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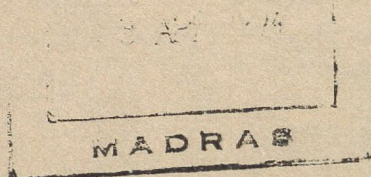
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Our Ref.: PL 30/1

Dear Dr. Swaminathan,



I wish to acknowledge receipt of your letter of 1 March 1994 addressed to the Director-General attaching a working paper and the proceedings of your Interdisciplinary Dialogue "Methodologies for Recognizing the role of informal Innovation in the Conservation and Utilization of Plant Genetic Resources". In your letter you also requested that some of the suggestions contained in these two documents be considered in FAO for appropriate action.

It has been with great pleasure that I have read these two documents and learned about the outcome of the Interdisciplinary Dialogue. As I informed you some time ago, I was sorry to be unable to participate in this Dialogue, but after reading the conclusions and recommendations of the meeting I regret it even more.

I am most impressed with the progress made in the development of Farmers' Rights at a national level in India. I believe your proposals for draft legislation are on the right track. I also agree with your statement that "it is difficult to operate under a national law a system of Farmers' Rights which is international in scope with reference to the conferment of rights". (page 9 of the proceedings). And it is because of this that the international role of FAO is essential. I am not surprised that your views are in line with the official ones in FAO on this subject since you were the Chairman of the FAO Council when the International Undertaking on Plant Genetic Resources was approved and the Commission established, and you have been a pioneer and a key actor in the development of the concept of Farmers' Rights that was then unanimously approved by the FAO Member Countries and is now an Annex to the International Undertaking. I know through the Secretary of the Commission that you are well informed of the latest developments in FAO for the implementation of Farmers' Rights [including Conference Resolution 7/93] and that you yourself have highly contributed to these developments.

Your idea of FAO and UPOV working together to develop an "international system of Farmers' Rights" both with reference to contributions to a Fund and to methods of administering and of distributing the funds allocated is appealing and I intend to explore and analyze its possibilities with colleagues in the legal and technical units in FAO. Also your proposal for a Global Community Gene Fund and your suggestion that it may be operated by FAO deserves and will be subject of careful considerations. I also agree that any further

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development in this area should be done in line with the Convention on Biological Diversity, UNCED's Agenda 21 and the Uruguay Round provisions on property rights and with due consideration to the "breeders' exemption" and the "farmers' privilege", especially for developing countries.

This is a very important and exciting area for FAO and its Commission on PGR. Your work continues to provide important intellectual stimulus to our efforts.

With my very best regards,

A handwritten signature in dark ink, appearing to read 'H. de Haen', written in a cursive style.

Hartwig de Haen  
Assistant Director-General  
Agriculture Department