

ITPGR GB 3 HIGHLIGHTS: TUESDAY, 2 JUNE 2009

Delegates to the third session of the Governing Body (GB 3) of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty or ITPGR) met in plenary to address implementation of the funding strategy. Following a long break for consultations and a meeting of a Friends of the Chair group on establishment of contact groups on the funding strategy and/or compliance, a contact group on the funding strategy met in the evening.

PLENARY

FUNDING STRATEGY IMPLEMENTATION: Bert Visser (the Netherlands), Co-Chair of the *ad hoc* advisory committee on the funding strategy, presented the Co-Chairs' report (IT/GB-3/09/7 and App. 2), consisting of a strategic plan for implementation of the benefit-sharing fund, an elaborated Annex 4 of the funding strategy on information and reporting requirements, and a draft decision. He remarked that a strategic plan was necessary to raise voluntary contributions to the benefit-sharing fund until mandatory payments to the multilateral system (MLS) under the standard material transfer agreement materialize. He suggested focusing discussions on the major policy elements of the plan, namely: the financial objective of US\$116 million over five years; having parties as major donors; establishing a committee on the funding strategy to guide implementation of the strategic plan; selecting goodwill ambassadors; and resource allocation.

Brazil, for GRULAC, stressed the need to prioritize the benefit-sharing pillar of the Treaty and expressed disappointment at the slow pace of resource mobilization and implementation of the funding strategy. He welcomed the draft strategic plan, and urged adoption of the US\$116 million objective. Iran, for the MIDDLE EAST, stressed that lack of resources hampers implementation, and said that the funding strategy must be transparent and based on concrete and predictable pledges. He supported approaching all economic sectors when fundraising. Australia, for the SOUTHWEST PACIFIC, supported the draft strategic plan. SWITZERLAND said the strategic plan focused on fundraising and should also include alternative ways for securing contributions to the benefit-sharing fund.

Belgium, for the EUROPEAN REGIONAL GROUP (ERG), recalled financial contributions made by ERG members. She welcomed the annex on information and reporting

requirements, and stated that the ERG was prepared to discuss the establishment of an intersessional committee on the funding strategy. CANADA and ECUADOR supported the continued work, on a temporary basis, of the advisory committee on the funding strategy.

The ERG, the SOUTHWEST PACIFIC, SWITZERLAND and INDIA supported establishment of a contact group, and SWITZERLAND proposed that the advisory committee Co-Chairs also chair the contact group. Supported by the SOUTHWEST PACIFIC and the ERG, SWITZERLAND urged delegates to also set up a contact group on compliance, since establishing a compliance mechanism together with a funding strategy would demonstrate to donors parties' commitment to Treaty implementation. Delegates then held a lengthy discussion on whether contact groups should be established, with many pointing to difficulties for small delegations. The MIDDLE EAST said there should not be three contact groups at the same time, and called for prioritization.

At the request of CAMEROON and CANADA, the Secretariat presented draft terms of reference (TORs) for the proposed contact group on the funding strategy, stating that the group would: be regionally representative and open-ended; work on the basis of the documents tabled for this item; discuss policy elements of the strategic plan and additional innovative funding mechanisms; and present proposals for a draft decision to plenary. CANADA and SWITZERLAND suggested discussing only the policy elements in the advisory committee Co-Chairs' report and the Secretariat report (IT/GB-3/09/7 and 8), and drafting a decision for plenary's consideration. GRULAC suggested welcoming the draft strategic plan as it stands, and restricting discussions to the draft decision, with the MIDDLE EAST also calling for discussion on the annex on information and reporting requirements.

ANGOLA and CAMEROON proposed that the contact group consider only the draft decision including elements on: resource allocation; strategic plan commitments for the implementation of the benefit-sharing fund; and the need for goodwill ambassadors. The ERG expressed willingness to discuss the draft decision. SWITZERLAND added that he will not accept establishment of a contact group on the funding strategy unless a contact group on compliance is also established. BRAZIL, supported by IRAN, opposed making the creation of one contact group contingent on the establishment of another, noting that compliance is entirely dependent on the adequate funding of the Treaty, which should be discussed first.

Chair Modesto Fernández (Cuba) noted that there was agreement “in principle” on the establishment of a contact group on the funding strategy and suspended discussions on its TORs until the afternoon plenary.

VIA CAMPESINA reminded delegates that industry continues to profit through research and seeds accessed through the MLS, while farmers are still waiting to see any benefits. He said that funds should go not only to *ex situ* collections and universities, but also to farmers and participatory structures. He concluded that if the Treaty cannot help farmers get the benefits owed to them, the MLS should not continue.

In the afternoon, discussion continued on the TORs for the contact group on the funding strategy. Ecuador, for the G-77/CHINA, supported focus on the draft decisions. The ERG, supported by the SOUTHWEST PACIFIC, agreed with the focus on the draft decisions, but reiterated the need to establish a contact group on compliance during the week, to continue work on the draft compliance procedures (IT/GB-3/09/6 Rev.1). The G-77/CHINA stressed the need to concentrate on the contact group on the funding strategy first, noting that this item needs to be finished before moving onto the following one, and YEMEN opposed the establishment of two parallel contact groups. Chair Fernández underscored the seriousness of the situation and the need for political will in order to guarantee funding and avoid a “disastrous situation.” Asking delegates to reconsider their stance and hold informal consultations, he called for a 30 minutes break. Following the break, a Friends of the Chair group was established, consisting of one representative per region, which convened immediately.

In the early evening, Chair Fernández reported on the outcome of the consultations, presenting a short compromise text indicating parties’ agreement to make their “best efforts” to put priority on the funding strategy in the evening, as a good basis for setting up the contact group on compliance to commence work the following day and for the contact group on the funding strategy to continue its work. BRAZIL, supported by the G-77/CHINA and IRAN, made clear that this text did not imply automatic agreement to establishing a contact group on compliance. Delegates agreed that Ana Berreta (Uruguay) and Bert Visser (the Netherlands), Co-Chairs of the advisory committee on the funding strategy, would co-chair the contact group on the funding strategy, consisting of two speakers per region, with the mandate of reviewing the draft decisions contained in the advisory committee Co-Chairs’ report and the Secretariat report.

CONTACT GROUP ON THE FUNDING STRATEGY

In the late evening, the contact group on the funding strategy convened. They agreed to a draft decision for the adoption of Annex 4 of the funding strategy regarding information and reporting requirements without amendments. Regarding a draft decision for the adoption of the strategic plan for implementation of the benefit-sharing fund, GRULAC tabled alternative text and proposed it be used as the basis for negotiations. Eventually, the contact group agreed to work on the basis of the draft decision included in the report of the advisory committee Co-Chairs (IT/GB-3/09/7).

Regarding preambular text, GRULAC suggested adding a reference to Article 18.3 of the Treaty, which provides that the Governing Body shall periodically establish targets for funding. The ERG suggested specifically referring to funding for priority activities, plans and programmes, but agreed to refer to Article 18.3 and also to include a reference to Article 18.4(f) (voluntary contributions), as suggested by NORTH AMERICA.

SWITZERLAND and NORWAY tabled a proposal for operative text, inviting parties to explore, with relevant stakeholders, the development of innovative mechanisms to allow for the provision of resources to the benefit-sharing fund on a regular and predictable basis. The text further refers to the Norwegian example of providing 0.1% of the annual value of seed sold in its territory to the fund. Discussions continued into the night.

IN THE CORRIDORS

The second day saw growing frustration among participants, with the afternoon plenary grinding to a halt after less than 30 minutes and not resuming until after 7:00 pm. The time was spent in a Friends of the Chair group in an attempt to untie the Gordian knot consisting of intertwined strands of financial rules, funding strategy and compliance. This was manifest in disagreement on whether to set up contact groups on these issues. Previous sessions of the Governing Body had found themselves at a similar impasse, where pulling on the various strands only served to tighten the knot, and the best solution became to defer consideration of compliance. This time participants acknowledged that “things are serious,” wondering “if we take so long to agree on process, what will happen when we touch substance?”

It almost looked as if the Friends of the Chair group had reached consensus, when the momentum was again disrupted by a developed country regional group requesting time for internal consultations. One participant stressed that developed countries needed to coordinate and “get their priorities straight” before negotiations could actually begin. Delegates finally agreed to launch into a contact group on the funding strategy late in the evening and to set up a contact group on compliance on Wednesday, although developing countries made it clear that its establishment would depend on progress being made on funding issues during the night.

This move reflected the earlier emerging consensus that unless there was a clear funding strategy and long-term funding commitments in place, the Treaty would be in jeopardy. Controversy over establishing the contact group on the funding strategy only arose when some tried to make its creation contingent upon the establishment of another one on compliance, their argument being that key elements of the funding strategy had already been put in place, while compliance has been postponed already twice. Others countered that compliance cannot be discussed unless funds are secured, and pointed to the continuing funding deficit of the Treaty. Some delegates explained that from a developing country perspective a compliance mechanism is mainly perceived as a mechanism to secure increased access, while funding commitments remain voluntary and slow to materialize. One delegate also pointed out that the Treaty itself spells out that implementation of commitments in developing countries will depend on effective allocation of funds by developed countries. A bold stroke, or a substantive influx of funding, might be required to cut the Gordian knot of competing interests in compliance and funding.

The current lack of funding seems to not only hamper negotiations and implementation of the Treaty’s core tasks, but also to prevent the benefit-sharing fund from coming to full fruition. A number of farmer organizations and other NGOs stressed that monies should flow directly to communities rather than to academic and public institutions as has occurred in the first set of project approvals, leaving some to wonder whether benefits would trickle down to the ground.