

Summary of the Ninth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture: 19-24 September 2022

Agricultural biodiversity is the foundation of global agricultural production and food security. The conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), and the fair and equitable sharing of the benefits arising from their use, are key to ensuring that the world will produce enough nutritious food to feed its growing population. The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) holds a central place in the global governance of PGRFA for sustainable agriculture and global food security. Over the years, the Treaty has gained recognition as an important conduit for achieving the Sustainable Development Goals (SDGs), including SDG 2 (zero hunger) and SDG 15 (life on land).

The ninth session of the Treaty's Governing Body (GB 9) was held at a crucial moment, both for the future of the Treaty and for global biodiversity governance. Three years ago, GB 8 was unable to reach consensus on measures to enhance the functioning of the Treaty's Multilateral System (MLS) of access and benefit-sharing (ABS), despite significant progress made during six years of negotiations under an open-ended Working Group. Nor did the GB agree on a formal intersessional process to continue deliberations on the enhancement of the MLS. Building on a series of informal consultations ably led by India and Switzerland, GB 9 managed to reestablish the Working Group, and agreed on its aims and terms of reference, in a decision that many hailed as the main achievement of the session.

At the same time, the Treaty does not operate in a vacuum. In December 2022, the 15th meeting of the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD) is expected to adopt a post-2020 global biodiversity framework (GBF), after years of negotiations and delays due to the COVID-19 pandemic. Recognizing the close linkages between the Treaty and the CBD, GB 9 was held under the theme "Celebrating the Guardians of Crop Diversity: Towards an Inclusive Post-2020 Global Biodiversity Framework." The theme acknowledged the contribution of the world's smallholder farmers to the effective management of PGRFA, while providing an opportunity to consider how the Treaty and its community may contribute to the GBF. GB 9 further addressed items related to farmers' rights, finalizing a set of options for encouraging, guiding, and promoting their realization, and also

agreeing to convene a global symposium to expressly address these rights. Delegates also addressed issues related to cooperation with the CBD, including on the thorny issue of "digital sequence information/genetic sequence data" on genetic resources and related benefit-sharing obligations, encouraging CBD parties to bear in mind the need for the Treaty and the CBD to be mutually supportive.

GB 9 was held from 19-24 September 2022, in New Delhi, India. It was preceded by a special event on "Celebrating farmers as guardians of crop diversity," held on 17 September. Approximately 600 participants attended the meeting, a few of them virtually. Representing governments, international organizations, international

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agricultural research centers, farmers organizations, civil society, and the private sector, they lauded the exceptional hosting arrangements offered by India.

A Brief History of the Treaty

Concluded under the auspices of the Food and Agriculture Organization of the UN (FAO), the ITPGRFA is a legally-binding instrument that targets the conservation and sustainable use of PGRFA, and fair and equitable sharing of the benefits arising out of their use, in harmony with the CBD, for sustainable agriculture and food security. It establishes an MLS for facilitated access to a specified list of PGRFA including 35 crop genera and 29 forage species (Annex I), and institutionalizes monetary and non-monetary benefit-sharing from the utilization of these resources in the areas of commercialization, information exchange, technology transfer, and capacity building.

The Treaty was adopted on 3 November 2001 by the FAO Conference, following seven years of negotiations. It entered into force on 29 June 2004, and currently has 149 parties.

Key Turning Points

GB 1: The first session of the Treaty's GB (June 2006, Madrid, Spain) adopted the standard Material Transfer Agreement (SMTA) and the Funding Strategy. The SMTA includes provisions on a benefit-sharing scheme, providing two options. First, the recipient can choose to pay 0.77% of gross sales from commercialization of new products incorporating material accessed from the MLS, if its availability to others for further research and breeding is restricted. Alternatively, the recipient can choose to pay 0.5% of gross sales on all PGRFA products of the species they accessed from the MLS, regardless of whether the products incorporate the material accessed and regardless of whether the new products are available without restriction. The GB further adopted:

- its rules of procedure, including decision making by consensus;
- financial rules with bracketed options on an indicative scale of voluntary contributions or voluntary contributions in general;
- a resolution establishing a Compliance Committee;
- the relationship agreement with the Global Crop Diversity Trust (Crop Trust); and
- a model agreement with the CGIAR Consortium and other international institutions.

GB 2: The second session of the GB (October-November 2007, Rome, Italy) addressed the implementation of the Funding Strategy, the material transfer agreement for non-Annex I crops, and sustainable use of PGRFA. The meeting also adopted a resolution on farmers' rights, as well as a joint statement of intent for cooperation with the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA).

GB 5: The fifth session of the GB (September 2013, Muscat, Oman) established the *Ad hoc* Open-ended Working Group to Enhance the Functioning of the MLS, with the mandate to develop measures to increase user-based payments and contributions to the Benefit-sharing Fund (BSF), as a priority, as well as additional measures to enhance the functioning of the MLS. GB 5 also adopted a resolution on the funding strategy for the BSF containing a list of innovative approaches to increase voluntary contributions and a work programme on sustainable use.

The Working Group met four times during the intersessional period (May 2014, December 2014, June 2015, and October 2015).

GB 6: The sixth session of the GB (October 2015, Rome, Italy) extended the mandate of the Working Group on the MLS, and requested that it, among other issues:

- elaborate a full draft revised SMTA;
- elaborate options for adapting coverage of the MLS, based on different scenarios and income projections; and
- consider issues regarding genetic information associated with material accessed from the MLS.

The meeting adopted a work programme for the Global Information System (GLIS), and resolutions on a series of substantive, cooperation-related, and administrative items, with a focus on addressing the shortfall in the BSF and on strengthening the implementation of Treaty provisions regarding conservation and sustainable use of PGRFA on-farm, through the work programme on sustainable use and farmers' rights.

The Working Group met three times during the intersessional period (July 2016, March 2017, and September 2017).

GB 7: The seventh session of the GB (October-November 2017, Kigali, Rwanda) extended the mandate of the Working Group on the MLS, requesting it to:

- continue revision of the SMTA;
- develop a proposal for a growth plan to attain the enhanced MLS; and
- elaborate criteria and options for possible adaptation of the coverage of the MLS.

GB 7 further established an *Ad Hoc* Technical Expert Group on farmers' rights; reconvened the *Ad Hoc* Advisory Committee on the Funding Strategy and Resource Mobilization to develop the updated Funding Strategy; and decided to put digital sequence information (DSI) on the GB 8 agenda.

Working Group on the MLS: At its eighth meeting (October 2018), the Working Group continued negotiations on specific clauses of the SMTA. Its ninth meeting (June 2019) reached a tentative compromise to amend Annex I of the Treaty (list of crops in the MLS), to include all PGRFA under the management and control of parties and in the public domain, in *ex situ* conditions, while allowing for reasoned national exemptions on a limited number of native species. The Working Group also agreed on a package of measures, allowing for simultaneous adoption of the revised SMTA and the amendment of Annex I.

Negotiations continued on the draft revised SMTA. Consensus was reached on several provisions, with DSI/genetic sequence data (GSD) and rates for benefit-sharing payments remaining as the main outstanding issues. The meeting was suspended to allow for additional time to finalize negotiations. However, at the resumed meeting (October 2019), the Working Group was unable to bridge positions between the developed and the developing world. Co-Chairs Hans Hoogeveen (Netherlands) and Javad Mozafari (Iran) issued a compromise proposal on a package of elements, addressing benefit-sharing payment rates, benefit-sharing from DSI/GSD, and the review of the enhanced MLS, but consensus was elusive. Deep principled divergences remained, in particular regarding benefit-sharing payments from use of DSI/GSD.

GB 8: At its eighth session (November 2019, Rome, Italy), the GB did not reach agreement on the package of measures to enhance the functioning of the MLS, negotiated for six years, nor on continuing intersessional work. GB 8 adopted a series of other resolutions, including on farmers' rights, conservation and

sustainable use of PGRFA, and the Funding Strategy. Still, as many noted with frustration, failure to enhance the MLS indicated it was time for sober contemplation on the future of the Treaty.

GB 9 Report

The meeting opened on [Monday](#), with an inaugural ceremony and opening session. It featured the joint lighting of a lamp to wish prosperity for humanity, according to Indian tradition, and a statement from Narendra Singh Tomar, Minister of Agriculture and Farmers' Welfare, India, who underlined the need to ensure equitable benefit-sharing from the commercialization of PGRFA, and stressed the importance of both technology and traditional knowledge in PGRFA conservation. Plenary then heard statements from regions, parties, and observers.

Organizational Matters

On Monday, plenary agreed to hybrid meeting modalities ([IT/GB-9/22/1.2 Rev.1 Appendix 1](#)), and welcomed the Dominican Republic, Mozambique, and South Sudan as new members to the Treaty, bringing the membership to 149. Secretary Nnadozie noted that Nigeria has also deposited its instrument of ratification and will become a party once the required period of 90 days elapses.

Parties adopted the agenda and timetable ([IT/GB-9/22/1](#) and [1.2 Rev.1](#)), agreeing to jointly consider the items on an amendment of the Treaty ([IT/GB-9/22/8](#)) and on implementation and operations of the MLS ([IT/GB-9/22/9.1](#)). Parties also approved the list of observers ([IT/GB-9/22/1.3](#)); accepted the nomination of Svanhild-Isabelle Batta Torheim (Norway) as rapporteur; and established a credentials committee.

On Saturday, credentials committee Chair Janet Shannon (US) reported that the Committee reviewed 94 credentials and recommended all of them.

GB 10 Bureau: On Saturday, regions nominated, and plenary elected, the following members of the GB 10 Bureau: Kim Van Seeters (Netherlands) for the European Regional Group (ERG); Alison Curran (Australia) for Southwest Pacific; Christine Dawson (US) for North America; Ali Chehade (Lebanon) for Near East; Joaquín Salzberg (Argentina) for the Latin American and Caribbean Group (GRULAC); and Sabnam Shivakoti (Nepal) for Asia. GB 9 Chair Yasmina El Bahloul (Morocco) was reelected as GB 10 Chair, nominated by Africa, following agreement by the ERG to postpone its mandate to GB 11.

The US requested noting in the meeting report that the GB had reelected Yasmina El Bahloul as Chair of GB 10 as an exceptional measure, due to the short timeframe between GB meetings in 2022 and 2023, and that typical two-year terms will be reinstated at GB 11. Delegates welcomed new Bureau members and congratulated Chair El Bahloul upon her reelection with a standing ovation.

GB 10 Dates and Place: On Monday, plenary agreed to convene GB 10 in the last quarter of 2023, in Rome, Italy. On Saturday, plenary took note of 20-25 November 2023 as tentative dates.

Report of the Chair

On [Monday](#), the plenary took note of the Chair's report ([IT/GB-9/22/5](#)) outlining intersessional work of the Bureau, preparations for GB 9, and updates on partnerships. GB delegates commended the Chair and the Bureau for achieving their mandate despite challenging circumstances.

Report of the Secretary

Delegates considered the Report of the Secretary ([IT/GB-9/22/6](#)) on [Monday](#), noting that, despite COVID-19-related challenges, the frequency and intensity of Treaty-related meetings increased. They noted, among others, new Treaty members and intersessional activities, including on farmers' rights, the GLIS, emergency measures to support genebanks, communication, and participation in the development of the GBF.

Capacity-development strategy: Delegates considered this item ([IT/GB-9/22/6.1](#)) on [Monday](#), which included a summary of consultative processes for its development. They agreed to adjust the original timeframe of 2022-2025 to 2023-2030 due to postponements caused by COVID-19. They approved the draft resolution on the capacity-development strategy 2023-2030 on [Friday](#).

Final Outcome: In the final resolution (IT/GB-9/22/RES_item6.1), GB 9 requests the Secretariat to:

- finalize the draft for consideration at GB 10, ensuring that the topics included in the draft strategy are in line with the Treaty and with the relevant GB resolutions, and promoting coherence in planning and delivering capacity development;
- develop an outline of an Action Plan for the implementation of the Strategy to be considered at GB 10, clarifying actions to be undertaken by the Secretariat according to the applicable guiding principles; and
- invite countries to report on ongoing capacity development initiatives and activities, needs, or gaps to support the development of the Action Plan outline.

Celebrating the Guardians of Crop Diversity

Delegates discussed this issue on [Tuesday](#) and [Friday](#) in plenary, and in a small group. The Secretariat introduced the document ([IT/GB-9/22/7](#)), which recognizes the contribution of guardians of crop diversity, especially farmers, to the effective management of PGRFA.

Debate focused on the proposal to acknowledge the role of plant breeders. Delegates agreed to include references to "plant breeders, including farmer-breeders" in the preamble, to the contribution of "users" alongside all guardians and curators of crop diversity, and the important contribution of women.

Final Outcome: The final resolution (IT/GB-9/22/RES_item7) recognizes that management of PGRFA is supported by a variety of actors, such as farmers, local and Indigenous communities, genebank managers, and researchers and plant breeders, including farmer-breeders, working in collaboration. The GB also:

- acknowledges and celebrates the contributions of all guardians, curators, and users of crop diversity to ensure that crop diversity is conserved and sustainably used for the global food security of today and the future;
- acknowledges the important contribution that women make as guardians of crop diversity and its associated knowledge;
- recognizes the past, present, and future contributions of farmers in all regions of the world, particularly those in centers of origin and diversity, in conserving, improving and making available crop diversity and, in this regard, invites parties to fully engage farmers in matters related to the conservation and sustainable use of PGRFA; and

- notes that a number of international organizations, such as Bioversity International and the Crop Trust, have in the past taken initiatives to celebrate the contributions of guardians and curators of crop diversity, and requests the Secretariat to liaise with such organizations, as appropriate, to explore opportunities to celebrate such contributions on a regular basis and in a collaborative manner.

Multilateral System

Implementation and Operations: On [Tuesday](#), the Secretariat introduced the document ([IT/GB-9/22/9.1](#)), containing updates on available material, an analysis of germplasm transfers within the MLS, and a draft resolution. Discussion focused on gaps in material in the MLS and on divergences in reporting capacities. CIVIL SOCIETY called for attention to a case of unequal treatment of domestic and foreign natural and legal persons in accessing the MLS.

On [Friday](#), plenary considered a draft resolution. Delegates discussed whether workshops to support parties in strengthening MLS operations, including for the identification and notification of material available in the MLS, should have an emphasis on the assignation of digital object identifiers (DOIs). On Saturday, CANADA and GERMANY called for deleting the reference to the assignation of DOIs, and plenary approved the resolution with this amendment.

Final Outcome: The resolution (IT/GB-9/22/RES_item9.1) includes sections on:

- availability and transfer of material in the MLS;
- operations of the MLS;
- practice of the CGIAR Centres on the management of intellectual assets related to PGRFA;
- operation of the Third Party Beneficiary; and
- reviews and assessments under the MLS, and of the implementation and operation of the SMTA.

The GB invites parties and other holders of material to use, on a voluntary basis, DOIs of the GLIS for the identification of material in the MLS; and requests the Secretariat, in cooperation with the CGRFA, to update the report on the global availability of material in the MLS, including a systematic analysis of the reasons why there are parties that have not placed any material in the MLS, including based on the compliance reports, subject to available financial resources.

The GB invites the CGIAR System to continue reporting on the application of the CGIAR principles on the management of intellectual assets. It further requests the Secretariat to continue capacity-development activities on the voluntary inclusion of PGRFA in the MLS and to prepare a briefing note to support them; and to report to GB 10 on the voluntary inclusion of material in the MLS.

Enhancement of the MLS: On [Tuesday](#), plenary decided to consider jointly the Swiss proposal for amendment of the Treaty concerning expanding the MLS to all PGRFA, first tabled in 2017 ([IT/GB-9/22/8](#)) and the item on enhancing the MLS ([IT/GB-9/22/9.2](#)). The Secretariat noted that GB 8 was unable to reach agreement on enhancing the MLS, and informal consultations were held intersessionally ([IT/GB-9/22/9.2/Inf.1](#) and [2](#)). Co-Facilitators Sunil Archak (India) and François Pythoud (Switzerland) reported on the three informal consultations held in 2021 and 2022. Many

delegates stressed the importance of enhancing the MLS. A contact group was established, co-chaired by Pythoud and Archak.

The contact group met on [Wednesday](#) and [Thursday](#) to agree on the aim of enhancing the MLS and the way forward. Delegates agreed to reestablish the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the MLS to finalize the process by GB 11, including its composition and terms of reference, and forwarded a draft resolution to plenary.

On [Friday](#), plenary approved the draft resolution and nominated Michael Ryan (Australia) and Sunil Archak (India) as Working Group Co-Chairs.

Final Outcome: In the resolution (IT/GB-9/22/RES_item9.2), the GB notes that, while a range of views exist among parties on the matter, parties commit to working together towards adopting a package of measures to enhance the functioning of the MLS with the aim to:

- increase the benefits that arise from the MLS for all parties and users, both monetary and non-monetary;
- increase user-based income to the BSF in a sustainable and predictable long-term manner;
- expand the crops and plant genetic diversity available through the MLS;
- improve the availability of PGRFA in the MLS;
- make the MLS more dynamic given that there are developments and emerging issues in science, innovation, plant breeding, and global policy environment; and
- create legal certainty, administrative simplicity, and transparency for everyone participating.

The GB reestablishes the *Ad Hoc* Open-ended Working Group to be inclusive, regionally- and gender-balanced, and supported by regional, inter-regional, and virtual meetings, while decisions would be taken at physical meetings. It decides that the process should build upon previous progress and achievements both in terms of structure and content; integrate new ideas, if relevant; and address, in a balanced manner, all three blocks of the package of measures developed previously (namely a revised SMTA; expansion of Annex I; and implementation measures through a GB resolution).

The Working Group should aim to have at least one session before GB 10, to be covered by extra-budgetary funds. Each region should identify spokespersons, as follows: up to five each from Africa, Europe, Asia, and GRULAC; up to three from Near East; and up to two each from North America and Southwest Pacific. Regarding observer participation, the following groups may identify two spokespersons each, with due attention to gender and geographic balance: civil society organizations; the seed industry; farmers' organizations; and research centers and academia, including the CGIAR. The meetings will be prepared and held in all relevant languages.

The Working Group Co-Chairs are requested to, among others, structure the process so as to accord early attention to key issues, such as DSI, payment rates, and other relevant aspects, and provide a checkpoint report to GB 10 on progress and for any further guidance regarding the continuation of the process.

Implementation of Article 12.3a: On [Tuesday](#), the Secretariat presented the item, referring to an ERG submission on implementation of Article 12.3a ([IT/GB-9/22/9.1.i](#) and [Circ.1](#)). The provision notes that, in the case of multiple-use crops, their importance for food security should determine their inclusion in the

MLS. Discussions on the item continued in the contact group on enhancing the MLS. On Saturday, during adoption of the report of the meeting, delegates agreed to mention that the GB welcomed the views on Article 12.3a.

Funding Strategy

On [Tuesday](#), the Secretariat presented the report of the Standing Committee on the Funding Strategy and Resource Mobilization ([IT/GB-9/22/10](#)), and information documents on the BSF ([IT/GB-9/22/10/Inf.1](#) and [2](#)).

Committee Co-Chairs Eric Bentsil Quaye (Ghana) and Katlyn Scholl (US) drew attention to the draft resolution and presented highlights of the Committee's work including: the operational plan for the Funding Strategy 2020-2025; a draft food processing industry engagement strategy; a monitoring, evaluation, and learning framework for the BSF; and the fifth cycle of the BSF, which was launched with at least USD 9.3 million for its implementation.

During their deliberations, delegates encouraged the Committee to focus on resource mobilization in support of implementation, including consideration of private sector financing. They also welcomed the launch of the fifth cycle of the BSF.

On [Friday](#), delegates addressed a draft resolution calling for implementation support from the Global Environment Facility and the Green Climate Fund, and on meeting modalities for the Funding Committee. They welcomed the donation to the BSF by the Federation of Seed Industry of India of approximately USD 25,000.

Final Outcome: The final resolution ([IT/GB-9/22/RES_item10](#)) is split into four parts. On the funding strategy, the GB:

- notes that the first three years of the Funding Strategy 2020-2025 have been affected by COVID-19, and requests the Committee to consider the resulting impacts, challenges, and opportunities when making recommendations for updating the Funding Strategy;
- encourages the FAO to facilitate the delivery of programmes and projects that support implementation of the Treaty;
- notes with concern the absence or low participation of some regions in the meetings of the Funding Committee, and urges regional groups and parties to consider both expertise and availability in nominating members to the Committee; and
- decides that the meetings of, and the preparatory work for, the Committee should be conducted mostly online.

On resource mobilization, the GB:

- encourages parties to mobilize resources from various sources to meet the targets of the Funding Strategy;
- approves the Food Processing Industry Engagement Strategy, and requests the Committee to regularly monitor and review progress on its implementation;
- thanks Germany, Italy, Ireland, Norway, Sweden, and Switzerland for their financial contributions during the period 2020-2022 to the Fund for Agreed Purposes of the Treaty;
- welcomes the financial contributions made by the EU, Italy, the Netherlands, Norway, and Switzerland in support of the fifth cycle of the BSF;
- thanks the French Inter-professional Organisation for Seeds and Plants (SEMAE) for the annual contributions in the 2020-2021 biennium of EUR 175,000 each year to the BSF; and
- welcomes the further payments of the mandatory user-based income from the BSF, and stresses the urgent need for ensuring an enhanced and predictable flow of resources to the Fund.

On BSF operations, the GB:

- welcomes the launch of the fifth cycle of the BSF and thanks the Funding Committee for work in its design;
- welcomes the finalization of the Monitoring, Evaluation and Learning Framework of the BSF as an integral part of the monitoring of the overall Funding Strategy; and
- stresses the importance of communicating the results of ongoing projects under the fourth cycle and the expected results of the fifth cycle.

On monitoring, learning and review, the GB:

- invites parties, international mechanisms, funds, bodies, stakeholder groups and other international organizations to provide information to the Secretariat to assist regular reviews of the Funding Strategy;
- calls upon parties to share information with the Secretariat about the results of the further integration of PGRFA in national budgets and priorities for the development of strategic tools that national focal points and others can use to leverage new resources; and
- invites parties to provide information to the Secretariat to enable the Committee to develop the methodology for measuring non-monetary benefit-sharing during the 2022-2023 biennium.

Global Information System

On [Tuesday](#), the Secretariat introduced the document ([IT/GB-9/22/11](#)), including a draft resolution and programme of work for 2023-2028, and updates on progress in the promotion and use of DOIs, the GLIS portal, and development of descriptors for crop wild relatives.

On Saturday, plenary considered the resolution, with Chair El Bahloul noting that a small group had worked to revise the text. Delegates approved the resolution with no amendments.

Final Outcome: In the resolution ([IT/GB-9/22/RES_item 11](#)), which includes the programme for work in an annex, the GB:

- takes note of the progress made with the promotion of DOIs and encourages the Secretariat to continue promoting their use, on a voluntary basis, and to expand the efforts to build the capacity of relevant stakeholders, especially in developing countries;
- takes note of the publication of the Descriptors for Crop Wild Relatives conserved *in situ*, and the six new lists of characterization and evaluation descriptors for tropical fruit trees, and invites the Secretariat to facilitate the development of further descriptor lists;
- requests the Secretariat to support parties in the documentation, including building capacities in data collection from the wild, of crops and their wild relatives, and in making that information available, and to support the relevant programmes to increase public awareness about the value and role of crop wild relatives in plant breeding;
- adopts the revised Programme of Work on GLIS, as contained in the annex; and
- decides to reconvene the Scientific Advisory Committee with the same terms of reference of the previous biennium, subject to the availability of financial resources, to hold at least one meeting in person and, if necessary, additional virtual meetings.

The annexed Programme of Work will cover a period of six years. It will be implemented through a phased approach and funded by a combination of core budgetary resources, as may be determined by the GB, and extra-budgetary contributions. Its aim is to bridge the

gap in communication between the institutions serving as sources of PGRFA, those conducting the research and added-value activities, and those using PGRFA to develop products.

Conservation and Sustainable Use of PGRFA

The Secretariat introduced the relevant documents ([IT/GB-9/22/12](#) and [12.2](#)) on [Tuesday](#). Teresita Borromeo (Philippines), Co-Chair of the *Ad Hoc* Technical Committee on conservation and sustainable use, reported on the Committee's work, including on the toolbox on sustainable use and a joint programme on biodiversity in agriculture. Discussions on Tuesday and Wednesday focused on the need to enhance the visibility of the toolbox for sustainable use of PGRFA, with some calling for integration of the toolbox into the GLIS. Delegates also called for additional funds to address implementation bottlenecks and for capacity building on the use of PGRFA.

On Saturday, plenary addressed the draft resolution. Informal group Co-Facilitator Riccardo Bocci (Italy) explained that the group had agreed to resume the *Ad Hoc* Technical Committee on Conservation and Sustainable Use of PGRFA, and on terms of reference for its work, including providing inputs for revision and finalization of the concept note of the joint programme. NORWAY proposed that the Co-Chairs of the Committee be designated by the Bureau. ARGENTINA, supported by others, said the two Co-Chairs should be in addition to the nominees from each region, to allow their independence. Delegates approved the resolution with these and other minor amendments.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item12), the GB requests the Secretariat, in collaboration with other relevant stakeholders and subject to the availability of financial resources, to:

- organize regional consultations;
- revise and finalize the concept note of the joint programme on biodiversity in agriculture for sustainable use of PGRFA, for consideration at GB 10;
- strengthen collaboration with organizations such as CGRFA, CGIAR, and FAO;
- continue to facilitate training and capacity building aimed at advancing characterization and sustainable use of PGRFA; and
- support national programmes in policy development for the conservation and sustainable use of PGRFA, and in building partnerships and mobilizing resources.

The GB further calls upon:

- the Secretariat to continue to collaborate and cooperate with relevant units within FAO, CBD, and other entities and institutions in promoting the conservation and sustainable use of PGRFA; and
- parties to support the activities, including through the provision of financial resources for the implementation.

The annexes include the terms of reference for the Committee and the draft concept note.

Farmers' Rights

The Secretariat introduced the relevant documents ([IT/GB-9/22/13](#) and [13.2](#)), on [Tuesday](#), including draft elements for a resolution. *Ad Hoc* Technical Expert Group (AHTEG) Co-Chair Rakesh Chandra Agrawal (India) presented the updated inventory of national measures, best practices, and lessons learned ([IT/GB-9/22/13/Inf.1](#)). He further drew attention to the options for

encouraging, guiding, and promoting the realization of farmers' rights ([IT/GB-9/22/13.3](#)), noting the options under Category 10 (legal measures), were not finalized and are thus presented as Co-Chairs' options. INDIA offered to host a symposium on farmers' rights. Discussions continued in a contact group.

Small and Contact Group discussions, co-facilitated by Svanhild-Isabelle Batta Torheim (Norway) and Rakesh Chandra Agrawal (India), focused on a draft resolution on Tuesday, Wednesday, [Thursday](#) and [Friday](#). Delegates debated on whether to carry out an assessment or a background study on the state of implementation of farmers' rights. Delegates agreed to a possible assessment, with review of its form and scope at GB 10.

On strengthening coordination and collaboration with other partners, delegates agreed to broaden collaboration beyond FAO to other UN agencies. Delegates engaged in a lengthy discussion on the options for encouraging, guiding, and promoting the realization of farmers' rights as set out in Article 9 of the Treaty.

On Saturday, Co-Chairs Torheim and Agrawal presented the draft resolution to plenary, noting that the group had agreed to take note of the options prepared and request their publication, with a note that options under Category 10 were proposed by the AHTEG's Co-Chairs. They also noted agreement to request the Secretariat to develop cooperation plans and to update the educational modules to include human rights instruments. INDIA, opposed by the US, called to delete text referring to Category 10 as a Co-Chairs' proposal. Following discussions, INDIA withdrew the proposal.

The draft resolution was approved with these amendments.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item13), the GB requests the Secretariat to:

- continue to disseminate and promote the use of the educational module on farmers' rights, and to update it as necessary;
- continue outreach and communication on farmers' rights, including capacity-development workshops, to relevant stakeholders as an important measure to advance the realization of farmers' rights;
- provide support for parties and relevant stakeholders on the promotion, protection, and realization of farmers' rights;
- make an assessment based on compliance reports and submissions in the inventory on the state of implementation of Article 9 of the Treaty, and present criteria and an outline of the assessment to GB 10 and the full report to GB 11;
- organize a global symposium to share experiences and discuss possible future work on farmers' rights, welcoming India's offer to host it;
- strengthen collaboration between the Treaty and other units and partners that work for the promotion of farmers' rights within and outside FAO, and the broader UN, including with international human rights bodies in order to promote the realization of farmers' rights; and
- include the possible impact of DSI on farmers' rights according to Article 9 in the assessment of DSI foreseen in the Multi-Year Programme of Work (MYPOW).

The GB invites parties to:

- consider reviewing and, if necessary, adjusting national measures that affect the realization of farmers' rights, in particular legislation concerning variety release and seed distribution, to protect and promote their rights;

- engage farmers' organizations and relevant stakeholders in the realization of farmers' rights, conservation and sustainable use of PGRFA, and to promote awareness raising and capacity building towards this aim; and
- promote sustainable biodiverse production systems and facilitate participatory approaches such as community seed banks, community biodiversity registries, participatory plant breeding, and seed fairs, including considering providing legal recognition of such approaches as tools.

Compliance

On [Wednesday](#), outgoing Compliance Committee Chair Angeline Munzara (Zimbabwe) reported on the work of the Committee ([IT/GB-9/22/14](#)), noting 79 parties submitted national reports and highlighting a first-time request for advisory services on a draft seed law from a party. Delegates noted increased reporting, and supported capacity-building workshops, webinars, and other resources on report preparation. On [Friday](#), delegates approved the draft resolution.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item14), the GB, on monitoring and reporting:

- invites all parties and organizations to continue submitting and updating their reports, and urges those that have not yet done so to submit their own reports, and reiterates that the second reports shall be submitted by 1 October 2023;
- requests the Secretariat to send regular reminders to parties to submit and/or update their reports and to provide support to them, as appropriate; and
- invites the members of the Compliance Committee to communicate with parties in their respective regions to sensitize, and provide information and support in matters related to compliance.

On support and capacity development, the GB:

- requests the Secretariat to organize in-person training workshops, and virtual training and information sessions on compliance through webinars, promote the use of multimedia resources, and circulate an updated information note, in various languages, to national focal points on how to prepare and submit their compliance reports;
- requests the Secretariat to identify and develop partnerships with other organizations and regional networks, to raise awareness and to support parties with the compliance reporting process and the implementation of the Treaty; and
- encourages parties and other donors to consider providing support and financial resources for capacity development activities.

On reviews under the mandate of the Compliance Committee and future work, the GB, noting that most of the reports were received late in the biennium, among others:

- decides to postpone the review of the effectiveness of the Compliance Procedures until GB 10 and requests the Compliance Committee to prepare an assessment and recommendations as a basis for the review; and
- encourages parties to avail themselves of the opportunities that the Compliance Committee provides, including submitting to the Committee statements and questions concerning their implementation of the Treaty.

On other matters, the GB:

- invites parties to promote the important role of the Treaty in regional conferences and in other meetings of FAO, and provide or update the contact details of their national focal points and, possibly, nominate an alternate reporting officer; and
- elects the members of the Compliance Committee, contained in the appendix of the resolution.

FAO Contribution

On [Wednesday](#), the Secretariat introduced the document ([IT/GB-9/22/15](#)). Many welcomed the ongoing support by FAO and supported the draft resolution.

Delegates highlighted, among others, FAO's annual financial contributions and recent initiatives, noting that they build bridges to new stakeholders, especially the food industry. Some also appreciated the 2021-2023 Action Plan on mainstreaming biodiversity across agricultural sectors.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item15), the GB invites FAO to:

- continue supporting the efforts to increase the membership of the Treaty by undertaking concrete measures to promote ratification by FAO members that have not yet done so, with a view to making it a universal agreement;
- integrate the Treaty into the implementation of relevant initiatives and strategies, such as the International Platform for Digital Food and Agriculture, the Strategy on Mainstreaming Biodiversity across Agricultural Sectors and its 2021-23 Action Plan, the Science and Innovation Strategy, and the Strategy on Climate Change 2022-2031;
- continue its active support to the activities of the Treaty as a key international instrument required for the fulfilment of SDG 2 (zero hunger) and 15 (life on land), and to build awareness of the importance of the implementation of, and compliance with, the Treaty at the highest national levels; and
- continue providing a comprehensive report at each session on its contributions to the implementation of the Treaty, and the Secretary to continue providing updates on the status of implementation of invitations made to the FAO as well as on ongoing and new collaborations and partnerships within the FAO.

GB 9 requests the Secretariat to continue pursuing collaboration with other units and instruments within FAO, including on outreach, resource mobilization, and private sector engagement.

Cooperation

CGRFA: Delegates addressed this issue on [Wednesday](#). The Secretariat introduced the document ([IT/GB-9/22/16.1](#)), which was jointly prepared with the CGRFA Secretariat.

The CGRFA presented its report ([IT/GB-9/22/16.1/Inf.1](#)) highlighting, among others: the Framework for Action on Biodiversity for Food and Agriculture; preparation of the third Report on the State of the World's PGRFA; a forthcoming virtual global workshop on DSI; and activities to support implementation of the second Global Plan of Action for PGRFA.

The brief discussion focused on, among others, the Treaty as the main source of information on PGRFA in the GBF; and respecting the mandate of the CGRFA.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item16.1), the GB, among others:

- welcomes the ongoing close cooperation between the Commission and the GB, and the joint activities undertaken by their Secretariats during the intersessional period; and
- agrees to keep the matter of the functional division of tasks and activities between the GB and the Commission under review and requests the Secretary to regularly report any relevant developments in the cooperation with the Commission.

The GB further requests the Secretariat to continue strengthening collaboration and coordination with the Commission to promote coherence in the development and implementation of the respective programmes of work of the two bodies, in particular with regard to:

- preparation of the Third Report on the State of the World's PGRFA, the review and possible update of the Second Global Plan of Action for PGRFA, and the revision of the World Information and Early Warning System on PGRFA (WIEWS) reporting system;
- organization of symposia on *in situ* conservation and on-farm management of PGRFA;
- effects of seed policies, laws, and regulations;
- implementation and monitoring of the Second Global Plan of Action for PGRFA, including technical instruments that facilitate its implementation, such as the Genebank Standards for PGRFA and work on sustainable use of PGRFA; and
- ABS and DSI/GSD on PGRFA.

Global Crop Diversity Trust: Delegates addressed this issue on [Wednesday](#). The Secretariat and the Crop Trust presented relevant documents ([IT/GB-9/22/16.2](#) and [16.2.2](#)), highlighting joint activities, and long-term funding from the Crop Trust to nine CGIAR Centers, and to the Centre for Pacific Crops and Trees (CePaCT).

Discussions focused on Crop Trust's initiatives and support to parties, including the emergency reserve in safeguarding genebanks at risk; the Biodiversity for Opportunities, Livelihoods and Development (BOLD) project; and the Seeds for Resilience project. Parties reported capacity-building benefits for national and regional genebanks, and welcomed the role of the emergency reserve in safeguarding genebanks at risk, particularly in areas with conflicts.

Final Outcome: The policy guidance to the Crop Trust (IT/GB-9/22/RES_item16.2) contains three parts on policy guidance, emergency reserve for germplasm collections at risk, and other matters. On policy guidance, the GB, among others, requests the GB Chair and the Secretariat to inform the Crop Trust Executive Board on the decisions made by the GB, and provides policy guidance to resource mobilization, scientific, and technical matters, the GLIS, and communication and outreach.

On resource mobilization, the GB, among others, recommends that the Crop Trust continues expanding cooperation with the Treaty on mobilizing resources, and further encourages donors to give priority to initiatives, projects, and programmes that are jointly designed and implemented by the Crop Trust and the Secretariat.

On scientific and technical matters, the GB recommends, among others, the Crop Trust to further enhance its collaboration and complementarity with the Treaty on these matters, in particular in the area of crop conservation strategies.

On the GLIS, the GB invites the Trust to continue participating in the Scientific Advisory Committee of the GLIS and provide regular updates on the implementation of its activities relevant to the System.

On communication and outreach, the GB recommends the Crop Trust continue and strengthen cooperation with the Treaty to jointly develop outreach and communication products, and to further systematize and strengthen such cooperation in the next biennium.

The GB welcomes the joint establishment of the emergency reserve to facilitate the rapid response to imminent threats to unique germplasm collections that fall under the framework of the Treaty.

The GB also requests the GB 10 Bureau to carry out the selection and appointment of members to the Executive Board of the Crop Trust to fill any vacancy that may arise before GB 10.

CBD and Nagoya Protocol: Delegates addressed this item on [Wednesday](#) and [Friday](#). The Secretariat presented the document ([IT/GB-9/22/16.3](#)), highlighting that the latest GBF draft contains targets, goals, and indicators of direct relevance to the Treaty. The CBD presented its report ([IT/GB-9/22/16.3/Inf.1](#)), sharing that the biodiversity focal area under the eighth replenishment of the Global Environment Facility (GEF-8) Trust Fund remains the main source of funding.

Discussions focused on the importance of considering DSI and gender mainstreaming.

Final Outcome: In the final resolution (IT/GB-9/22/RES_item16.3), the GB, among others, invites:

- CBD parties to adopt the GBF, which can contribute to the conservation and sustainable use of PGRFA, and to the fair and equitable sharing of benefits arising out of their use, and to take into account the experience gained in the operations and implementation of the Treaty's MLS on ABS when finalizing discussions on the text of the GBF and a potential decision on DSI to ensure that the framework fully recognizes the importance of the food and agriculture sector in implementing the framework when it is adopted;
- parties to consider the best practices and lessons learned from the implementation of the 2015-2020 Gender Plan of Action in the context of the CBD, relevant to the conservation and sustainable use of PGRFA;
- the GEF to take into account the specificities of PGRFA, and the need for specific solutions in its support to promote policies and plans for scientific research and development on the use of genetic resources under national ABS frameworks; and
- the UN Environment Programme to continue strengthening cooperation and coordination among biodiversity-related conventions contributing to effective and efficient implementation of the GBF, when adopted.

Other Organizations: Delegates addressed a number of issues under this item on [Wednesday](#) and [Friday](#), agreeing to integrate all sub-items into a single resolution. The Secretariat introduced all relevant documents ([IT/GB-9/22/16.4 Rev.1](#), [16.4.2](#), [16.4.2 Add.1](#), and [16.4.3 Rev.1](#)).

International bodies and organizations: Discussion focused on cooperation with the International Union for the Protection of New Varieties of Plants (UPOV) and the development of "frequently-asked questions" (FAQ) on the relationship between UPOV and the Treaty. Delegates also discussed cooperation with international human rights instruments.

Final Outcome: In the final resolution (IT/GB-9/22/RES_item16.4), the GB requests the Secretariat to:

- strengthen and expand the collaboration with the Alliance of Bioversity International and the International Center for Tropical

Agriculture (CIAT), the CBD Secretariat, the ABS Capacity Development Initiative, and other capacity-development providers, in their support to parties in implementing the Treaty and the CBD and its Nagoya Protocol in a harmonious and mutually supportive manner, taking into account the GBF, when adopted;

- continue participating in relevant meetings of UPOV, as appropriate, and subject to the availability of financial resources;
- finalize the work requested in paragraph 10 of resolution 12/2019 (on the UPOV FAQ) as soon as possible and before GB 10; and
- continue to report to the GB on cooperation with other relevant international bodies and organizations, including with the UN Human Rights Council, and other international human rights bodies and related collaborative activities.

Cooperation with Article 15 Institutions: A lengthy discussion took place regarding supporting two genebanks: the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF) and the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT). Delegates, among others, agreed to emphasize the need for long-term solutions for all Article 15 institutions through strengthening the involvement of the Crop Trust.

Final Outcome: In the final resolution (IT/GB -9/22/RES_item16.4), the GB:

- requests the Secretariat to continue efforts to secure agreements with other relevant international institutions that meet the requirements of Article 15 of the Treaty;
- takes note that, under the One CGIAR reform, CGIAR Centers maintain their legal status as independent legal entities in their own right, and the Article 15 agreements with CGIAR Centers, including those that have opted not to join the One CGIAR unified governance arrangements, remain in place;
- calls upon all relevant stakeholders to assist the genebanks financially, as appropriate, noting the advice provided during GB 9, and that CIFOR-ICRAF and ICRISAT are facing funding difficulties, as they no longer receive direct support from the CGIAR Trust Fund; and
- emphasizes the need, to ensure the long-term safety of the Article 15 genebanks, and the distribution of germplasm being held “in trust” by the CGIAR centres and other Article 15 genebanks, and for long-term solutions for all Article 15 genebanks through strengthening the involvement of the Treaty and the Crop Trust.

Management and Operations of the Svalbard Global Seed

Vault: On Wednesday, NORDIC GENETIC RESOURCE CENTER (NORDGEN) reported on the growth of the Svalbard Global Seed Vault ((IT/GB-9/22/16.4.3 Rev.1), set to receive additional deposits bringing the collection to over 1.2 million seeds.

Final Outcome: In the final resolution (IT/GB -9/22/RES_item16.4), the GB:

- renews the invitation to parties, international institutions, and other relevant eligible bodies and organizations to consider making use of the Seed Vault as part of their strategy for securing their important seed collections and for long-term storage of PGRFA;
- welcomes the reconvening of the Seed Vault’s International Advisory Panel and requests the GB Chair to continue chairing the Panel and carrying out such functions as the role may require; and

- requests the Secretariat to explore further with Norway other practical means to enhance the linkages between the Treaty and the Seed Vault, including the linking of data through the GLIS, and report to the GB Bureau.

Multi-Year Programme of Work

Plenary addressed the item, including review of the MYPOW, DSI, and review of subsidiary bodies and intersessional processes ([IT/GB-9/22/17.1](#), [17.2 Rev.1](#) and [Inf.1](#), and [17.3](#)) on [Thursday](#). Discussion focused on DSI, including linkages with CBD processes, and modalities for intersessional meetings. Informal consultations continued during the week.

On Saturday, the Secretariat introduced a draft resolution on the MYPOW and intersessional processes, as agreed in a small group, which was approved with no comments.

Reporting on the work of the contact group, GERMANY then introduced the part of the resolution concerning DSI. She highlighted: capacity-building needs in order to reduce the gap between developed and developing countries to use DSI; a request to the Secretariat to continue following DSI-related developments in relevant fora; a request to the Co-Chairs of the Working Group on enhancing the MLS to include progress on DSI in their checkpoint report to GB 10; and an encouragement to CBD parties to bear in mind the need for mutually supportive implementation of the Treaty and the CBD.

Noting lack of agreement on terminology, the US suggested using “DSI/GSD” throughout the draft and in the title, and the resolution was approved as amended.

Final Outcome: In the resolution (IT/GB-9/22/RES_item17.1), the GB adopts the provisional MYPOW 2022-2027 as contained in the annex, including major outputs and milestones.

On DSI/GSD, the GB notes that there is not yet agreement on official terminology and requests the Secretariat to:

- continue following discussions in other fora and coordinating with the CBD and CGRFA Secretariats to ensure coherence and avoid duplication of work;
- continue monitoring developments in all relevant fora and report to GB 10; and
- invite parties and stakeholders to provide information about their capacity-building needs for assessing and using DSI/GSD, and report to GB 10.

The GB takes note of the background document regarding the latest deliberations of the CBD Working Group on the GBF, and encourages CBD parties to bear in mind the need for implementation for the Treaty and CBD to be mutually supportive. It acknowledges that the Co-Chairs of the Working Group on enhancing the MLS have been requested to accord early attention to the issue; and calls on parties to promote the provision of financial resources and technical assistance to reduce the existing gap on capacity regarding DSI/GSD between developed and developing countries.

Work Programme and Budget

On [Monday](#), the Secretariat introduced the draft terms of reference (ToR) for the budget committee, and the draft work programme and budget for 2022-2023 ([IT/GB-9/22/4](#) and [18](#)). Delegates debated a reference in the ToR, which allowed intersessional work of the budget committee in exceptional circumstances. A Friends of the Chair group was established to

resolve the issue. Plenary also established the Budget Committee, which met throughout the week.

On Saturday, Budget Committee Co-Chair Sabnam Shivakoti Aryal (Nepal) presented the draft resolution on the Work Programme and Budget for the 2022-2023 biennium. Delegates approved the resolution.

Final Outcome: In the final resolution (IT/GB-9/22/RES_ item18), GB 9:

- adopts the Treaty's Work Programme and the Core Administrative Budget for the Biennium 2022-2023; the indicative scale of contributions; Secretariat staffing structure; and ToR for the Budget Committee;
- confirms authorization to the Secretariat, on an exceptional basis, to draw the available unspent balances or contributions from prior financial period an amount up to USD 150,000 to offset contributions in 2023;
- urges parties to provide resources required in the Core Administrative Budget;
- requests the Secretariat to improve visibility of relevant financial information on website of the Treaty;
- decides to retain the level of the Working Capital Reserve at USD 580,000;
- encourages parties to contribute to the Special Fund for Agreed Purposes to support projects critical to continued successful implementation of the Treaty;
- agrees and collectively grants its advance consent to the budget revisions to the Special Fund and the Trust Fund to Support the Participation of Developing Countries; and
- requests the Secretariat to provide a detailed financial report and a summary narrative report on the implementation of the Work Programme 2022-2023, at least six weeks in advance to GB 10.

Appointment of the Secretary

Delegates considered this item on [Wednesday](#). On the appointment, GB 9 Chair El Bahloul presented the document ([IT/GB-9/22/19.1 Rev.1](#)), noting the extension of Secretary Nnadozie's appointment for two additional years. Several parties endorsed the reappointment, stressing Secretary Nnadozie's hard work and appreciating his efforts during the challenging times of the COVID-19 pandemic.

Some requested clarifications on the timeline of the reappointment. Chair El Bahloul and FAO Legal Officer Annick Van Houtte provided relevant explanations and GB 9 endorsed the reappointment for 2022-2023.

On the procedures for appointment, Van Houtte presented the document ([IT/GB-9/22/19.2](#)), explaining the procedure endorsed by the FAO Council in December 2021 for the selection and appointment of the Treaty's Secretary. Delegates noted the need for agreement on the term of the Secretary's appointment, suggesting a four-year term, and requesting tasking the GB 10 Bureau to work with FAO to establish this as part of the appointment criteria. Delegates approved the selection and appointment procedures, agreeing to forward the relevant guidance to the Bureau.

Adoption of the Report

On Saturday, GB 9 Rapporteur Svanhild-Isabelle Batta Torheim (Norway) presented the GB 9 draft report (IT/GB-9/22/Draft Report).

On the Swiss proposal to amend the Treaty, delegates included that "the Government of Switzerland reaffirmed its proposal for an amendment of the Treaty and that it be, again, considered at the next Session of the GB."

GB 9 adopted the report of the meeting with these and other minor amendments, including the resolutions.

Closing Statements

In regional statements, delegates expressed gratitude to host country India, the Secretariat, and all GB 9 participants for their commitment and flexibility that led to a successful meeting. They renewed their commitment to GB 10, looking forward to continuing work to attain the Treaty's objectives.

NORTH AMERICA highlighted that the conducive setting provided for the achievement of consensus on key issues including on farmers' rights and the resumption of discussion on enhancing the MLS.

GRULAC underscored significant results on conservation and sustainable use of PGRFA, the GLIS, and the renewal of the work on the enhancement of the MLS. He pointed to outstanding issues, including on farmers' rights.

AFRICA stressed that "we have entered an era of renewed commitment to bring the Treaty forward, which will allow us to overcome all challenges that lie ahead," pointing, among others, to the decision to restart efforts to enhance the MLS.

SOUTHWEST PACIFIC welcomed progress towards the Treaty's implementation, highlighting the continuation of the process to enhance the MLS, and looking forward to intersessional work also at the regional level.

ERG expressed gratitude for experiencing a small part of India's cultural and biological diversity, stressing it was an honor to be able "to work together in one of the main centers of the world's biodiversity."

NEAR EAST underscored GB 9's wide participation, expressing hope that the near future will bring even more success to the Treaty.

ASIA congratulated the Chair, the Bureau, the Secretariat, and India for the magnificent organization.

KENYA congratulated Secretary Nnadozie upon his reelection, and underscored the need to enhance the MLS and realize farmers' rights.

JAPAN emphasized the hard work by the Secretariat, underscoring they will soon have to start organizing GB 10.

The International Planning Committee for Food Sovereignty (IPC) lamented that many countries consider farmers less important than breeders, stressing that the Treaty was born to defend farmers' rights. He emphasized that farmers do not only want benefit-sharing, but also ensuring that "our seeds are not patented affecting our rights." He underscored the need for traceability and called for developing legal frameworks to defend farmers' rights, stressing that "human rights must be considered superior to commercial rights."

THIRD WORLD NETWORK (TWN) highlighted the agreement to continue work on enhancing the MLS, including focusing on DSI at an early stage, and expressed concern over the lack of commitment by some contracting parties to resolve the issue of DSI and their reluctance to reference the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP).

INDIA thanked all participants at GB 9, lauding the devotion and commitment of all those involved in the organization of the meeting.

Secretary Nnadozie highlighted the meeting's attendance, noting it is proof of participants' commitment and recognition of the importance of face-to-face interaction in multilateral negotiations. He underscored successful outcomes, noting that they show the intent of Treaty's parties as a whole, and stressed that such progress appropriately took place in India, reiterating the host country's leadership, particularly on farmers' rights. He drew attention to the resolution on the enhancement of the MLS, the "New Delhi Commitment," which expresses the willingness of parties to negotiate a mutually acceptable outcome in good faith. He said that "together we can build on the momentum and work as one community to solve our common challenges for the greater good of all"; stressed the need to redouble efforts to ensure food and equity for all; and thanked all involved in the organization of GB 9.

Chair El Bahloul thanked all participants for a successful session, and for the support and trust. She gavelled the meeting to a close at 7:47 pm.

A Brief Analysis of GB 9

"Life is a storm, my young friend. You will bask in the sunlight one moment, be shattered on the rocks the next. What makes you a human is what you do when that storm comes." – Edmond Dantes, *The Count of Monte Cristo*

The ninth session of the Governing Body (GB 9) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or the Treaty) took place in stormy times. The Treaty itself was in turmoil, following a dramatic end to GB 8 three years ago, and multilateralism in general has been seriously challenged by the impacts of the COVID-19 pandemic and increased geopolitical polarization.

Yet, amidst these challenges, GB 9 was deemed successful. As many delegates also present at the previous session noted, despite the traditional disagreements over clashing national positions, there was no comparison between the "tense, often suffocating negotiating environment" of GB 8 and the more collegial atmosphere in New Delhi. In fact, most participants agreed that the deliberations fostered optimism that the Treaty could revolutionize the way that plant genetic resources for food and agriculture (PGRFA) are conserved and sustainably used for the benefit of humanity as a whole.

This brief analysis will address some of the main issues discussed at GB 9 that are crucial for the future of PGRFA and biodiversity. These include the enhancement of the Treaty's Multilateral System (MLS) of access and benefit-sharing (ABS), which was the major bone of contention at GB 8; progress on farmers' rights, which constitute an important pillar for fulfilling the Treaty's mandate; and linkages with ongoing negotiations for a post-2020 global biodiversity framework (GBF) under the Convention on Biological Diversity (CBD), expected to transpose biodiversity to the fast lane of recovery.

Healing Wounds – Enhancing the Functioning of the MLS

The MLS of ABS is a cornerstone of the Treaty, and one of its most unique and innovative characteristics. It offers a shared pool of PGRFA, applying to 64 important crops and forages, selected according to their importance for food security. This creates an international genetic resource common as the Treaty's parties

provide facilitated access to each other's PGRFA for research and breeding purposes. Access is provided *via* the Standard Material Transfer Agreement (SMTA), a fixed contract between providers and users of genetic resources. The Treaty's "sharing ethos" is further embedded in its benefit-sharing regime. Benefits from the use of PGRFA contained in the MLS include: information exchange, access to and transfer of relevant technology, capacity building, and monetary benefits upon commercialization of relevant products.

The importance of the MLS cannot be overemphasized. In the face of a growing population, genetic and soil erosion, and climate change, crop improvements will be essential to meet humanity's growing needs. "We need to feed more with less" noted Qu Dongyu, Director-General of the Food and Agriculture Organization of the UN (FAO) in his introductory remarks to GB 9, encapsulating the uphill task faced by the world's farmers and the agricultural sector as a whole.

As was evident, both at GB 9 and during previous meetings, everyone agrees on the need to enhance the MLS. Developed countries underscore the need to expand the list of crops under the MLS, providing access to a larger pool of genetic material, and invigorating research and development. Developing countries, often the material's providers, emphasize the need to operationalize the benefit-sharing dimension of this joint effort. These unmet needs point to the fact that the Treaty's Benefit-sharing Fund (BSF) has failed to generate significant funds, and highlight chronic, historical injustices in resource use linked to global inequalities.

To address these concerns, the Treaty had engaged in negotiations to enhance the MLS with two main components, reflecting parties' diverging priorities: the expansion of the list of crops contained in the MLS, and the revision of the SMTA to improve fair and equitable benefit-sharing. GB 8, which was held in 2019, was supposed to be the culmination of a six-year long, difficult negotiation on a package deal. Despite significant progress towards expanding the list of MLS crops and including a subscription system in the SMTA, envisioning payments for access, agreement could not be reached. The main stumbling blocks included benefit-sharing from digital sequence information (DSI) and rates for benefit-sharing payments.

Following the disappointment at GB 8, many felt that the opportunity was lost, especially after certain developed countries opposed the continuation of any formal, intersessional process to find common ground. A seemingly minor detail in the GB 8 report, which encouraged informal consultations, actually opened a window of opportunity. Switzerland and India, the host of GB 9, took up the suggestion, organizing a series of informal consultations to discuss shared aims for enhancing the MLS and options for possible next steps. This proved pivotal for progress at GB 9.

Basing their deliberations on the outcome of the informal consultations, delegates at GB 9 agreed to re-establish the relevant Working Group with a view to finalize the enhancement of the functioning of the MLS by GB 11. Even though they focused on process, rather than on substance, the "New Delhi compromise" on the way forward, including a list of requests to the Working Group's Co-Chairs, was hailed by many participants as one of the main achievements of the meeting.

Some, however, were less than impressed by this development. "We merely agreed to continue disagreeing," one delegate opined, stressing that there is no indication that the main hurdles can be

overcome. Others emphasized that resurrecting the Working Group offers hope, pointing to signs of convergence: “Although change in national and regional positions is glacial, nothing is ever static,” a delegate offered, adding that “if the implications of genetic resource digitalization on the objectives of the Treaty are addressed, a solution is definitely within reach.”

Such a solution would be welcome by the Treaty and its parties, but, more importantly, the world’s farmers, who would benefit both by better plant varieties, and from the substantive monetary benefits accrued to the BSF.

If Farmers Suffer, Everyone Else Will Suffer Too – Farmers’ Rights

While the Treaty does not include a definition of farmers’ rights, one can be drawn from its call to protect and promote such rights. At a minimum, farmers’ rights include the protection of PGRFA-related traditional knowledge; equitable benefit-sharing arising from PGRFA utilization; participation in decision making; and, arguably, the right to save, use, exchange, and sell farm-saved seeds. Farmers have long understood the paramount importance of plant genetic diversity. For thousands of years, farmers around the world have been selecting, saving, and maintaining seeds, driving the agronomic transformation of plant species into crops, and by the selection of desirable phenotypes and traits, enabling adaptation to changing environmental conditions. This contribution has been, and still is, invaluable for ensuring food security and is one of the main tools in the fight against rural poverty.

Farmers’ rights have been at the heart of the Treaty since its inception and a cornerstone in its implementation. Article 9 recognizes that farmers’ contributions constitute the basis of food and agriculture, and the Treaty explicitly acknowledges farmers’ rights, particularly for those in the centers of origin and crop diversity. However, the Treaty delegates responsibility for implementing farmers’ rights to national governments, which means the rights are applied according to national priorities, and subject to national legislation. This has led to a complex policy environment with farmers’ rights often intertwined with plant breeder rights. A form of intellectual property rights for plant varieties, plant breeder rights are often used to exclude others from the production, distribution, use, and sale of propagating material, restricting farmers’ seed rights.

Efforts to distinguish, respect, and protect farmers’ rights have been ongoing under the Treaty. According to many participants, GB 9 allowed for some progress in farmers’ rights. Based on the work of the *Ad Hoc* Technical Expert Group on Farmers’ Rights, parties developed a set of options for encouraging, guiding, and promoting the realization of farmers’ rights. An assessment on the state of implementation will be commissioned by the Secretariat, to be finalized by GB 11. Perhaps more importantly, agreement to convene a global symposium to share relevant experiences offers optimism for future developments. The symposium, which is expected to take place in 2023 hosted by India, may, according to many GB 9 participants, provide both visibility and a breakthrough, especially considering India’s leadership in developing national legislation on farmers rights.

Notwithstanding the progress made, some delegates and participants emphasized the full realization of farmers’ collective rights is no easy task. They pointed to, among others, procedural hiccups, including reopening and renegotiating text that was

previously agreed in the expert group, indicating much needed efforts to cultivate good-faith negotiations. They further emphasized certain delegations’ insistence on prioritizing plant breeder rights over farmers’ rights, evident at GB 9 during the discussion on the custodians of biodiversity and underscored by civil society in their closing statements. They further highlighted reluctance by some to link farmers’ rights to human rights, particularly following the UN General Assembly’s adoption of the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) in 2018.

Linking farmers’ rights to human rights is, according to many GB 9 participants, the path towards the unequivocal fulfilment of these rights. This would include the right to food, which is defined, by the relevant UN Special Rapporteur, as having regular, permanent, and unrestricted access to quantitatively and qualitatively adequate and sufficient food, corresponding to cultural traditions, and ensuring a physical and mental, individual and collective, fulfilling and dignified life free of fear. Linking environmental processes, such as those under the CBD and the UN Framework Convention on Climate Change, to human rights via the 2022 UN recognition of the human right to a clean, healthy, and sustainable environment offers a novel paradigm that may influence future developments in environmental policymaking, including under the Treaty.

Hold Your Breath (or not) – Will Humanity’s Future be Decided over the Next Few Years?

Those unfamiliar with the Treaty’s work may easily downplay the significance of its deliberations. The same stands for those outside the biodiversity community. As some participants at GB 9 noted, however, for better or worse, the stakes are high and forthcoming developments may prove crucial, not merely for the future of the process but largely for life on Earth.

Aspirations are great. Uncertainties are even greater. Will governments be able to set their differences aside and chart a common path towards ensuring humanity’s wellbeing for centuries to come? Or will governments doom future generations to chasing the impossible and, in so doing, undermine the very foundations of life on Earth?

The months, not even years, to come are crucial. But the jury is still out on the much-anticipated outcome of the forthcoming CBD Conference of the Parties, to be held in Montreal in December 2022. On the one hand, a make or break at the CBD, especially on the hot potato issue of DSI, will greatly shape future developments under the Treaty. If a solution on DSI is reached in Montreal, it will not only allow finalization of the GBF—as the issue is a red line for at least one regional group—but will significantly contribute towards concluding the process for the enhancement of the MLS, as addressing DSI has been identified as one of the main obstacles. On the other hand, the Treaty is able to provide useful inspiration to the CBD on the way forward, both on DSI through ideas on a subscription system already discussed under the Treaty, and on the parts of the GBF dealing with PGRFA, drawing from its expertise.

With just over a year before GB 10, the world will have to hold its breath for a promising outcome, one delegate quipped. The stakes are high and while the current state of world affairs allows for limited optimism, as a veteran noted, it’s always darkest before the dawn.

Upcoming Meetings

CFS 50: The plenary of 50th session of the Committee on World Food Security (CFS) will feature a full-day ministerial segment on coordinating policy responses to the global food crisis – the State of Food Security and Nutrition in the World 2022; endorse newly agreed policy recommendations on promoting youth engagement and employment in agriculture and food systems for food security and nutrition; and focus on boosting responsible investment in sustainable agriculture and food systems through a global thematic event on the CFS Principles for Responsible Investment in Agriculture and Food Systems. **dates:** 10-13 October 2022 **location:** Rome, Italy **www:** fao.org/cfs/plenary/cfs50/en/

UPOV Council 56: The 56th Council of UPOV is expected to address legislative, administrative, and technical matters. **date:** 28 October 2022 **location:** Geneva, Switzerland **www:** upov.int/meetings/en/details.jsp?meeting_id=67788

UN Climate Change Conference: The 27th session of the Conference of the Parties (COP-27) to the UN Framework Convention on Climate Change, the 17th meeting of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol (CMP 17), and the fourth meeting of the Conference of the Parties serving as the Meeting of the Parties to the Paris Agreement (CMA 4) will begin work on the Global Stocktake, among other matters. **dates:** 6-18 November 2022 **location:** Sharm El-Sheikh, Egypt **www:** unfccc.int/cop27

FAO Council: The 171st regular session of the Council will meet to address the world food and agriculture situation and related matters, current and prospective activities of the FAO, including its programme of work and budget, administrative matters, and financial management. **dates:** 5-9 December 2022 **location:** Rome, Italy **www:** fao.org/about/meetings/council/cl171/documents/en/

UN Biodiversity Conference (CBD COP 15): This meeting includes the 15th meeting of the COP to the CBD, the 10th meeting of the COP serving as the Meeting of the Parties to the Cartagena Protocol on Biosafety, and the 4th meeting of the COP serving as the Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing. The meetings will be preceded by the fifth meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework from 3-5 December 2022. The meetings are scheduled to take place to review the achievement and delivery of the CBD's Strategic Plan for Biodiversity 2011-2020. It is also expected to take a final decision on the post-2020 global biodiversity framework, as well as decisions on related topics, including capacity building and resource mobilization. **dates:** 7-19 December 2022 **location:** Montreal, Canada **www:** cbd.int/conferences/2021-2022

Global Symposium on Farmers Rights: This Symposium is tentatively scheduled for the first half of 2023, hosted by the Government of India. **dates:** TBC 2023 **location:** TBC **www:** fao.org/plant-treaty

UN High-level Political Forum on Sustainable Development: The 2023 session of the HLPF under the auspices of Economic and Social Council will take place on the theme “Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels.” It will include in-depth review of SDGs 6 (clean water and sanitation), 7 (affordable and clean energy), 9 (industry, innovation and infrastructure), 11 (sustainable cities and

communities), and 17 (partnership for the Goals). **dates:** 10-19 July 2023 **location:** UN Headquarters, New York, US **www:** hlpf.un.org/2023

SDG Summit: The SDG Summit is the quadrennial meeting of the HLPF under the auspices of the UNGA. The 2023 Summit will be the second since the Goals' adoption, and take place at the midpoint of implementation of the 2030 Agenda. Leaders are expected to comprehensively review progress in the implementation of the 2030 Agenda and the SDGs, provide political guidance for the way forward, and consider new science-based solutions for accelerating the full implementation of the SDGs in the remaining years towards 2030. **dates:** September 2023 **location:** UN Headquarters, New York, US **www:** hlpf.un.org/

10th Session of the ITPGRFA GB: The 10th session of the GB is scheduled to take place in the second half of 2023. **dates:** 20-25 November 2023 [tentative] **location:** TBC **www:** fao.org/plant-treaty

For additional upcoming events, see sdg.iisd.org/

Glossary

ABS	Access and Benefit-sharing
BSF	Benefit-sharing Fund
CBD	Convention on Biological Diversity
CGRFA	Commission on Genetic Resources for Food and Agriculture
DOIs	Digital Object Identifiers
DSI	Digital Sequence Information
ERG	European Regional Group
FAO	Food and Agriculture Organization of the UN
GB	Governing Body
GBF	Post-2020 global biodiversity framework
GLIS	Global Information System
GRULAC	Latin American and Caribbean Group
GSD	Genetic Sequence Data
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
MLS	Multilateral System
MYPOW	Multi-Year Programme of Work
PGRFA	Plant Genetic Resources for Food and Agriculture
SDGs	Sustainable Development Goals
SMTA	Standard Material Transfer Agreement
ToR	Terms of Reference
UPOV	International Union for the Protection of New Varieties of Plants