

## ITPGR GB 3 HIGHLIGHTS: WEDNESDAY, 3 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 the relationship with the Global Crop Diversity Trust, the draft business plan, implementation of the Multilateral System (MLS) and the Third Party Beneficiary. The budget committee met briefly in the evening, followed by a contact group on compliance.

### PLENARY

**FUNDING STRATEGY IMPLEMENTATION:** Ana Berretta (Uruguay), Co-Chair of the contact group on the funding strategy, reported on Tuesday night's consultations. She said delegates made progress, and suggested that the group continue its work. Belgium, for the EUROPEAN REGIONAL GROUP (ERG), noted that good efforts were made, and that a contact group on compliance should also be established. Ecuador, for LATIN AMERICA AND THE CARIBBEAN GROUP (GRULAC), with IRAN, opposed establishing a compliance contact group until critical remaining issues are resolved. She suggested, and delegates agreed, to move on with the agenda in plenary and return to the funding strategy later.

**GLOBAL CROP DIVERSITY TRUST:** Margaret Catley-Carlson, Chairperson of the Executive Board of the Global Crop Diversity Trust, presented the report of the Trust (IT/GB-3/09/10), explained how the Trust acquires its funds and outlined the draft fund disbursement strategy (IT/GB-3/09/Inf. 8). She highlighted the Trust's support for capacity building, including development and provision of a genebank management system and a global accession level system, and explained the difference between endowment and project funding.

Many delegates expressed appreciation for the Trust's work and welcomed its report. Australia, for the SOUTHWEST PACIFIC, noted the significant achievements of the Trust, including its work on *ex situ* conservation and capacity building. The ERG welcomed further interaction between the Trust and the Governing Body, and highlighted the importance of activities for adaptation of crops to climate change. GRULAC underscored the need for: strengthening the communication mechanism and building capacity for documentation systems in the region; greater transparency in the allocation of resources; and reviewing the Trust's policies as to the provision of funds to non-parties. The AFRICAN GROUP underscored that the Governing Body should have a greater role in providing

policy guidance to the Trust. Canada, for NORTH AMERICA, supported the Trust's disbursement strategy, and continuous and transparent consultations between the Governing Body and the Trust. Iran, for the NEAR EAST, called for formalized communication between the Trust and the Treaty, and for the disbursement strategy to prioritize developing countries.

BRAZIL recalled that the Trust alone cannot cover the whole range of activities necessary to preserve crop genetic diversity, and urged parties and donors to re-establish a balance between the core budget of the Treaty, the benefit-sharing fund, and the Trust. NORWAY highlighted the importance of the Svalbard Global Seed Vault for food security in the climate change context. ANGOLA warned that, without funds, the Treaty risks being overshadowed by the Trust.

USC CANADA commended progress made by the Trust, but called on the global community to make funding of *ex situ* genebanks conditional on supporting on-farm *in situ* conservation. The INTERNATIONAL SEED FEDERATION gave examples of the seed sector's support to the Treaty and supported that all crops for food and agriculture, rather than Annex I crops only, be covered by the benefit-sharing fund.

**BUSINESS PLAN:** The Secretariat introduced the item (IT/GB-3/09/9 and Inf.12), noting that the draft business plan needs further elaboration for adoption at GB 4. Many delegates thanked Switzerland for hosting an informal meeting on the development of the business plan. The ERG supported the elements of the possible draft decision. GRULAC noted that the business plan has to be flexible and not become an obstacle to Governing Body decisions. The NEAR EAST and the AFRICAN GROUP prioritized completion of the funding strategy.

With regard to intersessional work, delegates discussed three proposals: to establish an *ad hoc* committee, as proposed by GRULAC but opposed by most; to request the Bureau and the Secretariat to develop the draft on the basis of further input from parties, as supported by many; or to set up a working group to communicate electronically, as proposed by Cameroon. The decision is pending.

**MLS IMPLEMENTATION:** The Secretariat introduced the item, including documents on: a review of the MLS implementation; an assessment of progress on the inclusion of plant genetic resources for food and agriculture (PGRFA) in the MLS; a review of implementation and operation of the standard material transfer agreement (SMTA); and a review of the implementation of the SMTA as used by the international agricultural research centres (IARCs) of the Consultative Group

on International Agricultural Research (CGIAR) for non-Annex I PGRFA (IT/GB-3/09/12, 13, 14, 15 and Inf.15). The Secretariat outlined short-term priorities, namely to document materials and exchange under the MLS, and to assist users in resolving legal and technical uncertainties in using the SMTA. He noted the limited information available on the inclusion of PGRFA by natural and legal persons, and on levels of payment under the SMTA, and suggested deferring these issues to GB 4.

Chair Modesto Fernández (Cuba) invited comments on, and parties submitted written amendments to, the draft resolutions contained in the documents. The ERG expressed its commitment to strengthening the MLS. GRULAC stressed that more human and financial resources are necessary. The AFRICAN GROUP stressed the need to include more collections in the MLS, including those held by the private sector. BRAZIL highlighted that the Brazilian Agricultural Research Corporation has made available a representative part of its collection of Annex I crops through the MLS.

On a draft resolution on MLS implementation (IT/GB-3/09/13), CANADA asked to add “consistent with Article 12.3(b)” to a paragraph on information systems documenting PGFRA, noting that such systems should not become tracking systems. The ERG and CANADA, opposed by ANGOLA, asked to delete a request for updating the Code of Conduct for Plant Germplasm Collecting and Transfer. CANADA suggested deleting a specific reference to the Joint Capacity-building programme, and the Cook Islands, for the PACIFIC REGION, with the AFRICAN GROUP, opposed.

On a draft resolution on inclusion of PGRFA in the MLS by natural and legal persons (IT/GB-3/09/12), GRULAC suggested that information on parties’ measures to encourage natural and legal persons to include PGRFA in the MLS be provided “according to national capacities.” The ERG noted that only three notifications by natural and legal persons had been received and, with CANADA, supported deferring the issue to GB 4. He suggested a number of revisions to allow for an effective assessment avoiding bureaucratic burden.

On a draft resolution on implementation and operation of the SMTA (IT/GB-3/09/14), the ERG pointed to lack of information and supported postponing the issue to no later than GB 5. CANADA added that the proposed *ad hoc* technical committee on the SMTA should have the mandate of addressing the issues identified in the first meeting of experts on the SMTA and that the Secretariat should not provide legal advice to parties.

On the experience of the IARCs with the SMTA (IT/GB-3/09/15 and Inf.15), the CGIAR reported that the use of the SMTA for Annex I and non-Annex I PGRFA has been largely positive, and noted that an intersessional mechanism to provide guidance on outstanding technical and legal questions would be appreciated. The ERG welcomed the CGIAR procedure of using only one SMTA for the transfer of Annex I and non-Annex I materials. BRAZIL noted that whenever reference is made to using the SMTA for non-Annex I PGRFA, the specification that they were collected before the entry into force of the Treaty should be included in the text.

**THIRD PARTY BENEFICIARY:** Javad Mozafari (Iran), Chair of the Third Party Beneficiary committee, presented the committee’s report (IT/GB-3/09/11 Rev. 1), highlighting: drafting of Third Party Beneficiary procedures and operations; proposed amendments to the financial rules providing for the establishment of the Third Party Beneficiary operating reserve within the core administrative budget; and information that the Third Party Beneficiary would require to carry out its roles and responsibilities. Noting that restriction on information or lack of financial resources would make it impossible for the Third Party

Beneficiary to exercise its rights in case of breach of an SMTA, the G-77/CHINA stressed that the committee report was adopted unanimously; called for its approval *en bloc*; and suggested that the budget committee consider the proposed amendments to the financial rules. The Czech Republic, for the EU, supported the draft Third Party Beneficiary procedures, but on the Third Party Beneficiary operations, he suggested bracketing a subparagraph detailing the information to be provided by the SMTA parties. SWITZERLAND supported the draft resolution on the Third Party Beneficiary operations and, with AUSTRALIA, supported the establishment of a Third Party Beneficiary operational reserve. ECUADOR expressed disappointment at certain delegates’ attempts to reopen results arrived at unanimously by the committee. CANADA said that North America had not been represented at the last session of the committee. Noting that violations would be rare and do not justify onerous requirements, he agreed with the ERG regarding the need for amendments.

Chair Fernández suggested adopting the procedures as proposed and reconsidering the operations on the basis of comments in plenary. He also suggested referring the proposed amendments to the financial rules to the budget committee. BRAZIL suggested the budget committee consider all outstanding issues regarding the financial rules.

**ORGANIZATIONAL MATTERS:** Regional groups made the following nominations for the Bureau: Cosima Hufler (Austria) for ERG; Mohd Shukur Nordin (Malaysia) for Asia; Marco Valicenti (Canada) for North America; Javad Mozafari (Iran) for the Near East; Mohamed Kharrat (Tunisia) for Africa; and Fiona Bartlett (Australia) for the Southwest Pacific. The GRULAC nomination is pending.

In the evening, the ERG presented a compromise in order to move negotiations forward: he proposed removing the brackets around the financial objective of US\$116 million for the funding strategy, on the understanding that: a contact group on compliance will convene the same evening following a brief budget committee meeting, and will work for at least two hours; the contact group on the funding strategy will meet on Thursday; and an informal group of experts will resolve the technical issues regarding the Third Party Beneficiary. Delegates accepted the compromise proposal and elected René Lefeber (the Netherlands) and Javad Mozafari (Iran) as Co-Chairs of the contact group on compliance.

### IN THE CORRIDORS

Following Tuesday’s fireworks, Wednesday started off rather uneventfully, as delegates ably navigated through several issues on the agenda. Even the potentially explosive item of the Governing Body’s relationship with the Global Crop Diversity Trust failed to ignite. Delegates seemed content to welcome the “magnificent” work of the Trust and bask in its financial success rather than wrangle over control of the purse strings, as has happened in earlier sessions. Nonetheless, in the corridors some delegates remarked critically that a number of parties who had made significant donations to the Trust had not made any contributions to the Treaty’s core budget.

However, fireworks went off again as dusk settled over Tunis, with accusations of bad faith made over text on the Third Party Beneficiary, and for a tense moment it looked like the meeting might hang in the balance. However, when the regional groups returned for a late evening plenary, an olive branch was extended via a compromise proposal to remove the brackets around the US\$116 million objective of the funding strategy in return for establishing – finally – a contact group on compliance. As a happy delegate commented “Let the meeting begin!”