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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Twenty-first Ordinary Session
Geneva, October 15 and 16, 1987

DETAILED REPORT

AMENDED TEXT OF THE STATEMENT BY
THE REPRESENTATIVE OF FAO

Document prepared by the Office of the Union

1. The Annex to this document contains the amended text of the statement made by the representative of the Food and Agriculture Organization of the United Nations (FAO) under the agenda item "Situation in the Legislative, Administrative and Technical Fields" and recorded in document C/XXI/13.
2. The amended text was submitted by letter of May 20, 1988, which reached the Office of the Union on June 8, 1988.
3. The amendments are minor modifications or clarifications that do not change the substance.

[Annex follows]

ANNEX

AMENDED TEXT OF THE STATEMENT BY
THE REPRESENTATIVE OF FAOAmended extract from document C/XXI/13

92. Food and Agriculture Organization of the United Nations (FAO).— The second session of the Commission on Plant Genetic Resources was held in March of this year. The objective of the International Undertaking embodied in Resolution 8/83 of the Conference of FAO is to ensure the preservation and utilization of genetic resources, that is, in practice, to assist States with plant improvement and seed production. The Undertaking is based on the universally accepted principle according to which genetic resources are part of the heritage of mankind and therefore have to be available. Article 11 of the Undertaking is flexible enough to allow very different national circumstances and legislation to be taken into account, and thereby to ensure that no State is excluded from the system.

93. The International Undertaking is not incompatible with the protection of new plant varieties; indeed a certain number of States that have endorsed it are members of UPOV. Moreover it was agreed at the second session of the Commission that negotiations should begin with a view to working out a concerted interpretation of the Undertaking, which would contain express recognition of the rights of breeders and farmers (see below).

94. It should however be mentioned that the question of patent protection for genes is of a very different nature, and may sooner or later be dealt with by FAO.

95. With regard to the International Fund for Plant Genetic Resources, it was mentioned in the discussions of the second session of the Commission that its main purpose should be to support the preservation and utilization of plant genetic resources in developing countries. It provides a mechanism to compensate developing countries for their contribution through the free availability of their plant genetic resources to the world agricultural development. The Fund will be financed by voluntary contributions. The first donation has been received from a foundation related to the General Motors corporation.

96. The Commission also embarked on a question that has yet to be made more specific, known by the expression "farmers' rights": it is recognized that crop genetic resources have been improved and preserved by thousands of generations of farmers in the areas of origin and domestication of cultivated plants, and that their contribution deserves to be recognized. It was suggested in this respect that one should abide by an expression such as "rights of farmers" or "rights of the countries of the center of origin of the species."

97. It is considered at FAO that the increased amount of resources in developing countries earmarked for plant improvement could strengthen those countries' interest in accession to UPOV, which in turn would be beneficial to both UPOV and FAO.

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