



## ITPGRFA GB 6 HIGHLIGHTS: WEDNESDAY, 7 OCTOBER 2015

A morning plenary considered: cooperation with the Commission on Genetic Resources for Food and Agriculture (CGRFA), the CBD and other organizations; issues related to the autonomy of the Treaty within the FAO framework; and the draft multi-year programme of work (MYPOW). A contact group on cooperation with the Global Crop Diversity Trust (Trust) met at lunchtime and in the evening. The contact group on enhancing the Multilateral System (MLS) and on the Funding Strategy met in the afternoon and evening. The contact group on farmers' rights and sustainable use met in the afternoon. An evening plenary addressed compliance, cooperation with other bodies and organizations, and issues related to the autonomy of the Treaty. The budget committee met in the evening.

### PLENARY

**COOPERATION WITH THE CGRFA:** Treaty Secretary Shakeel Bhatti introduced the item (IT/GB-6/15/18) and CGRFA Officer in Charge Dan Leskien presented CGRFA's report and information on the financial and administrative implications of a transfer of activities from the CGRFA to the Treaty (IT/GB-6/15/Inf.8 and Inf.9).

All delegates supported increased cooperation to enhance complementarity.

BRAZIL opposed the transfer of activities, citing difference in constituencies and the Treaty's shortfall of resources, and suggested there is no need to keep the item under review. The ERG, ETHIOPIA, KENYA, CANADA, AUSTRALIA, ECUADOR and the PHILIPPINES noted late circulation of the information on implications and supported considering the issue at GB 7. Delegates agreed to the draft resolution without amendments.

### COOPERATION WITH OTHER ORGANIZATIONS:

The Secretariat introduced relevant documents (IT/GB-6/15/20, 21, Inf.11 and Inf.12).

The CGIAR outlined the work of the Consortium contributing to implementing the Treaty and its MLS, highlighting: the transfer of 2.3 million samples to recipients around the world since 2007; and cooperation on training, technology transfer and capacity building, including on crop improvement in developing countries, and joint resource mobilization. GFAR reported on activities on sustainable use, farmers' rights, and technology co-development and transfer, noting national awareness raising and a joint roadmap with the Treaty for the next biennium. WIPO outlined the work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional

Knowledge and Folklore (IGC), and information tools; and took note of the proposed exercise to identify possible areas of interrelation among WIPO, UPOV and the Treaty. The SOUTHERN AFRICAN DEVELOPMENT COMMUNITY highlighted work on policy and legislation, and strengthening human capacity, including in PGRFA collection and identification.

GUATEMALA drew attention to capacity-building activities with Bioversity International on Treaty implementation in Mesoamerica. The DEMOCRATIC REPUBLIC OF THE CONGO called for enhanced cooperation with standard-setting bodies such as the International Plant Protection Convention.

AFRICA requested that the CGIAR report detail information on transfers of non-Annex I materials under the SMTA, including whether prior informed consent was obtained from suppliers. KENYA asked to assess existing capacity before strengthening CGIAR genebanks.

The NEAR EAST called for strengthening collaboration with regional organizations to improve access to MLS materials in the region. The ERG and GRULAC suggested welcoming the adoption of the 2030 Sustainable Development Agenda and Sustainable Development Goals, in particular targets 2.5 (genetic resources for food and agriculture) and 15.6 (benefit-sharing).

CIVIL SOCIETY said a proposed joint study with WIPO and UPOV should focus on the impacts of IPRs and plant variety protection on farmers' rights. A revised draft resolution will be prepared.

**AUTONOMY OF THE TREATY WITHIN FAO:** The Secretariat introduced the report (IT/GB-6/15/23). The ERG supported delegating to the GB 7 Chair to follow up and discuss with the FAO Director General on any relevant issues aimed at improving and implementing the functional and operational autonomy of the Treaty. In the evening, plenary agreed to insert this language in the meeting's report.

**MYLTI-YEAR PROGRAMME OF WORK:** The Secretariat introduced the relevant document (IT/GB-6/15/22), including general principles and a draft MYPOW for the 2016-2025 period.

The ERG called for a simplified and focused MYPOW, including outputs, indicators, milestones, a timetable, the MLS as a cornerstone and, if possible, financial resources, and asked for redrafting the document for adoption at GB 7. CANADA said that the draft MYPOW is adequately simple and its structure acceptable. He pointed out, supported by AUSTRALIA, that the theme for GB 9 (supporting the custodians of food crops) should expand to cover all farmers.



BRAZIL tabled its disagreement with many elements of the document, both substantive and procedural. She stressed they do not favour delegating to the Bureau the elaboration of a detailed implementation plan; and, with ETHIOPIA and IRAN, called for further discussions. A contact group was established.

**GLOBAL INFORMATION SYSTEM:** Delegates agreed to the draft resolution, as revised by the contact group, without amendments.

**RELATIONSHIP WITH THE CBD:** Delegates agreed to the revised draft resolution with two changes requested by Canada: that future GB sessions will prepare elements of guidance to the GEF for consideration by the CBD COP, rather than by the GEF directly; and that the GB draws parties' attention to ongoing work on developing a global multilateral benefit-sharing mechanism under the Nagoya Protocol, rather than urging Treaty parties to engage in such work.

**COMPLIANCE:** Plenary confirmed regions' nominations for the Compliance Committee. The ERG suggested, and delegates agreed, to amend the paragraph on the Online Reporting System to request the Secretariat to complete its work by the end of 2015 to place the Standard Reporting Format online and, subject to available resources, to support parties in fulfilling their reporting commitments.

**COOPERATION WITH OTHER BODIES:** Delegates addressed a draft resolution and agreed on language on: taking note of the adoption of the 2030 Sustainable Development Agenda, in particular targets 2.5 and 15.6; requesting institutions that have signed agreements with the GB under Article 15 (*ex situ* collections held by the CGIAR and other institutions) to report on their transfer of non-Annex I material under the SMTA; resolving to conduct a review of this use of SMTA at GB 7; inviting these institutions to continue engaging in non-monetary benefit-sharing; and inviting the WIPO IGC to complete its work to prepare an international legal instrument or instruments.

#### **CONTACT GROUP ON ENHANCING THE MLS AND ON THE FUNDING STRATEGY**

**MLS:** Delegates decided that the Working Group on Enhancing the MLS should: prepare a fully revised SMTA draft, especially on a subscription system, or, if considered necessary, a complete proposal for an appropriate legal instrument; elaborate options to expand MLS coverage; invite inputs or reports from stakeholders; and liaise with the *Ad hoc* Advisory Committee on the Funding Strategy, including on the link between increased user-based payments and exploration of proposals to develop a mechanism of contributions by parties.

Delegates debated whether stakeholder consultations should cover the subscription system only, or all options for access that may be included in the revised SMTA, eventually agreeing that they should cover all "proposed changes" to the SMTA.

Delegates debated at length whether a provision regarding genetic information should refer to "access and benefit-sharing," "benefit-sharing," or the "use" of such information, with some user countries initially preferring to delete the reference. Delegates eventually agreed to "consider the inclusion of provisions on the use of genetic information associated with materials under the MLS."

A long discussion took place on whether to undertake or again postpone the reviews foreseen under Article 11(4) (assessment of progress in including relevant PGRFA in the MLS). No consensus was reached and a small group was formed for further deliberation.

**FUNDING STRATEGY:** Delegates agreed to: assess the results achieved by the Funding Strategy and the Strategic Plan; and develop a funding target, taking into account the results of these assessments, as well as the scenario analysis to be

developed by the MLS Working Group and the funding target used by the Trust. After discussion, delegates rejected a proposal to qualify the funding target as "meaningful and realistic." Discussions continued in the evening.

#### **CONTACT GROUP ON SUSTAINABLE USE AND FARMERS' RIGHTS**

**SUSTAINABLE USE:** Delegates first addressed a draft resolution on sustainable use, including ToRs for the *Ad hoc* Technical Committee on Sustainable Use (ACSU) and a revised work programme. Delegates introduced contributions by parties not reflected in the draft, including on the composition of ACSU to ensure diversity of expertise, and on the renewal of its mandate at GB 7.

On the draft resolution, they agreed on language on: promoting access for all farmers, including smallholders, farmer organizations, indigenous peoples and local communities to PGRFA in the MLS; requesting the Secretariat to integrate sustainable use into the next BSF project cycle; convening regional meetings on PGRFA characterization and sustainable use, including the assessment of needs of local farmers and other local stakeholders; and collaborating with relevant initiatives, in particular under the CBD, on interactions between genetic resources, community and farmer-led sustainable use activities and protected area systems.

On the components and expected results of the revised work programme, delegates agreed on language on: possible implementing partners; the Secretariat monitoring technical and policy developments on PGRFA sustainable use and reporting to the GB; publication of the Toolbox and a first design of an online portal or webpage; and active outreach through workshops, publications and other appropriate means, for awareness raising on the value of crop wild relatives.

Pending issues include the ToRs for the ACSU and paragraphs related to farmers' rights.

**FARMERS' RIGHTS:** The group concluded the first reading of a draft resolution on implementation of Article 9, and inserted parties' proposals not reflected in the draft, including on: alternative language on a study on best practices, policies and legislation as options for national implementation or a compilation of national experiences; developing voluntary guidelines on implementation; organizing a joint symposium and side-events on the interrelations between the Treaty, UPOV and WIPO; and formalizing civil society participation based on the FAO Strategy on Partnerships with Civil Society Organizations.

#### **IN THE CORRIDORS**

The pace of work increased by mid-week, with several contact group sessions held during the day and parallel negotiations on the meeting's core items. "At least the smoke started to clear," one delegate noted rushing to Wednesday's evening plenary, indicating that work on less controversial items has been finalized, a number of agreed resolutions have been sent for translation, and work can focus on the remaining items. Some participants of the contact group on farmers' rights were less optimistic, pointing to the long list of interlinked issues to be resolved and the slow progress of deliberations.

Relieved that the contact group on enhancing the MLS neared completion of its work before the evening plenary, delegates nonetheless worried that the prolonged discussions at GB 6 foreshadow difficult tasks to come. While some pondered how to ensure that the "dematerialization of genetic resources does not lead to the dematerialization of benefit-sharing," others detected familiar divisions between those who focus on improving access and those prioritizing the enhancement of benefit-sharing, noting that it may take a while for consensus to materialize.