. Contracting Parties that are developing countries and Contracting Parties with economies in transition will accord due priority in their own plans and programmes to building capacity in plant genetic resources for food and agriculture.

(c) The Contracting Parties that are developed countries also provide, and Contracting Parties that are developing countries and Contracting Parties with economies in transition avail themselves of, financial resources for the implementation of this Treaty through bilateral and regional and multilateral channels. Such channels shall include the mechanism referred to in Article 19.3f.

(d) Each Contracting Party agrees to undertake, and provide financial resources for national activities for the conservation and sustainable use of plant genetic resources for food and agriculture in accordance with its national capabilities and financial resources. The financial resources provided shall not be used to ends inconsistent with this Treaty, in particular in areas related to international trade in commodities. ;

(e) The Contracting Parties agree that the financial benefits arising from Article 13.2d are part of the funding strategy.

(f) Voluntary contributions may also be provided by Contracting Parties, the private sector, taking into account the provisions of Article 13, non-governmental organisations and other sources. The Contracting Parties agree that the Governing Body shall consider modalities of a strategy to promote such contributions;

18.5 The Contracting Parties agree that priority will be given to the implementation of agreed plans and programmes for farmers in developing countries, especially in least developed countries, and in countries with economies in transition, who conserve and sustainably utilize plant genetic resources for food and agriculture.

PART VII - INSTITUTIONAL PROVISIONS

Article 19 – Governing Body

19.1 A Governing Body for this Treaty is hereby established, composed of all Contracting Parties.

19.2 All decisions of the Governing Body shall be taken by consensus unless by consensus another method of arriving at a decision on certain measures is reached, except that consensus shall always be required in relation to Articles 23 and 24.

19.3 The functions of the Governing Body shall be to promote the full implementation of this Treaty, keeping in view its objectives, and, in particular, to:

(a) provide policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of this Treaty and, in particular, for the operation of the Multilateral System;

(b) adopt plans and programmes for the implementation of this Treaty;

(c) adopt, at its first session, and periodically review the funding strategy for the implementation of this Treaty, in accordance with the provisions of Article 18;

(d) adopt the budget of this Treaty;

(e) consider and establish subject to the availability of necessary funds such subsidiary bodies as may be necessary, and their respective mandates and composition;

(f) establish, as needed, an appropriate mechanism, such as a Trust Account, for receiving and utilizing financial resources that will accrue to it for purposes of implementing this Treaty;

(g) establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Treaty, including their participation in the funding strategy;

(h) consider and adopt, as required, amendments to this Treaty, in accordance with the provisions of Article 23;

(i) consider and adopt, as required, amendments to annexes to this Treaty, in accordance with the provisions of Article 24;

(j) consider modalities of a strategy to encourage voluntary contributions, in particular, with reference to Articles 13 and 18;

(k) perform such other functions as may be necessary for the fulfilment of the objectives of this Treaty;

(l) take note of relevant decisions of the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies;

(m) inform, as appropriate, the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies of matters regarding the implementation of this Treaty; and

(n) approve the terms of agreements with the IARCs and other international institutions under Article 15, and review and amend the MTA in Article 15.

19.4 Subject to Article 19.6, each Contracting Party shall have one vote and may be represented at sessions of the Governing Body by a single delegate who may be accompanied by an alternate, and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Governing Body but may not vote, except in the case of their being duly authorized to substitute for the delegate.

19.5 The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Contracting Party to this Treaty, may be represented as observers at sessions of the Governing Body. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of plant genetic resources for food and agriculture, which has informed the Secretary of its wish to be represented as an observer at a session of the Governing Body, may be admitted unless at least one third of the Contracting Parties present object. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Governing Body.

19.6 A Member Organization of FAO that is a Contracting Party and the member states of that Member Organization that are Contracting Parties shall exercise their membership rights and fulfil their membership obligations in accordance, *mutatis mutandis*, with the Constitution and General Rules of FAO.

19.7 The Governing Body shall adopt and amend, as required, its own Rules of Procedure and financial rules which shall not be inconsistent with this Treaty.

19.8 The presence of delegates representing a majority of the Contracting Parties shall be necessary to constitute a quorum at any session of the Governing Body.

19.9 The Governing Body shall hold regular sessions at least once every two years. These sessions should, as far as possible, be held back-to-back with the regular sessions of the Commission on Genetic Resources for Food and Agriculture.

19.10 Special Sessions of the Governing Body shall be held at such other times as may be deemed necessary by the Governing Body, or at the written request of any Contracting Party, provided that this request is supported by at least one third of the Contracting Parties.

19.11 The Governing Body shall elect its Chairperson and Vice-Chairpersons (collectively referred to as "the Bureau"), in conformity with its Rules of Procedure.

Article 20 – Secretary

20.1 The Secretary of the Governing Body shall be appointed by the Director-General of FAO, with the approval of the Governing Body. The Secretary shall be assisted by such staff as may be required.

20.2 The Secretary shall perform the following functions:

(a) arrange for and provide administrative support for sessions of the Governing Body and for any subsidiary bodies as may be established;

(b) assist the Governing Body in carrying out its functions, including the performance of specific tasks that the Governing Body may decide to assign to it;

(c) report on its activities to the Governing Body.

20.3 The Secretary shall communicate to all Contracting Parties and to the Director-General:

(a) decisions of the Governing Body within sixty days of adoption;

(b) information received from Contracting Parties in accordance with the provisions of this Treaty.

20.4 The Secretary shall provide documentation in the six languages of the United Nations for sessions of the Governing Body.

20.5 The Secretary shall cooperate with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of this Treaty.

Article 21 – Compliance

The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Treaty and to address issues of non-compliance. These procedures and mechanisms shall include monitoring, and offering advice or assistance, including legal advice or legal assistance, when needed, in particular to developing countries and countries with economies in transition.

Article 22 – Settlement of Disputes

22.1 In the event of a dispute between Contracting Parties concerning the interpretation or application of this Treaty, the parties concerned shall seek solutions by negotiation.

22.2 If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

22.3 When ratifying, accepting, approving or acceding to this Treaty, or at any time thereafter, a Contracting Party may declare in writing to the Depositary that for a dispute not resolved in accordance with Article 22.1 or Article 22.2 above, it accepts one or both of the following means of dispute settlement as compulsory:

(a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II to this Treaty;

(b) Submission of the dispute to the International Court of Justice.

22.4 If the parties to the dispute have not, in accordance with Article 22.3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II to this Treaty unless the parties otherwise agree.

Article 23 – Amendments of the Treaty

23.1 Amendments to this Treaty may be proposed by any Contracting Party.

23.2 Amendments to this Treaty shall be adopted at a session of the Governing Body. The text of any proposed amendment shall be communicated to Contracting Parties by the Secretary at least six months before the session at which it is proposed for adoption.

23.3 All amendments to this Treaty shall only be made by consensus of the Contracting Parties present at the session of the Governing Body.

23.4 Any amendment adopted by the Governing Body shall come into force among Contracting Parties having ratified, accepted or approved it on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by two-thirds of the Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the ninetieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendment.

23.5 For the purpose of this Article, an instrument deposited by a Member Organization of FAO shall not be counted as additional to those deposited by member states of such an organization.

Article 24 – Annexes

24.1 The annexes to this Treaty shall form an integral part of this Treaty and a reference to this Treaty shall constitute at the same time a reference to any annexes thereto.

24.2 The provisions of Article 23 regarding amendments to this Treaty shall apply to the amendment of annexes.

Article 25 – Signature

This Treaty shall be open for signature at the FAO from 3 November 2001 to 4 November 2002 by all Members of FAO and any States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency.

Article 26 – Ratification, Acceptance or Approval

This Treaty shall be subject to ratification, acceptance or approval by the Members and non-Members of FAO referred to in Article 25. Instruments of ratification, acceptance, or approval shall be deposited with the Depositary.

Article 27 – Accession

This Treaty shall be open for accession by all Members of FAO and any States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency from the date on which the Treaty is closed for signature. Instruments of accession shall be deposited with the Depositary.

Article 28 – Entry into force

28.1 Subject to the provisions of Article 29.2, this Treaty shall enter into force on the ninetieth day after the deposit of the fortieth instrument of ratification, acceptance, approval or accession, provided that at least twenty instruments of ratification, acceptance, approval or accession have been deposited by Members of FAO.

28.2 For each Member of FAO and any State that is not a Member of FAO but is a Member of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency that ratifies, accepts, approves or accedes to this Treaty after the deposit, in accordance

with Article 28.1, of the fortieth instrument of ratification, acceptance, approval or accession, the Treaty shall enter into force on the ninetieth day following the deposit of its instrument of ratification, acceptance, approval or accession.

Article 29 – Member Organizations of FAO

29.1 When a Member Organization of FAO deposits an instrument of ratification, acceptance, approval or accession for this Treaty, the Member Organization shall, in accordance with the provisions of Article II.7 of the FAO Constitution, notify any change regarding its distribution of competence to its declaration of competence submitted under Article II.5 of the FAO Constitution as may be necessary in light of its acceptance of this Treaty. Any Contracting Party to this Treaty may, at any time, request a Member Organization of FAO that is a Contracting Party to this Treaty to provide information as to which, as between the Member Organization and its member states, is responsible for the implementation of any particular matter covered by this Treaty. The Member Organization shall provide this information within a reasonable time.

29.2 Instruments of ratification, acceptance, approval, accession or withdrawal, deposited by a Member Organization of FAO, shall not be counted as additional to those deposited by its Member States.

Article 30 – Reservations

No reservations may be made to this Treaty.

Article 31 – Non-Parties

The Contracting Parties shall encourage any Member of FAO or other State, not a Contracting Party to this Treaty, to accept this Treaty.

Article 32 – Withdrawals

32.1 Any Contracting Party may at any time after two years from the date on which this Treaty has entered into force for it, notify the Depositary in writing of its withdrawal from this Treaty. The Depositary shall at once inform all Contracting Parties.

32.2 Withdrawal shall take effect one year from the date of receipt of the notification.

Article 33 – Termination

33.1 This Treaty shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below forty, unless the remaining Contracting Parties unanimously decide otherwise.

33.2 The Depositary shall inform all remaining Contracting Parties when the number of Contracting Parties has dropped to forty.

33.3 In the event of termination the disposition of assets shall be governed by the financial rules to be adopted by the Governing Body.

Article 34 – Depositary

The Director-General of FAO shall be the Depositary of this Treaty.

Article 35 – Authentic Texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Treaty are equally authentic.

ANNEX I

LIST OF CROPS COVERED UNDER THE MULTILATERAL SYSTEM

Food crops

Crop	Genus	Observations
Breadfruit	*Artocarpus*	Breadfruit only.
Asparagus	*Asparagus*	
Oat	*Avena*	
Beet	*Beta*	
Brassica complex	*Brassica* et al.	Genera included are: *Brassica, Armoracia, Barbarea, Camelina, Crambe, Diplotaxis, Eruca, Isatis, Lepidium, Raphanobrassica, Raphanus, Rorippa*, and *Sinapis*. This comprises oilseed and vegetable crops such as cabbage, rapeseed, mustard, cress, rocket, radish, and turnip. The species *Lepidium meyenii* (maca) is excluded.
Pigeon Pea	*Cajanus*	
Chickpea	*Cicer*	
Citrus	*Citrus*	Genera *Poncirus* and *Fortunella* are included as root stock.
Coconut	*Cocos*	
Major aroids	*Colocasia, Xanthosoma*	Major aroids include taro, cocoyam, dasheen and tannia.
Carrot	*Daucus*	
Yams	*Dioscorea*	
Finger Millet	*Eleusine*	
Strawberry	*Fragaria*	
Sunflower	*Helianthus*	
Barley	*Hordeum*	
Sweet Potato	*Ipomoea*	
Grass pea	*Lathyrus*	
Lentil	*Lens*	
Apple	*Malus*	
Cassava	*Manihot*	*Manihot esculenta* only.
Banana / Plantain	*Musa*	Except *Musa textilis*.
Rice	*Oryza*	
Pearl Millet	*Pennisetum*	
Beans	*Phaseolus*	Except *Phaseolus polyanthus*.
Pea	*Pisum*	
Rye	*Secale*	
Potato	*Solanum*	Section tuberosa included, except *Solanum phureja*.
Eggplant	*Solanum*	Section melongena included.
Sorghum	*Sorghum*	
Triticale	*Triticosecale*	
Wheat	*Triticum* et al.	Including *Agropyron, Elymus*, and *Secale*.
Faba Bean / Vetch	*Vicia*	
Cowpea et al.	*Vigna*	
Maize	*Zea*	Excluding *Zea perennis, Zea diploperennis*, and *Zea luxurians*.

Forages

Genera	Species
LEGUME FORAGES	
Astragalus	*chinensis, cicer, arenarius*
Canavalia	*ensiformis*
Coronilla	*varia*
Hedysarum	*coronarium*
Lathyrus	*cicera, ciliolatus, hirsutus, ochrus, odoratus, sativus*
Lespedeza	*cuneata, striata, stipulacea*
Lotus	*corniculatus, subbiflorus, uliginosus*
Lupinus	*albus, angustifolius, luteus*
Medicago	*arborea, falcata, sativa, scutellata, rigidula, truncatula*
Melilotus	*albus, officinalis*
Onobrychis	*viciifolia*
Ornithopus	*sativus*
Prosopis	*affinis, alba, chilensis, nigra, pallida*
Pueraria	*phaseoloides*
Trifolium	*alexandrinum, alpestre, ambiguum, angustifolium, arvense, agrocicerum, hybridum, incarnatum, pratense, repens, resupinatum, rueppellianum, semipilosum, subterraneum, vesiculosum*
GRASS FORAGES	
Andropogon	*gayanus*
Agropyron	*cristatum, desertorum*
Agrostis	*stolonifera, tenuis*
Alopecurus	*pratensis*
Arrhenatherum	*elatius*
Dactylis	*glomerata*
Festuca	*arundinacea, gigantea, heterophylla, ovina, pratensis, rubra*
Lolium	*hybridum, multiflorum, perenne, rigidum, temulentum*
Phalaris	*aquatica, arundinacea*
Phleum	*pratense*
Poa	*alpina, annua, pratensis*
Tripsacum	*laxum*
OTHER FORAGES	
Atriplex	*halimus, nummularia*
Salsola	*vermiculata*

ANNEX II

Part 1

ARBITRATION

Article 1

The claimant party shall notify the Secretary that the parties to the dispute are referring it to arbitration pursuant to Article 22. The notification shall state the subject-matter of arbitration and include, in particular, the articles of this Treaty, the interpretation or application of which are at issue. If the parties to the dispute do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The Secretary shall forward the information thus received to all Contracting Parties to this Treaty.

Article 2

1. In disputes between two parties to the dispute, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties to the dispute, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two Contracting Parties, parties to the dispute with the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Director-General of FAO shall, at the request of a party to the dispute, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Director-General of FAO who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Treaty and international law.

Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties to the dispute, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The parties to the dispute and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

Article 9

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties to the dispute.

Article 10

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 11

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 12

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party to the dispute or a failure of a party to the dispute to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

Article 15

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party to the dispute for decision to the arbitral tribunal which rendered it.

Part 2
CONCILIATION

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties to the dispute otherwise agree, be composed of five members, two appointed by each party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two Contracting Parties, parties to the dispute with the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties to the dispute have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties to the dispute are not made within two months of the date of the request to create a conciliation commission, the Director-General of FAO shall, if asked to do so by the party to the dispute that made the request, make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Director-General of FAO shall, if asked to do so by a party to the dispute, designate a President within a further two-month period.

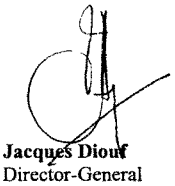
Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

CERTIFIED TRUE COPY of the English version of the International Treaty on Plant Genetic Resources for Food and Agriculture which was approved on 3 November 2001 at the Thirty-first Session of the FAO Conference. In accordance with the provisions of paragraph 7 of Article XIV of the FAO Constitution, this has been certified by the Director-General of the Organization and the Chairman of the Conference.



Jacques Diouf
Director-General
Food and Agriculture Organization of
the United Nations

Saeed Bin Mohammed Al Raqabani
Chairman of the Conference

In the name of Angola:

Au nom de l'Angola:

En nombre de Angola:

باسم أنغولا:

代表 安哥拉:

— Ambassadeur d'Angola —
10.10.2002

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Esta firma es la mencionada en el Artículo 25 del Tratado Internacional sobre los Recursos Fitogenéticos para la Alimentación y la Agricultura, aprobado con arreglo al Artículo XIV de la Constitución de la FAO en el 31° período de sesiones de la Conferencia de la FAO, celebrado en noviembre de 2001.

هذا التوقيع يشير إلى التوقيع المنصوص عليه في المادة 25 من المعاهدة الدولية بشأن الموارد الوراثية للأغذية والزراعة التي ووفق عليها بمقتضى المادة 14 من دستور المنظمة خلال الدورة الحادية والثلاثين لمؤتمر المنظمة الذي عقد في نوفمبر/تشرين الثاني2001

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In the name of Argentina:

Au nom de l'Argentine:

En nombre de la Argentina:

باسم الأرجنتين:

代表 阿根廷:

20/06/02

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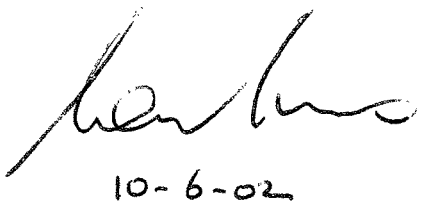
In the name of Australia:

Au nom de l'Australie:

En nombre de Australia:

باسم استراليا:

代表 澳大利亚:



10-6-02

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In the name of Austria:

Au nom de l'Autriche:

En nombre de Austria:

باسم النمسا:

代表 奥地利:

Herbert Jäger
6 June 2002.

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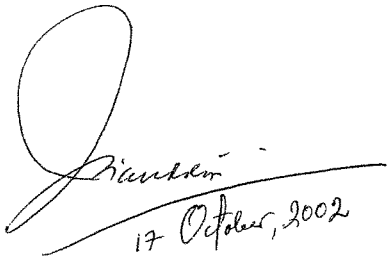
In the name of Bangladesh:

Au nom du Bangladesh:

En nombre de Bangladesh:

باسم بنغلاديش:

代表 孟加拉国:



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In the name of Belgium:

Au nom de la Belgique:

En nombre de Bélgica:

باسم بلجيكا:

代表 比利时:

6 juin 2002

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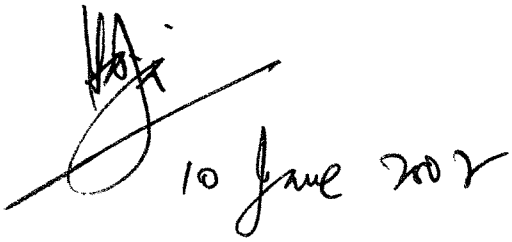
In the name of Bhutan:

Au nom du Bhoutan:

En nombre de Bhután:

باسم بوتان:

代表 不 丹:



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In the name of Brazil: 10.00.02.

Au nom du Brésil:

En nombre del Brasil:

باسم البرازيل:

代表 巴 西:

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In the name of Burkina Faso:

Au nom du Burkina Faso:

En nombre del Burkina Faso:

باسم بوركينا فاصو:

代表 布基纳法索:

BONOU D. ALPHONSE
Ministre des Ressources
Animales

9/11/2001

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In the name of Burundi:

Au nom du Burundi:

En nombre del Burundi:

باسم بوروندى:

代表 布隆迪:

Dr Pierre Nkurunziza
Ministre de l'Agriculture et
de l'Elevage
10/06/2002

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In the name of Cambodia: 11/06/2002

Au nom du Cambodge:

En nombre del Camboya: SAR KHENG

باسم كمبوديا:

代表 柬埔寨:

Deputy Prime Minister.

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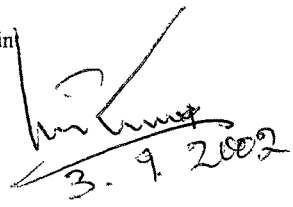
In the name of Cameroon:

Au nom du Cameroun:

En nombre del Camerún:

باسم الكاميرون:

代表 喀麦隆：



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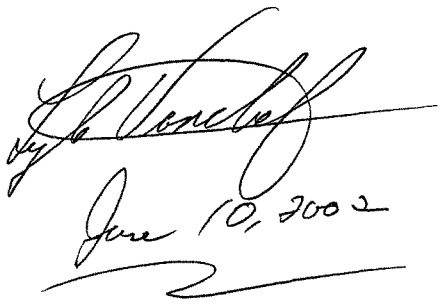
In the name of Canada:

Au nom du Canada:

En nombre del Canadá:

باسم كندا:

代表 加拿大:



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In the name of Cape Verde:

Au nom du Cap-Vert:

En nombre de Cabo Verde:

باسم الرأس الأخضر:

代表 佛得角:

16 October 2002

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In the name of the Central African Republic:

Au nom de la République centrafricaine:

En nombre de la República Centroafricana:

باسم جمهورية أفريقيا الوسطى:

代表 中非共和国:

Dr NAMKOSSERENA SALOMON Ministre chargé de la Promotion du Monde Rural de la République Centrafricaine

09/11/2001

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In the name of Chad:

Au nom du Tchad:

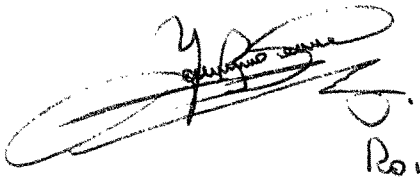
En nombre del Chad:

باسم تشاد:

代表乍得:

General ROUTOUANG YOMA GOLOM

Ministre de l'Agriculture



Rome 11 juin 2002

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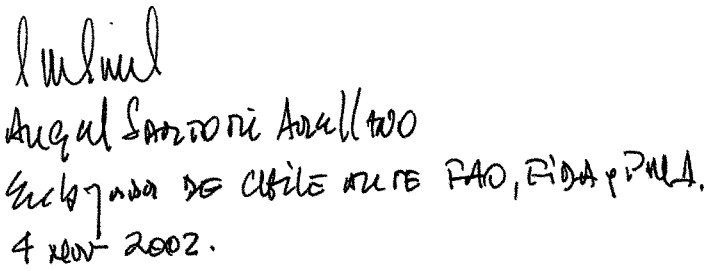
In the name of Chile:

Au nom du Chili:

En nombre de Chile:

باسم شيلي:

代表 智 利:



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In the name of Colombia:

Au nom de la Colombie:

En nombre de Colombia:

باسم كولومبيا:

代表 哥伦比亚：

Italo Valencia Cossio
Embajador de Colombia ante FAO
e Italia.
octubre 30/02.

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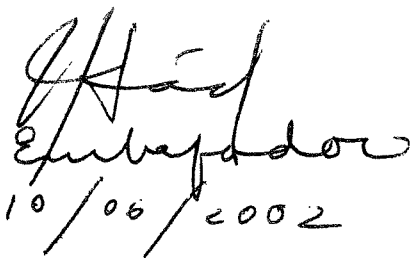
In the name of Costa Rica:

Au nom du Costa Rica:

En nombre de Costa Rica:

باسم كوستاريكا:

代表 哥斯达黎加:



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In the name of Côte d'Ivoire:

Au nom de la Côte d'Ivoire:

En nombre de Côte d'Ivoire:

باسم كوت ديفوار:

代表 科特迪瓦：

ZADY GBAKA RICHARD

AMBASSADEUR EXTRAORDINAIRE

09-11-2001

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In the name of Cuba:

Au nom de Cuba:

En nombre de Cuba:

باسم كوبا:

代表 古 巴:

ALFREDO N. PUIG PINO
EMBAJADOR
REPRESENTANTE PERMANENTE
ANTE LA FAO

11/10/02

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In the name of Cyprus:

Au nom de Chypre:

En nombre de Chipre:

باسم قبرص:

代表 塞浦路斯:

Costas Themistocleous.
Minister of
Agriculture
Natural Resources
and Environment
of Cyprus.

12/6/2002.

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In the name of Denmark:

Au nom du Danemark:

En nombre de Dinamarca:

باسم الدانمرك:

代表 丹 麦:

June 6, 2002.

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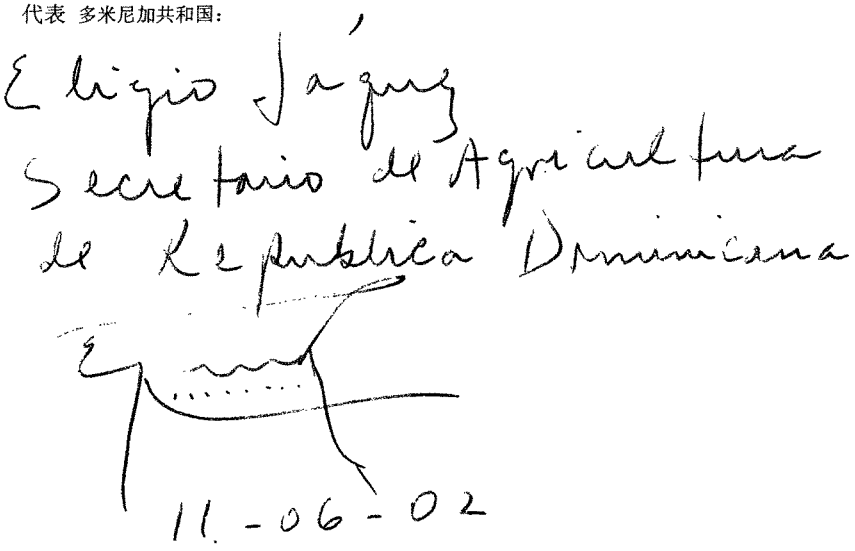
In the name of the Dominican Republic:

Au nom de la République dominicaine:

En nombre de la República Dominicana:

باسم الجمهورية الدومينيكية:

代表 多米尼加共和国:



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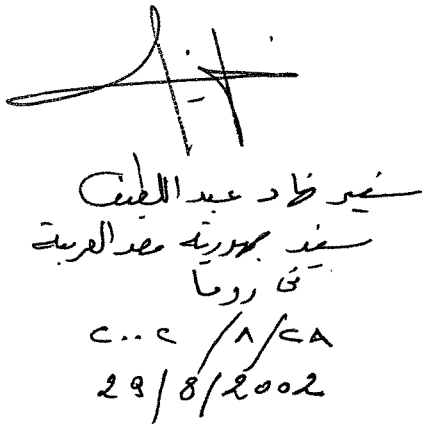
In the name of Egypt:

Au nom de l'Egypte:

En nombre de Egipto:

باسم مصر:

代表 埃 及:



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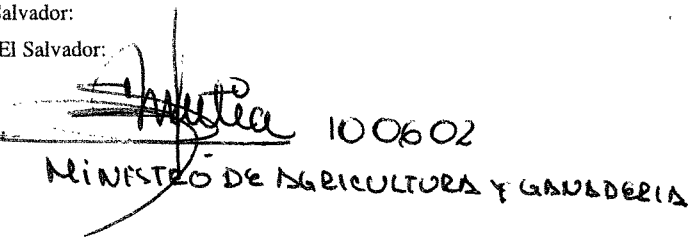
In the name of El Salvador:

Au nom d'El Salvador:

En nombre de El Salvador:

باسما لسلفادو:

代表 萨尔瓦多



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In the name of Eritrea:

Au nom de l'Erythrée:

En nombre de Eritrea:

باسم إريتريا:

代表 厄立特里亚:

AREFAINE BERHE
MINISTER OF AGRICULTURE
10-06-02

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In the name of Ethiopia:

Au nom de l'Ethiopie:

En nombre de Etiopía:

باسم إثيوبيا:

代表 埃塞俄比亚：

Dr. MULATU TESHOME
Minister of Agriculture
June 12/2002

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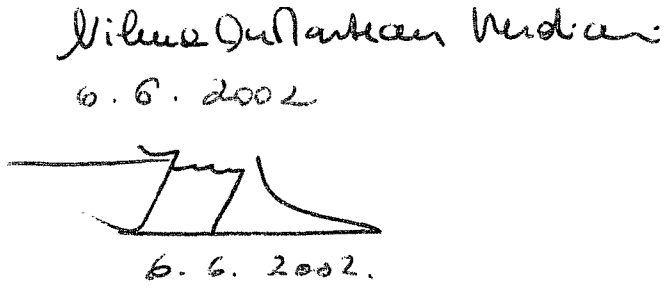
In the name of the European Community:

Au nom de la Communauté européenne:

En nombre de la Comunidad Europea:

باسم المجموعة الأوروبية:

代表 欧洲共同体:



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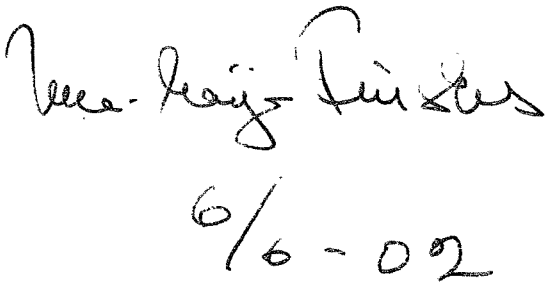
In the name of Finland:

Au nom de la Finlande:

En nombre de Finlandia:

باسم فنلندا:

代表 芬 兰:



6/6-02

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In the name of France:

Au nom de la France:

En nombre de Francia:

باسم فرنسا:

代表 法 国:

6 juin 2002

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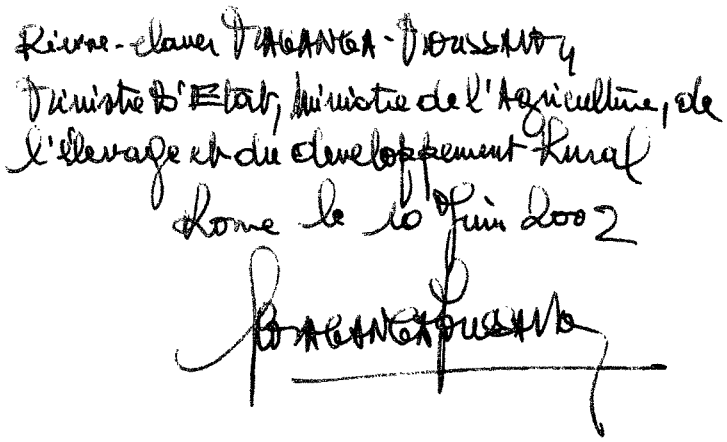
In the name of Gabon:

Au nom du Gabon:

En nombre del Gabón:

باسم غابون:

代表 加 蓬:



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In the name of Germany:

Au nom de l'Allemagne:

En nombre de Alemania:

باسم ألمانيا:

代表 德 国:

Dr. Gunbam Freiherr Schenk
zu Schweinsberg

06/06/2002

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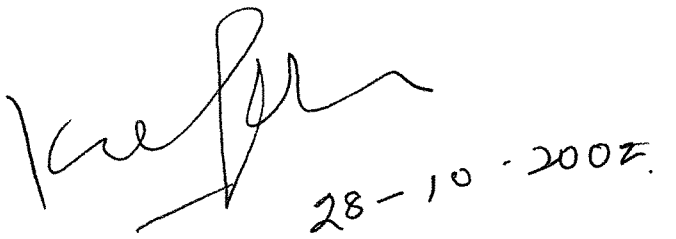
In the name of Ghana:

Au nom du Ghana:

En nombre de Ghana:

باسم غانا:

代表 加 纳:



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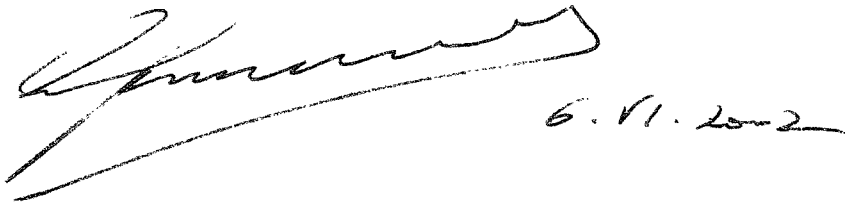
In the name of Greece:

Au nom de la Grèce:

En nombre de Grecia:

باسم اليونان:

代表 希 腊:



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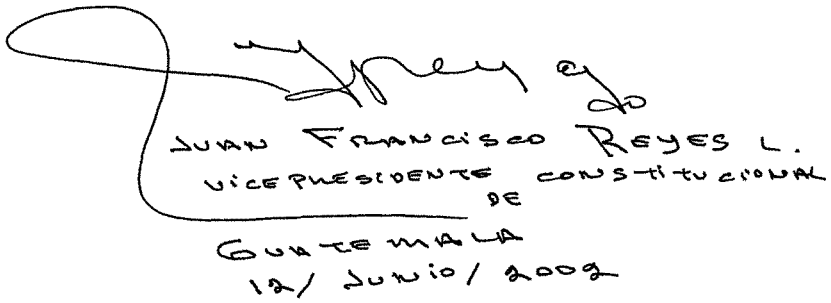
In the name of Guatemala:

Au nom du Guatemala:

En nombre de Guatemala:

باسمغواتيمال:

代表 危地马拉:



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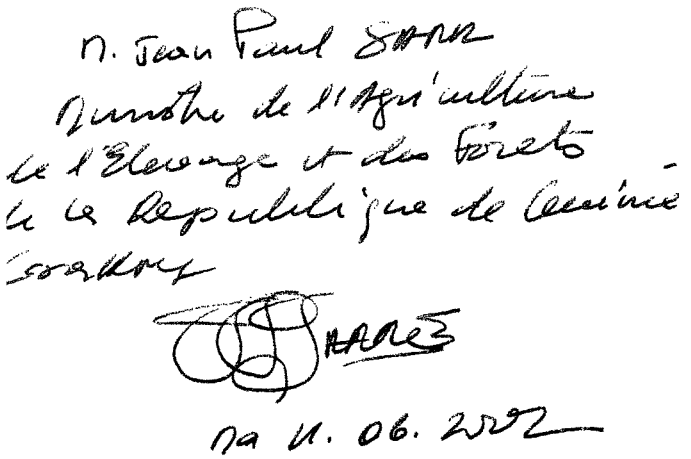
In the name of Guinea:

Au nom de la Guinée:

En nombre de Guinea:

باسم غينيا:

代表 几内亚:



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In the name of Haiti:

Au nom d'Haïti: SEBASTIEN HILAIRE, Ministre de l'Agriculture

En nombre de Haití: des Ressources Naturelles et du Développement Rural.

باسم هايتي:

代表 海地:

09 / 11 / 2001

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In the name of India:

Au nom de l'Inde:

En nombre de la India:

باسم الهند:

代表印度:

Ajit Seth
Minister for Agriculture
10th June, 2002

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In the name of the Islamic Republic of Iran:

Au nom de la République islamique d'Iran:

En nombre de la República Islámica del Irán:

باسم جمهورية إيران الإسلامية:

代表 伊朗伊斯兰共和国:

Mehdi Hajikeyemi
Deputy Ambassador

M.H-Key
4/11/02

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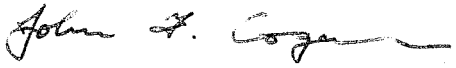
In the name of Ireland:
Au nom de l'Irlande:
En nombre de Irlanda:
باسم آيرلندا:
代表 爱尔兰:



9 June 2002

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In the name of Italy:

Au nom de l'Italie:

En nombre de Italia:

باسم إيطاليا:

代表 意大利:

06/06/2002

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In the name of Jordan: Mahmud Duwayri

Au nom de la Jordanie:

En nombre de Jordania:

باسم الأردن:

代表 约 旦:

Subject to ratification

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In the name of Lebanon:

Au nom du Liban:

En nombre del Líbano:

باسم لبنان:

代表 黎巴嫩:

Fadi HAJJ-ALI
Chargé d'Affaires a.i.

Rome, le 4 Novembre - 2002.

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In the name of Luxembourg:

Au nom du Luxembourg:

En nombre de Luxemburgo:

باسم لكسمبرغ:

代表 卢森堡:

6.6.2002

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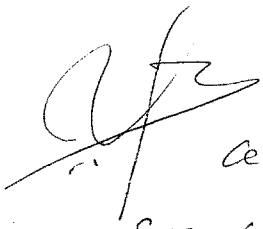
In the name of Madagascar:

Au nom de Madagascar:

En nombre de Madagascar:

باسم مدغشق:

代表 马达加斯加



ce 30 OCTOBRE 2002

Sous réserve de ratification

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In the name of Malawi:
Au nom du Malawi:
En nombre de Malawi:
باسم ملاوى:
代表 马拉维:

Aleke K. Banda.
Minister of Agriculture and Irrigation
10-06-02.

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In the name of Mali:

Au nom du Mali:

En nombre de Malí:

باسم مالي:

代表 马 里:

Ibrahim Bocar DAGA
Ambassadeur du MALI
Représentant Permanent près FAO

9. 11. 2001

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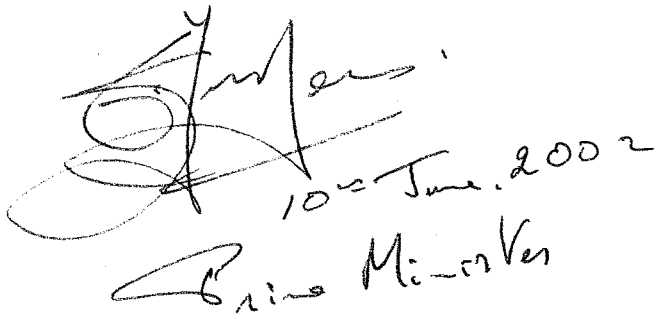
In the name of Malta:

Au nom de Malte:

En nombre de Malta:

باسم مالطة:

代表 马耳他:



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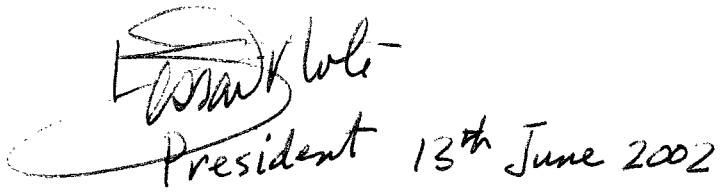
In the name of the Marshall Islands:

Au nom des Îles Marshall:

En nombre de las Islas Marshall:

باسم جزر مارشال:

代表 马绍尔群岛:



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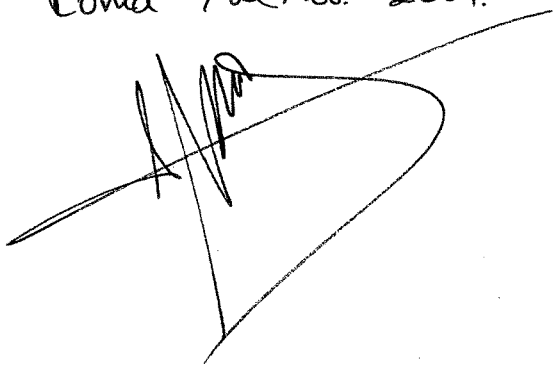
In the name of Mexico:
Au nom du Mexique:
En nombre de México:
باسم المكسيك:
代表 墨西哥:

Victor M. Villalobos A.
Subsecretario de Agricultura
SAGARPA
Roma 9 de Nov. 2001.



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In the name of Morocco:

Au nom du Maroc:

En nombre de Marruecos:

باسم المغرب:

代表 摩洛哥:

Rome le 27 Mars 2002

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In the name of Namibia: HELMUT K. ANGULA
Au nom de la Namibie: MINISTER AGRICULTURE WATER & RURAL
En nombre de Namibia: DEVELOPMENT (MAWRD).
باسم ناميبيا:
代表 纳米比亚:

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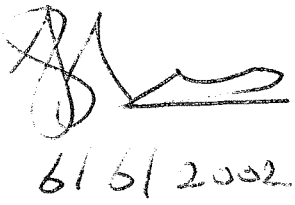
In the name of the Netherlands:

Au nom des Pays-Bas:

En nombre de los Países Bajos:

باسم هولندا:

代表 荷 兰:



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In the name of the Niger:

Au nom du Niger: Hama Amadou

En nombre del Níger: Premier Ministre, chef du gouvernement

باسم النيجر:

代表 尼日尔:

Rome le 11 juin 2002

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In the name of Nigeria:

Au nom du Nigéria:

En nombre de Nigeria:

باسم نيجيريا:

代表尼日利亚:

ADAMU BELLO, FCIB
HON. MINISTER OF AGRICULTURE
& RURAL DEVELOPMENT
10th June, 2002

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In the name of Norway: Lars Sponheim
Au nom de la Norvège: minister of agriculture
En nombre de Noruega: 12. juni 2002
باسم النرويج:
代表挪威:

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In the name of Paraguay:

Au nom du Paraguay:

En nombre del Paraguay:

باسم باراغواي:

代表 巴拉圭:

24. Octubre 2002.-

MINISTRO DE RELACIONES EXTERIORES

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In the name of Peru:

Au nom du Pérou:

En nombre del Perú:

باسم بيرو:

代表 秘 鲁:

Rome, 8 octubre 2002.

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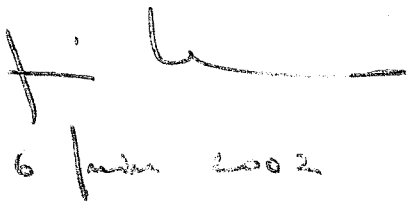
In the name of Portugal:

Au nom du Portugal:

En nombre de Portugal:

باسم البرتغال:

代表 葡萄牙:



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In the name of Senegal:

Au nom du Sénégal:

En nombre del Senegal:

باسم السنغال:

代表 塞内加尔:

MOMAR GUEYE
Ambassadeur Extraordinaire
Représentant du Sénégal
auprès de la FAO

Rome le 09 Novembre 2001

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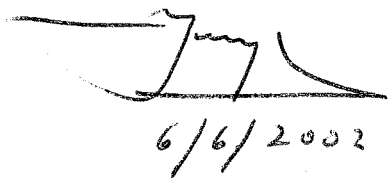
In the name of Spain:

Au nom de l'Espagne:

En nombre de España:

باسم أسبانيا:

代表 西班牙:



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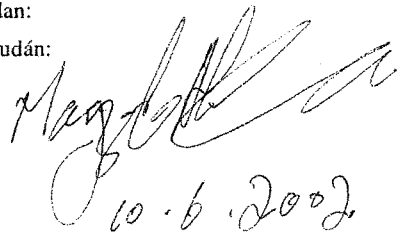
In the name of Sudan:

Au nom du Soudan:

En nombre del Sudán:

باسم السودان:

代表 苏 丹:



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In the name of Swaziland:

Au nom du Swaziland:

En nombre de Swazilandia:

باسم سوازيلند:

代表 斯威士兰:

Mswati III M.B. III

10 - 6 - 2002.

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In the name of Sweden:

Au nom de la Suède:

En nombre de Suecia:

باسم السويد:

代表 瑞 典:

4/6 2002

Michael Odwall

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In the name of Switzerland:

Au nom de la Suisse:

En nombre de Suiza:

باسم سويسرا:

代表 瑞 士:

Signé sous réserve de ratification, le 28. X 2002

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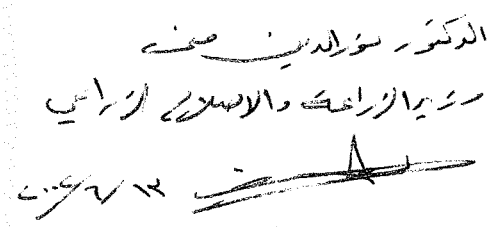
In the name of the Syrian Arab Republic:

Au nom de la République arabe syrienne:

En nombre de la República Árabe Siria:

باسم الجمهورية العربية السورية:

代表 阿拉伯叙利亚共和国：



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In the name of Thailand:
Au nom de la Thaïlande:
En nombre de Tailandia:
باسم تايلند:
代表 泰 国:

V. Thoompirochana
Ambassador of Thailand to Italy
Rome . November 4, 2002.

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In the name of The Former Yugoslav Republic of Macedonia:

Au nom de l'ex-République yougoslave de Macédoine:

En nombre de la ex República Yugoslava de Macedonia:

باسم جمهورية مقدونيا اليوغوسلافية السابقة:

代表 前南斯拉夫马其顿共和国：

Ambassador to FAO. and Head of permanent Mission of the Republic of Macedonia

10.06.2002

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In the name of Togo:

Au nom du Togo:

En nombre del Togo:

باسم توغو:

代表 多 哥:

S.E.M. SOTOU BERE TCHAO
Ambassadeur du TOGO à Paris
Représentant Permanent auprès
de la FAO
Roma le 04- Novembre 2002

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In the name of Tunisia:

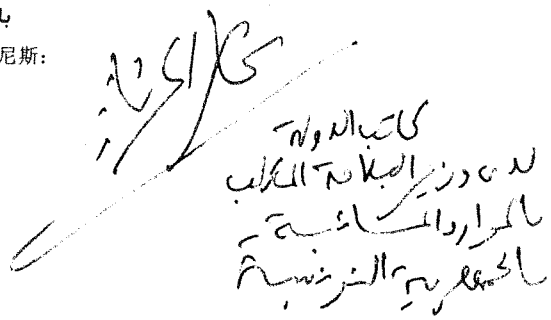
Au nom de la Tunisie:

En nombre de Túnez:

le 10/06/2002

باسم تونس:

代表 突尼斯:



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In the name of Turkey: Necati Utkan,
Au nom de la Turquie: ambassador of Turkey in Italy
En nombre de Turquía: 4. 11. 2002
باسم تركيا:
代表 土耳其:

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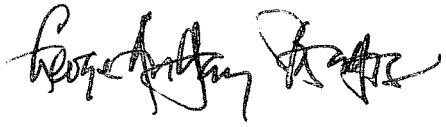
In the name of the United Kingdom:

Au nom du Royaume-Uni:

En nombre del Reino Unido:

باسم المملكة المتحدة:

代表 联合王国:



6 June 2002

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本签署系《国际粮食和农业植物遗传资源条约》第 25 条中提及的签署。该《条约》已由 2001 年 11 月举行的粮农组织大会第三十一届会议依照粮农组织章程第十四条通过。

In the name of the United States of America:

Au nom des États-Unis d'Amérique:

En nombre de los Estados Unidos de América:

باسم الولايات المتحدة الأمريكية:

代表 美利坚合众国:

Tony P. Hall
Ambassador of the United States - Nov 1, 2002
6 PM.

This signature constitutes the signature referred to in Article 25 of the International Treaty on Plant Genetic Resources for Food and Agriculture which was adopted pursuant to Article XIV of the FAO Constitution at the thirty-first session of the FAO Conference held in November 2001.

La présente signature constitue la signature mentionnée à l'Article 25 du Traité international sur les ressources phytogénétiques pour l'alimentation et l'agriculture, qui a été adopté par la Conférence de la FAO à sa trente-et-unième session, tenue en novembre 2001, conformément à l'Article XIV de l'Acte constitutif de la FAO.

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In the name of Uruguay:

Au nom de l'Uruguay:

En nombre del Uruguay:

باسم أوروغواي:

代表 乌拉圭：

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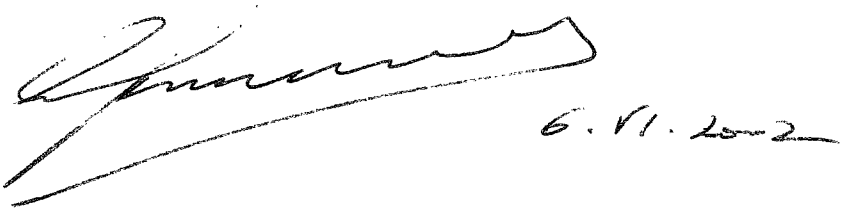
In the name of Greece:

Au nom de la Grèce:

En nombre de Grecia:

باسم اليونان:

代表 希 腊:



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In the name of Zambia:

Au nom de la Zambie:

En nombre de Zambia:

باسم زامبيا:

代表 赞比亚:

L. Nyirenda
AMBASSADOR OF ZAMBIA
4 NOVEMBER 2002

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In the name of Zimbabwe: M M Mwaeda 30/10/02

Au nom du Zimbabwe:

En nombre de Zimbabwe:

باسم زمبابوى:

代表 津巴布韦：

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CERTIFIED TRUE COPY

Legal Counsel

Date: 11/11/2002

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