

ITPGR GB 4 HIGHLIGHTS: THURSDAY, 17 MARCH 2011

ITPGR GB 4 delegates met in plenary to continue discussions on the Global Crop Diversity Trust, and address a resolution on implementation of the MLS. The budget committee and several contact and informal groups met during the day and into the night to address: compliance; the Funding Strategy; implementation of the MLS; financial rules of the GB; and farmers' rights.

PLENARY

ECUADOR expressed frustration about key substantive discussions being delegated to small groups, where non-parties and NGOs participate in negotiations, and whose chairs do no report back to plenary. She stressed that decisions have to be taken by plenary, further pointing out that new ideas are included in draft resolutions and then discussed in small groups, without reaching plenary.

Following a brief Bureau meeting and ensuing regional consultations, Chair Hufler proposed, and delegates agreed to, discuss the draft resolution on implementation of the MLS in the afternoon plenary, and convene the contact groups on compliance and the funding strategy over lunch.

CUBA requested legal advice on the functions of the Bureau. The FAO legal advisor explained that while the traditional role of the Bureau is that of organization of meetings, the trend in FAO has been to expand the Bureau's mandate to include substantive issues. He added that the Bureau's functions are for parties to decide. CUBA, supported by ECUADOR and IRAN, called for more discussion on this issue. AUSTRALIA agreed, but noted that there is no need to revise the functions of the Bureau at this point.

At the end of the afternoon plenary, CUBA formally requested that the meeting of the budget committee take place in plenary, with translation. Following consultations, Chair Hufler announced that the budget committee would meet in the evening, reserving the possibility of discussing priority items for the budget in plenary on Friday.

GLOBAL CROP DIVERSITY TRUST: SAMOA stressed the important role of the Trust in the South West Pacific, including in conservation of taro varieties. The PHILIPPINES urged the Trust to increase support for genebanks in national institutions.

CAMEROON opposed a provision in the draft resolution delegating powers to the Bureau to select members of the Executive Board of the Trust, suggesting instead to continue with the current procedure. He further sought clarification about the issue of location of the Trust's Headquarters.

Trust Executive Director Cary Fowler explained that the Trust's interim Headquarters are in Rome, hosted at FAO, and provided an overview of the Trust's efforts to secure a host agreement with Italy. Noting that no such agreement is currently in place, he informed delegates that the Executive Board of the Trust has developed a tender for hosting its headquarters and a committee has been set up to consider offers, currently from three countries. FAO clarified that the FAO Secretary-General had offered to continue hosting the Trust.

ANGOLA requested that part of donations to the Trust should go into the benefit-sharing fund to implement participatory breeding and sustainable use projects. The REPUBLIC OF KOREA highlighted the availability to other countries of their genebank and safety backup system. The CGIAR emphasized the need for long-term support for the collections, and the danger of materials being lost forever if support is not forthcoming. CIVIL SOCIETY requested more research on how to save seeds in long-term storage, citing the important role of community seed banks.

MLS IMPLEMENTATION: Delegates considered a draft resolution on implementation of the MLS. MLS contact group Co-Chair Leontino Taveira (Brazil) reported on the deliberations and points of contention, including: the terms of reference of the *ad hoc* advisory technical committee on the SMTA and the MLS; and the inclusion of the Germplasm Resource Information System Global project as a tool to document PGRFA within the MLS.

Delegates agreed to merge the core elements of the background documents on MLS implementation into one resolution. On the composition of the committee, the ERG proposed, and delegates agreed, that the committee will comprise up to two members per region and up to five technical experts, including CGIAR representatives, serving as observers.

On the function and role of the committee, delegates agreed that it would advise the Secretary on implementation questions raised by users of the SMTA and MLS; and that it would hold up to two meetings, subject to availability of financial resources. Delegates discussed proposals regarding the committee's reports

to the GB and other outputs, including whether it would issue “interim opinions,” “opinions” or “recommendations.” They eventually agreed that the committee would provide a report to the GB containing sections on its opinions and recommendations, to be considered by the GB, adopted if agreed upon, and passed on to SMTA users as agreed recommendations; and that it would also provide, through the Secretary, day-to-day opinions to SMTA users.

Delegates then discussed the issues the committee would consider. They agreed that it would address any outstanding issues from previous meetings and issues it had identified for further development. Delegates agreed to invite parties and CGIAR centers to provide questions to the Secretary that will clarify such issues. Delegates further agreed not to include the issue of the application of the Third Party Beneficiary procedures to transactions related to non-Annex I material transferred by the CGIAR centers.

Angola, for the AFRICAN GROUP, requested that the committee deal with: a review of the levels of payments to achieve fair and equitable sharing of benefits; suggestions on whether mandatory payment requirements in the SMTA will apply to cases where such commercialized products are available without restriction to others for further research and breeding; and a review of the alternative payments scheme. The ERG said these issues are too political to be considered by the committee, and suggested addressing them elsewhere. CANADA pointed to the lack of sufficient information for initiating such reviews. ANGOLA and MALAYSIA insisted that these reviews have to be initiated.

The ERG suggested that the Secretary compile a report based on information obtained from parties. CANADA suggested that this include summary information about parties’ contributions to the MLS, how many accessions are in the MLS, whether these accessions have been declared as part of the MLS, how many SMTAs parties have entered into, and the benefits that have accrued from these. ANGOLA suggested also including information on the levels of payment.

The ERG suggested including reference to Articles 11.4 and 13.2d(ii) on assessment of progress and review of the level of payments, in preparation for the reviews foreseen under those articles. MALAYSIA suggested, and delegates agreed, to request the Secretary to also identify any further information needed and provide recommendations to the GB on the organization of the assessment and reviews.

The ERG suggested the compliance committee develop a standard format for reporting on use of the SMTA. ECUADOR opposed, saying that such a format should be developed by a technical *ad hoc* committee. Delegates agreed to just refer to a standard format to be adopted by the GB.

Regarding a request to parties to provide a mechanism to facilitate farmers’ access to the MLS for purposes of research and breeding, the ERG said the issue should be further explored by the committee, whereas the PHILIPPINES instead suggested commissioning a study. Delegates agreed to add this to the issues to be considered by the MLS committee.

CONTACT GROUPS

COMPLIANCE: The contact group on compliance resumed discussion over lunchtime, starting with a section entitled “Other procedures regarding the promotion of compliance.” Delegates debated whether the committee may seek or receive and consider relevant information from the Secretariat and other sources in considering statements and questions. No agreement was reached and the provision was removed.

Regarding a section on monitoring and reporting, delegates agreed that the reporting period for subsequent reports should be five years or in accordance with any further decision of the GB. Delegates agreed to replace two provisions with one foreseeing that the committee shall submit to the GB a synthesis on the basis of the reports that it has considered, including an analysis of general trends and specific issues related to the promotion of compliance and issues of non-compliance, which may include recommendations. During discussion, delegates disagreed over the committee’s power to make recommendations, while one proposal was to limit the provision to submitting the synthesis. Discussions continued in the evening.

FUNDING STRATEGY: Meeting over lunchtime, the contact group focused on new text in the draft resolution, reflecting major issues raised in plenary. Participants considered the role of the Secretariat in facilitating implementation of the first round of the project cycle under the benefit-sharing fund, and agreed that the Secretariat should develop guidelines for implementation. They also discussed at length two alternative proposals regarding synergies between the benefit-sharing fund and the Global Crop Diversity Trust, and eventually agreed to take note of the Trust’s report and request the ITPGR Secretary and the Trust Executive Director to enhance synergies. Outstanding issues include: a proposal to acknowledge the importance of regional balance in the sharing of benefits through the Funding Strategy; and whether the Bureau or the *ad hoc* advisory committee on the Funding Strategy will engage in intersessional work.

IN THE CORRIDORS

Thursday started off with a big bang: complaints were aired about executive decisions taken by the Bureau, and about discussions of key issues being delegated to small groups rather than being held in plenary. Taking it in their stride, plenary then shifted into fifth gear, completing consideration of the draft resolutions on the MLS faster than any contact group ever could. Some delegates pointed out that much of the underlying frustration was linked to the Bureau’s suggestion to resolve the seemingly never-ending debate on the financial rules in a small group. One delegate commented, “Anyone who has ever chaired a meeting knows that it takes innovative approaches and executive decisions to try and break deadlocks,” adding, “some discussions are best held in back rooms.” Financial rules, along with the budget and a number of other critical issues are yet to be finalized; still, the progress made on Thursday bodes well for a successful outcome of the meeting as a whole.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of ITPGR GB 4 will be available online on Monday, 21 March 2011 at: <http://www.iisd.ca/biodiv/itpgrgb4/>