

## ITPGR GB-2 HIGHLIGHTS:

### WEDNESDAY, 31 OCTOBER 2007

On Wednesday, the Governing Body met in plenary to consider compliance, implementation of the funding strategy, sustainable use and farmers' rights. The budget committee met in the evening.

#### PLENARY

**CREDENTIALS:** Credentials Committee Chair Lamis Chalak (Lebanon) reported that 60 delegates from contracting parties had submitted valid credentials to date.

**COMPLIANCE:** ITPGR GB-2 Chair Godfrey Mwila (Zambia) proposed establishing a compliance contact group. Cautioning against a proliferation of contact groups, Ecuador, on behalf of the LATIN AMERICA AND THE CARIBBEAN GROUP (GRULAC), preferred discussing the item in plenary, and later deciding if a contact group would be necessary. Portugal, for the EU, and Canada, for the NORTH AMERICAN GROUP, supported forming a contact group, noting that detailed text would need consideration.

Stressing that mobilizing resources for Treaty implementation should be the first priority, GRULAC, IRAN, YEMEN, and Angola, for AFRICA, advocated dealing with the funding strategy before considering issues of compliance, with GRULAC noting that developing country compliance depends on capacity building and the provision of financial resources by developed countries. The EU and the NORTH AMERICAN GROUP stressed the importance of adopting an effective compliance mechanism at this session, with the EU highlighting its preference for: a small compliance committee composed of technical and legal experts serving in their personal capacity; a mechanism entitling parties to raise compliance issues with respect to themselves and other parties; recommendation of cooperative measures to promote compliance and address cases of non-compliance; and integrated monitoring of Treaty implementation to enhance the work of the compliance committee.

Following informal consultations, delegates agreed to consider the funding strategy in the morning and resume discussion on compliance in the afternoon.

In the afternoon, Ecuador, for G-77/CHINA, stated that developing countries have already agreed to many Treaty commitments, including establishing a compliance committee, and now the Governing Body must give due consideration to developing countries' priorities, namely financial resources. GRULAC and the NEAR EAST REGION reaffirmed their unwillingness to discuss compliance prior to discussing the funding strategy. CANADA urged parties to make progress

on compliance, and the EU suggested working on both issues simultaneously. GRULAC agreed to convene a group to discuss the terms of reference of an intersessional group on compliance, but opposed substantive discussions on compliance at this meeting. Discussion on compliance was then postponed pending informal consultations.

**FUNDING STRATEGY:** ITPGR Secretary Shakeel Bhatti presented the document on the implementation of the funding strategy (IT/GB-2/07/08), and outlined a list of possible actions and practical activities, which received general support from many delegations.

CANADA underscored: acquiring the assistance of a professional fundraiser; holding discussions with the food processing industry by targeting industry associations; and adopting action plans on a regional or national basis. The EU emphasized using a strategic plan and, with ECUADOR, operationalizing the listed activities. ECUADOR queried the use of a professional fundraiser and the benefits this would produce. BRAZIL and KENYA proposed analyzing the costs and benefits. URUGUAY suggested that developed country parties raise funds in their own countries before a professional fundraiser is hired. BRAZIL also supported elaborating a strategy on resource mobilization and stressed the obligation of parties to provide financial resources. SYRIA said the fundraising process should be ongoing and linked to the Treaty's operational strategy. CUBA said that even if funds for the strategy were mobilized they would be insufficient for all needs related to plant genetic resources for food and agriculture (PGRFA), and expressed concern regarding a reference stating that disbursement of funds is subject to their availability. While supporting proposals to develop a strategic plan promptly and to use an *ad hoc* committee to this end, AFRICA called for clear signals that parties are willing to fulfill their obligations. MADAGASCAR added that information exchange is critical to the operationalization of the funding strategy.

The EU said their willingness to develop a funding strategy signals a commitment to mobilize resources, and drew attention to the possibility of using a *pro bono* fundraiser and to the various resources already available for PGRFA conservation, albeit outside the control of the Governing Body. Australia, for the SOUTHWEST PACIFIC, stated that the priority should be to mobilize funds.

Regarding hiring a professional fundraiser, the Secretariat explained that the idea resulted from a party's request to explore how some institutions had successfully mobilized resources in their early stages of work, and offered to solicit cost estimates, if required.

PRACTICAL ACTION proposed compiling and publishing information on parties' financial contributions. CENESTA, an Iranian NGO working with small farmers and pastoralists, raised concerns about a systematic underfunding of international conventions and treaties seeking to support farmers' rights.

Chair Mwila proposed establishing a contact group to further elaborate the funding strategy. Discussion was postponed pending informal consultations.

**SUSTAINABLE USE:** Secretary Bhatti introduced the report on progress in the implementation of Article 6 (Sustainable use of genetic resources) (IT/BG-2/07/15) and called for guidance on the proposal to take a staged approach to implementation. Many delegations lamented the small number of submissions by parties. GRULAC said the funding strategy is a fundamental tool for the expansion of research and development for the achievement of sustainable use. The EU recalled the primary role of parties in fulfilling Article 6, and called for more submissions towards the preparation of the next State of the World report on PGRFA. BRAZIL, MALAYSIA and SWITZERLAND called for guidelines on the policy and legal measures needed to achieve the objectives of Article 6. SYRIA emphasized the need for technology transfer. AFRICA said capacity building requires national and Treaty resources. MALAYSIA and AFRICA called for a more comprehensive report on Article 6 implementation for GB-3 consideration.

BIOVERSITY INTERNATIONAL presented the document on the contribution from the System-wide Genetic Resources Programme of the Consultative Group on International Agricultural Research (CGIAR) with regard to Article 6 implementation (IT/GB-2/07/Inf.8), noting the need for an interpretative framework identifying the main elements of sustainable use. SWITZERLAND endorsed the matrix proposed for reporting by the CGIAR centers (IT/GB-2/07/Inf.8, Annex 2). The INTERNATIONAL FEDERATION OF ORGANIC AGRICULTURE MOVEMENTS pointed to the obstacles that national seed laws pose to organic farmers trying to grow locally adapted seeds and crops, and called for a paradigm shift towards participatory plant breeding. The COMMUNITY BIODIVERSITY DEVELOPMENT AND CONSERVATION NETWORK described farmers' experiences with plant breeding and called for guaranteeing farmers' rights over their seeds. The INTERNATIONAL SEED FEDERATION said the number of new collections brought within the Multilateral System (MLS) will indicate the success of the Treaty.

**FARMERS' RIGHTS:** Secretary Bhatti introduced an information document on farmers' rights (IP/GB-2/07/Inf.6). NORWAY presented an input paper on the realization of farmers' rights (IP/GB-2/07/Circ.1), explaining that it contains proposals made during informal international consultations held in Zambia in September 2007, including on: sharing experiences in national implementation; developing international guidelines for implementing farmers' rights; and establishing an *ad hoc* working group to develop these guidelines.

The NORTH AMERICAN GROUP, the EU and the SOUTHWEST PACIFIC supported sharing of experiences but opposed developing international guidelines, noting that implementing farmers' rights is a national responsibility. GRULAC said international cooperation is a basic requirement for implementing farmers' rights in accordance with national legislation.

Angola, for the G-77/CHINA, presented a draft resolution requesting the Secretary to compile parties' views and experiences on implementation of farmers' rights for GB-3 consideration, and encouraging parties to involve farmer organizations in the preparation of their reports. The SOUTHWEST PACIFIC raised concerns about using the Secretariat's limited resources on implementing farmers' rights, which she said is not a core function of the Treaty. BRAZIL said all countries must ensure the balanced co-existence of formal

and informal seed systems and that the Governing Body may consider ways to support national implementation. The EU requested time for further consideration.

The COMMUNITY BIODIVERSITY CONSERVATION AND DEVELOPMENT NETWORK expressed concern that the Treaty does not support concrete measures to recognize and protect farmers' rights. He said that the Treaty facilitates access for users, but fails to provide policy and legal support for farmers to continue traditional practices that are essential for the conservation and sustainable use of PGRFA.

A representative of farmer organizations recalled that farmers contribute to conservation and sustainable use, but currently receive no financial support through the Treaty. He asserted that the Treaty should be suspended as long as it does not provide for adequate recognition of the role of farmers and protection of their rights to reproduce and exchange seeds, since a Treaty that only facilitates access promotes biopiracy.

The ETC GROUP noted that only a small number of governments are blocking progress towards adequately funding Treaty implementation, and that government inaction has jeopardized the efforts of those who have contributed to the Trust, the CGIAR centers' numerous transfers of germplasm, and Norway's efforts in establishing the Svalbard Global Seed Vault. The ASIA PACIFIC INDIGENOUS YOUTH NETWORK drew attention to the UN Declaration on the Rights of Indigenous Peoples, and urged for the Treaty not to become a tool for further exploitation of indigenous peoples. PRACTICAL ACTION welcomed the G-77/China proposal for the Secretary to compile views and experiences on implementing farmers' rights.

#### BUDGET COMMITTEE

In the evening, the budget committee resumed its consideration of the work programme and budget. Some delegations stated that the proposed budget of US\$4.9 million constitutes the bare minimum required to operationalize the Treaty, thus nothing less should be requested. However a few developed countries noted that key project activities such as capacity building may be eligible for funding through overseas development assistance or the Trust fund, and that placing such activities within the core administrative budget instead could make them less likely to receive funding.

Delegations also sought further clarification on the process and rationale used to arrive at particular budget lines, both activity and staffing, with some stressing the need to use a strategic plan. Other questions concerned policy, specifically the value and operation of the standard Material Transfer Agreement, and technical questions on the development of an information toolkit. Others focused on the activities that should receive priority. The Secretariat highlighted: its consultative processes with the CGIAR centers and the private sector in decisions on the MLS; the FAO's *pro bono* contribution to bridge the resource gap needed to meet Treaty obligations for GB-2; technology use to minimize transaction costs for parties, users and the Secretariat; and the use of consultants to cover short-term staffing gaps.

Discussion continued into the evening.

#### IN THE CORRIDORS

Several delegates could feel the frustration seeping into the debates on compliance and the funding strategy, as sparring over procedural points occupied much of Wednesday's plenary session. The most pessimistic participants foresaw the entire meeting grinding to an unproductive end on Friday, noting that a continued donor-recipient divide over which issue to discuss first would result in progress in neither.

On the other hand, the late afternoon discussion on farmers' rights garnered a more positive reaction, and a few optimists hoped that finalizing a resolution on that issue might jog delegates out of their trenches and back into "consensus mode" on the meeting's tougher topics.