

## Summary of the Eighth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture: 11-16 November 2019

The eighth session of the Governing Body (GB 8) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) met to address a range of policy, implementation, cooperation, and administrative matters of relevance to the Treaty and its Multilateral System (MLS) of access and benefit-sharing (ABS). The main item under discussion concerned a package of measures to enhance the functioning of the MLS, which has been under negotiation for six years and would have resulted in revising the coverage of the MLS and the Standard Material Transfer Agreement (SMTA) used for exchanges of genetic resources in the MLS. Delegates, however, could not reach consensus on such measures, nor on continuing intersessional work on this issue.

GB 8 adopted a series of other resolutions, including on farmers' rights, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), and the Funding Strategy. Still, as many noted with frustration, failure to enhance the MLS indicated it is time for sober contemplation on the future of the Treaty.

GB 8 was held from 11-16 November 2019 at the headquarters of the Food and Agriculture Organization of the UN (FAO) in Rome, Italy. A special event on the 15th Anniversary of the Treaty's entry into force took place on 9 November. Approximately 600 participants attended the meeting, representing governments, international organizations, international agricultural research centers, farmers' organizations, civil society, and the private sector.

### A Brief History of the Treaty

Concluded under the auspices of the FAO, 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 Convention on Biological Diversity (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 146 parties.

### Key Turning Points

**GB 1:** The first session of the Treaty's GB (June 2006, Madrid, Spain) adopted the 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;

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- a resolution establishing a Compliance Committee;
- the relationship agreement with the Global Crop Diversity 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, *inter alia*, 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 3:** The third session of the GB (June 2009, Tunis, Tunisia) agreed to: a set of outcomes for implementation of the Funding Strategy, including a financial target of USD 116 million for the period July 2009 - December 2014; a resolution on the implementation of the MLS, including setting up an intersessional advisory committee on implementation issues; procedures for the Third Party Beneficiary; and a resolution on farmers' rights.

**GB 4:** The fourth session of the GB (March 2011, Bali, Indonesia) adopted procedures and mechanisms on compliance, and reached consensus on the long-standing item of the financial rules of the GB. It also adopted resolutions on farmers' rights, sustainable use, and implementation of the Funding Strategy.

**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), also addressed as genetic sequence data, 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 for 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 genetic sequence data and rates for benefit-sharing payments remaining as the main outstanding issues, and 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 genetic sequence data, and the review of the enhanced MLS, but consensus was elusive. Deep principled divergences remained, in particular regarding benefit-sharing payments from use of genetic sequence data.

### GB 8 Report

GB 8 Chair Christine Dawson (US) opened the session, inviting participants to observe a moment of silence for Armistice/Remembrance Day, including for those who "still suffer from conflict, oppression, and hunger."

FAO Deputy Director-General Maria Helena Semedo welcomed recent ratifications by Georgia and Mongolia and highlighted the need to: expand and optimize genetic diversity; build capacity; strengthen agricultural and development policies; and advocate the Treaty's work in the international biodiversity-related policy arena.

Narendra Singh Tomar, Minister of Agriculture and Farmers' Welfare, India, called for an "operational, pragmatic, future-ready, and flexible" benefit-sharing framework, taking into account DSI, also referred to as genetic sequence data, and bridging the divide between the global North and South.

Teresa Bellanova, Minister of Agricultural, Food and Forestry Policies, Italy, reiterated Italy's commitment to a hunger-free world, and to benefit-sharing with a focus on diversification, smallholder farmers, and women as custodians of plant genetic resources.

Marie Haga, Executive Director, Global Crop Diversity Trust, stressed that the importance of the Treaty has never been greater, given the threats to food security and that no country is self-sufficient in crop diversity.

Michael Keller, International Seed Federation, pointed to industry's contribution to plant breeding and Treaty deliberations, adding that broad use is the best way to maintain genetic diversity. François Burgaud, French Interprofessional Organization for Seeds and Plants, drew attention to their annual financial contribution to the BSF, and their close collaboration with farmers.

Evalyne Adhiambo Okoth, farmers' representative, reported on a BSF-supported project in western Kenya that aims to conserve, share, and use open-source seed varieties, respect local farmers' rights, and build resilience to climate change.

Robert Watson, former Chair of both the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change

(IPCC), outlined statistics illustrating that all fundamental global ecosystem services are in decline, and one million species are at risk of extinction. Emphasizing the crucial importance of biodiversity for the resilience of agricultural systems, he highlighted the need for: rapid transformation of our systems; cross-sectoral management at all levels; agro-ecological practices; and inclusive governance structures to address the current lack of trust.

Irene Hoffmann, CGRFA Secretary, highlighted the report on the State of the World's Biodiversity for Food and Agriculture, and invited parties to provide policy responses to its findings. She stressed the relationship between biodiversity and food systems, saying biodiversity is integral to ecosystem health and resilience of food production, and that the way we grow food has major implications for ecosystems and biodiversity.

Kent Nnadozie, ITPGRFA Secretary, said the Treaty is well-positioned to contribute to addressing major global challenges, such as hunger and climate change, and encouraged parties to keep in mind mutually beneficial compromises.

FAO Assistant Director-General René Castro-Salazar underscored the need to work together to address issues related to biodiversity loss and its drivers; *in situ* and *ex situ* conservation under new challenges such as climate change; and DSI and dematerialized production.

**Organizational Matters:** Delegates adopted the agenda, timetable, and list of observers (IT/GB-8/19/1, 1.2 Rev. 1, and 1.3), without amendments.

On Monday, the Secretariat introduced documents on the work programme and budget for the next biennium (IT/GB-8/19/17, 17 Add.1, and 17.2). Plenary established a credentials committee and a budget committee, and elected Fadila Al Salameen (Kuwait) as Rapporteur.

**Regional Statements:** Canada, for North America, expressed hope that common ground can be achieved regarding enhancement of the MLS.

Rwanda, for Africa, stressed that GB 8 comes at a critical point for the Treaty's implementation, emphasizing the need to address DSI, and adding that expansion of the MLS depends on effective operationalization of benefit-sharing.

Japan, for Asia, noted the need for all delegations to fully understand complex issues, especially regarding the MLS enhancement and the new funding strategy.

Lebanon, for the Near East, stressed that an enhanced MLS should prioritize a subscription system, include increased payment rates to meet expectations regarding benefit-sharing, and integrate DSI.

Australia, for Southwest Pacific, underscored the role of crop biodiversity for supporting livelihoods and building resilience in the region, highlighting the role of the Centre for Pacific Crops and Trees.

Pointing to intertwined and complex challenges, Brazil, for the Latin American and Caribbean Group (GRULAC), called for an increased and predictable flow of resources to the MLS, including through a subscription system. He requested due consideration of DSI and warned that ignoring the issue may jeopardize the Treaty's future. Malta, for the European Regional Group (ERG), recognized the importance of an enhanced MLS to address future challenges.

The CGIAR Consortium celebrated the 60,000 successful SMTAs under the MLS to date, and expressed support for a subscription-based MLS that addresses DSI.

The International Planning Committee for Food Sovereignty (IPC) highlighted that DSI and gene drives are the "two elephants in the room." Civil Society emphasized that not addressing DSI would be a major loophole in any benefit-sharing system.

**Reports:** GB 8 took note of the Chair's report (IT/GB-8/19/5) and the Secretary's report (IT/GB-8/19/6). Secretary Nnadozie pointed out the depletion of funds to support participation of developing countries and encouraged voluntary contributions. He drew attention to the draft framework for a capacity development strategy for the Treaty (IT/GB-8/19/6.2), highlighting its holistic approach.

### ***Enhancement of the Functioning of the Multilateral System***

This agenda item was discussed in plenary throughout the week and in a closed informal group, co-chaired by Kathryn Youel Page (US) and Renata Negrelly Nogueira (Brazil), which met multiple times starting on Wednesday evening.

On Monday, Hans Hoogeveen (Netherlands), Co-Chair of the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the MLS, noted that, despite significant earlier progress, the latest Working Group meeting could not bridge developed and developing country positions on DSI. He expressed hope that DSI will be resolved this week, potentially through discussions on the Multi-Year Programme of Work (MYPOW). He suggested suspending discussions on enhancing the MLS until the issue of DSI is resolved. Working Group Co-Chair Javad Mozafari (Iran) noted that, despite major challenges, the Working Group made progress on a subscription-based system, different levels of payment rates, and possibilities for expanding Annex I.

Chair Dawson proposed suspending plenary to allow for informal and regional consultations on possible ways forward. Australia, the US, Switzerland, and Finland supported the proposal to suspend plenary discussions. Africa and the Near East expressed readiness to engage on DSI, and Africa underlined that a compromise is within reach if political will exists. Some delegates suggested establishing a working group or contact group to maintain momentum. Japan supported taking stock of the current functioning of the MLS, with a view to understanding its limitations.

On Tuesday, delegates exchanged views on the report of the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the MLS (IT/GB-8/19/8.2 Rev.1). Africa suggested prioritizing the subscription system for access, and stressed, with the Near East, the Philippines, Uruguay, India, the IPC, and many developing countries, that DSI should be included in the revised SMTA. Zambia warned against ignoring the potential impact of DSI on the functioning of the MLS. Egypt and others stressed that countries have sovereign rights over genetic material and associated DSI.

Africa, the Near East, and the Philippines emphasized that they are open to negotiating the expansion of Annex I (list of crops in the MLS), as long as monetary benefits flow into and through the BSF. Africa underscored exclusion of *in situ* PGRFA from the expanded list and, with the Philippines, the possibility for parties to register reservations on a limited number of crops.

Noting that not all parties were present at the Working Group's deliberations, Ecuador, with Uruguay, Cuba, and Guatemala, opposed expanding Annex I, underscoring the need for benefit-sharing. Ecuador requested exploring why the private sector has not placed PGRFA in the MLS.

The ERG noted willingness to continue negotiations. Asia encouraged delegates to continue discussions to design a system that does not impede science, but allows for funding flows into the BSF. The Philippines, with many, supported a subscription system that covers all PGRFA in the MLS, excluding family farmers, indigenous peoples, and public plant breeding institutions from payment obligations, and including higher payment rates for users from non-parties.



Canada supported sharing of information including DSI, and capacity building for its use. He said the SMTA focuses on material, not information; and supported adopting a revised SMTA, including single access and a subscription system.

Norway drew attention to the country's annual contribution to the BSF corresponding to 0.1% of annual seed sales and, with the CGIAR Consortium, noted that the Treaty provisions on benefit-sharing from commercialization could apply to both material and information arising from such material. Norway further expressed support for a subscription system in the revised SMTA. Switzerland called for balancing the single access and subscription systems to make subscription preferable.

France emphasized the need to maintain the multilateral character of the system, staying faithful to the Treaty's text. He stressed that there can be no revision of the SMTA if Annex I is not extended, underscoring the need to maintain the possibility for single access and to reflect on the implications of addressing DSI. Warning against overregulation, Brazil pointed to broad support for mandatory benefit-sharing payments, expanding Annex I, and addressing DSI.

Australia expressed concerns about the proposed inclusion of DSI. Finland opposed any reference to DSI that would preempt decisions in other fora. She indicated readiness to discuss capacity building and technology transfer regarding DSI. Japan suggested undertaking studies on enhancing the MLS, and identified Annex I expansion, DSI, and benefit-sharing rates as core issues. Africa noted that failing to address DSI undermines the Treaty's founding principles, and proposed creating a DSI database under the MLS. Chile and Argentina emphasized that by definition genetic resources include genetic information. Malaysia proposed an overview of relevant national policies and legislation.

The IPC and Via Campesina cautioned that not addressing DSI may lead to privatization through patents of farmers' material in the MLS and subsequent prohibition of use. They stressed that the GB must recognize it has no effective means to enforce compliance, and proposed taxation systems focusing on the seed industry. The African Union said developing countries would not accept making PGRFA openly available via digital sequencing in exchange for a small segment of the seed sector's benefits. Civil Society denounced the injustices resulting from the Treaty's inability to address DSI. The International Seed Federation (ISF) called for extension of Annex I, a workable subscription system, and reasonable user payments.

Costa Rica and Argentina supported extending the mandate of the Working Group. Chair Dawson encouraged parties to continue informal consultations, noting that the Bureau would discuss the way forward.

On Wednesday morning, Brazil, for the Group of 77 (G-77), called for urgently addressing the item in a contact group or similar setting with interpretation. Later in the day, Chair Dawson reported that there was no consensus in the Bureau to establish a contact group on the item and invited delegates to continue consulting informally. Towards the end of the afternoon plenary, she proposed convening a closed group, composed of two party representatives per region and no observers.

A discussion ensued focusing on participation in the group, with many developing countries pointing to the importance of the SMTA and the need for transparency. Australia and Argentina supported the format of a small group, and Africa, the Near East, Ecuador, Indonesia, the Philippines, and Cuba requested broader representation per region. Africa, supported by many, suggested four members from each region. Chair Dawson proposed allowing two party representatives, plus two non-speaking party representatives per region. The ERG, the European Union (EU), and Canada supported this proposal. The Near East, Zambia, Ethiopia, Mauritania, Burkina Faso, and Rwanda urged to

allow all four regional representatives to speak. Chair Dawson eventually established a small group, comprised of two party representatives and two non-speaking party representatives per region.

On Friday, closed group Co-Chairs Youel Page and Negrelly Nogueira circulated a Co-Chairs' draft of the revised SMTA text.

The IPC, for Civil Society, proposed halting negotiations on the SMTA and instead developing an intersessional process on DSI, arguing the Treaty cannot wait for a decision on DSI under the CBD.

The ISF underscored that the SMTA must: enable all users to access PGRFA in the MLS; be attractive and workable; and provide legal certainty.

On Saturday morning, Chair Dawson presented a Chair's compromise package on enhancing the MLS, including drafts of: a resolution; a revised SMTA; an amendment to expand Annex I of the Treaty; terms of reference for an *Ad Hoc* Advisory Technical Committee on the SMTA and the MLS; and a proposal on consideration of potential implications of the use of DSI/genetic sequence data for the Treaty objectives under the MYPOW.

On Saturday afternoon, developing countries rejected the proposal, noting it lacks balance with regard to fair and equitable benefit-sharing and it does not adequately address genetic sequence data. They also noted it was tabled too late in the meeting, drawing attention to limited time left to review it. Many supported continuing work in the Working Group on enhancing the MLS. Cameroon warned that the future of the Treaty is at stake, and asked to explore all options for a process forward. Zambia suggested that given no progress on benefit-sharing in the Treaty, Africa may explore regulating DSI related to PGRFA within the MLS under national ABS measures. Brazil, supported by many, said the Chair's proposal cannot constitute the basis for further negotiations, stressing that:

- the expansion plan included a trigger mechanism solely related to the amendment of Annex I, with no trigger related to the BSF, while the relevant BSF target was not even discussed; and
- a number of creative solutions, including a growing rate for the subscription system proposed during the closed group proceedings, were not considered because they were opposed by a single country.

Argentina called on countries interested in multilateralism to continue discussions. India, with others, noted that a solution will be unattainable unless the implications of genetic resource digitalization on the objectives of the Treaty are addressed.

Australia, Canada, Finland, the US, Japan, and Switzerland opposed continuation of the *Ad Hoc* Open-ended Working Group on the MLS and called for a pause in deliberations on enhancing the MLS, with Australia suggesting a focus on building mutual understanding on DSI and its implications. Japan encouraged informal discussions between parties.

The ISF suggested regions seek clarity on a workable ABS solution prior to further negotiations.

Civil Society supported a continued process, focused on DSI. The African Union urged evaluating the implications of technological advancements for the Treaty. The CGIAR said the MLS is critical for research and development, stressing the need to continue working on enhancing the system.

Chair Dawson noted plenary's clear indication to not accept her proposal, further noting lack of consensus to continue intersessional work on the issue.

While reviewing the meeting's report, a lengthy discussion ensued on the accuracy of a section reflecting the lack of consensus on measures to enhance the MLS, lack of decision on an intersessional process, and future steps, if any, regarding

informal consultations between parties and the possibility for GB 9 to address this issue. Delegates eventually agreed to: state that GB 8 could not reach consensus; note the need to take stock and assess next steps for further work; and note that the GB had different views on the way forward. The report further notes that some parties wanted GB 9 to consider how to carry out further work on the enhancement of the MLS, noting the need to consider outcomes of relevant debates under the CBD, while other parties indicated they prefer to review the best way forward.

### 15th Anniversary of the Treaty

This item was discussed in plenary on Monday and Friday. On Monday, Secretary Nnadozie highlighted the main achievements since the Treaty's entry into force and elements of a draft resolution (IT/GB-8/19/7). Many supported the draft resolution.

Canada emphasized that the Treaty must catalyze conservation, utilization, and further development of genetic diversity. The ERG underscored the Treaty's unique multilateral approach and its role in the management of agricultural biodiversity, stressing new, innovative partnerships. Asia stressed the responsibility of parties to support the Treaty financially and emphasized that discussions must be based on sound technical footing. Africa highlighted regional projects, including capacity-building efforts, funded by the BSF. Brazil drew attention to information technologies, noting significant capacity gaps to obtain and use such technologies, and underscored benefit-sharing implications. He further suggested, with Argentina, including reference to ITPGRFA Article 18 (financial resources) in the draft resolution.

On Friday morning, Chair Dawson invited parties to continue discussion in an informal group on outstanding minor issues. On Friday evening, the US introduced the results of informal discussions, reporting agreement in the text to encourage parties to enhance integration of PGRFA into national biodiversity strategies and action plans (NBSAPs), taking into account national legislation. It was also agreed to urge parties to mobilize resources to achieve the objectives of the Treaty, rather than urge developed countries to make pledges to the BSF.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem7/L.1), the GB:

- encourages parties to mainstream implementation of the Treaty into national policies, strategies, and programmes, and enhance integration of PGRFA into NBSAPs;
- supports collaboration and continued development of partnerships among parties for effective and equitable management of PGRFA;
- emphasizes the need for increased investments in the conservation, availability, and use of PGRFA that are underutilized or underrepresented in genebank collections and are important to confront malnutrition;
- calls upon parties and partners to take into account Article 18.4 (funding strategy) and commit to implement the updated Funding Strategy; and
- urges parties to mobilize resources to achieve the objectives of the Treaty.

### Multilateral System Implementation

This item was discussed on Monday. The Secretariat introduced relevant documents (IT/GB-8/19/8.1 Rev.1 and 8.1/2).

Japan proposed requesting the Secretariat to examine possible improvements to the report format, such as including resource availability and actual use. The ERG asked to include more detailed information on transfers per country and year, including domestic transfers. GRULAC said reviews should be completed by GB 9. Civil Society called on the Third Party Beneficiary to investigate possible inconsistencies in regard to reporting

requirements under agreements concluded under ITPGRFA Article 15 (*ex situ* collections of PGRFA).

Africa suggested that parties who have not yet made their materials available should no longer have access to the MLS. Indonesia, for the G-77, stressed increasing the coverage of the MLS, clarity on DSI, and sufficient focus on benefit-sharing. North America suggested reviewing the situation of countries that have not placed materials in the MLS and identifying any difficulties they experience.

On Saturday, the US requested removing a request to the Secretariat to provide details regarding the transfers of PGRFA and SMTAs per country and per year, distinguishing between domestic and international transfers, concerned about new reporting requirements. The draft resolution was approved.

During discussion on MYPOW, Cameroon, Ecuador, and Norway requested clarification about the status of the resolution on MLS implementation, particularly regarding a section on reviews and assessments under the MLS. The status was not clarified.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem8.1/L.1) on availability and transfer of material in the MLS, the GB:

- urges parties to continue updating information on availability of material in the MLS, and to identify, at accession level, the material that forms part of the MLS;
- appeals to both parties and natural and legal persons to make collections available in the MLS together with relevant non-confidential characterization and evaluation data;
- invites parties and other holders of material to use, on a voluntary basis, the digital object identifiers (DOIs) of the GLIS; and
- requests the Secretariat to explore why many countries have not placed material in the MLS and invites parties to share difficulties that may be encountered or needs for capacity building for placing material in the MLS or in sharing germplasm with other parties.

On operations of the MLS, the GB requests the Secretariat to:

- maintain the help-desk function and finalize the educational module;
- organize regional training workshops; and
- continue work with the CGIAR Centers to build capacity among a wider range of providers to implement the MLS.

The GB further invites the CGIAR to continue reporting on the application of the CGIAR Principles on the Management of Intellectual Assets to germplasm under the framework of the Treaty, parts thereof, or information generated from the use of this germplasm.

On operation of the Third Party Beneficiary, the GB:

- decides to maintain the Third Party Beneficiary Operational Reserve for the 2020-2021 biennium at the current level of USD 283,280 and calls on others to contribute to the Reserve; and
- authorizes the Secretariat to draw upon the Reserve as may be needed for the implementation of the functions of the Third Party Beneficiary.

### Funding Strategy

This item was addressed in plenary on Tuesday and Saturday, and in an informal group throughout the week starting on Tuesday evening.

On Tuesday, the Secretariat introduced the report on the implementation of the Funding Strategy (IT/GB-8/19/9.1), including a draft resolution. Ecuador proposed requesting developed countries to report on their financial contributions. Noting that some developed countries do not meet their funding obligations, Argentina, with Lebanon, suggested recalling

respective Treaty provisions. North America encouraged continued improvements and support for resource mobilization. The ERG drew attention to the first private sector contribution to the BSF held under an SMTA in June 2018. Japan cautioned against calculations based on market size for setting payment rates. The ISF suggested referencing the non-monetary benefits provided by the private sector. The IPC called for a simple and transparent BSF that eliminates loopholes and is accessible to smallholder farmers.

On Tuesday, Alwin Kopse (Switzerland), Co-Chair of the *Ad Hoc* Advisory Committee on the Funding Strategy and Resource Mobilization, presented a report on the enhancement of the Funding Strategy (IT/GB-8/19/9.2), including proposals on: a resolution; target ranges for the BSF; a new Funding Strategy 2020-2025; an operations manual for the BSF; and terms of reference for a potential standing committee.

Many supported the draft resolution. The ERG welcomed the strategy's programmatic approach. Ecuador and others welcomed collaborating with new funding sources. Some stressed the need to decide on the MLS enhancement before adopting a new Funding Strategy.

The Democratic Republic of the Congo (DRC) called for substantially higher targets for the BSF, while Asia, Canada, and the ERG supported realistic ones. Uruguay pointed to USD 25 million as a reasonable annual target for the BSF.

The ERG supported a target of USD 0.9-1.1 billion per year over a period of ten years for Treaty implementation, with a milestone of 40% to be achieved by 2026, while Canada opined that such a target is overly ambitious. Canada suggested revision of the cost-based methodology used by the Committee.

The ERG, the DRC, Uruguay, and Canada supported establishment of a standing committee. Asia preferred maintaining the current *ad hoc* status of the committee.

On Saturday, Kopse, as Co-Chair of the informal group, presented a draft resolution on the updated Funding Strategy of the Treaty 2020-2025, noting that the targets for the BSF had not been addressed.

In the ensuing discussion, delegates focused, *inter alia*, on: whether to establish a Standing Committee on the Funding Strategy and resource mobilization; its composition; the appropriate level of financial support for its facilitation; and its terms of reference.

Secretary Nnadozie noted that more than one user-based payment has been made to the BSF, albeit from a single source. Switzerland and Brazil suggested, and delegates agreed to note with concern that user-based income has been received from only one source.

Argentina, Uruguay, and Ecuador stressed that discussions on the Funding Strategy depend on the result of the enhancement of the MLS.

Argentina, Chile, Switzerland, Cameroon, Iran, and Norway supported the establishment of a standing committee. Japan initially opposed but, following deliberations, withdrew the reservation, enabling consensus to be reached.

Brazil, Costa Rica, and Ecuador suggested having up to three representatives from each region on the standing committee. The US and Japan stressed that the committee functioned well with two members per region and observers over the last biennium.

Uruguay emphasized the importance of including a specific budget for facilitating participation in the committee. Switzerland noted that the suggestion of the budget committee is USD 40,000. Following discussions, delegates agreed to USD 40,000 to support participants from developing countries.

Regarding reporting and monitoring, delegates agreed to a proposal by Brazil to include information on the total amount of financial resources used in the project cycle of the BSF and the

total amount of resources allocated to each one of the categories listed in the manual.

**Final Outcome:** The final resolution on the implementation of the updated Funding Strategy of the Treaty 2020-2025 (IT/GB-8/19/RESitem9.1\_9.2/L.1) contains: the Funding Strategy of the Treaty; the financial instruments under the guidance and direct control of the GB; and the implementation of the Funding Strategy during the biennium 2018-2019.

The GB adopts the Funding Strategy for the period 2020-2025 and establishes, within the strategy, a target of USD 0.9-1.1 billion per year over a period of ten years with a milestone of 40% to be achieved by 2026 to support implementation of the Treaty. The GB also:

- welcomes the dynamic and synergistic programmatic approach developed for the Funding Strategy;
- encourages parties to mobilize resources from various sources to meet the targets; and
- invites the private sector and others to continue making and increasing financial contributions.

Regarding the Committee on the Funding Strategy and Resource Mobilization, the GB decides to make it a Standing Committee. It further:

- establishes a basis for the work of the Committee through its terms of reference;
- decides that the Committee shall be composed of up to three representatives from each region and will be open to silent observers unless it decides otherwise; and
- decides that the costs of the meetings of and the preparatory work for the Committee, up to USD 40,000, shall be included in the core administrative budget supplemented by voluntary contributions.

Regarding financial instruments under GB control, the GB emphasizes that the BSF and the Fund for Agreed Purposes are essential to the realization of the programmatic approach of the updated Funding Strategy, and welcomes the finalization of the operation manuals for both Funds. Following lack of agreement on enhancement of the MLS, the GB decides to postpone the establishment of a target for the BSF for the period 2020-2025.

On the implementation of the Funding Strategy during the biennium 2018-2019, the GB welcomes financial contribution of selected parties to the Fund for Agreed Purposes and acknowledges the commitment made by the French seed sector in 2017 to contribute EUR 175,000 annually to the BSF. The GB further requests the Secretariat to make available to the Funding Committee the outcomes of the scientific meeting, co-organized with the Global Crop Biodiversity Trust and the International Food Policy Research Institute, on the global consequences of inaction at the multilateral level. The GB also notes with concern that user-based payments to the BSF have been received from only one source, and stresses the urgent need for ensuring an enhanced and predictable flow of resources to the BSF.

Annex i contains the Funding Strategy of the Treaty 2020-2025, including: an introduction; the vision, rationale, and strategic objectives of the Strategy; the programmatic approach to enable Treaty implementation; the instruments under the guidance and direct control of the GB; and a section on implementation, monitoring, review, and re-planning. Annex ii contains the terms of reference for the Standing Committee.

Annex 1 contains the operations manual for the Fund for Agreed Purposes, including sections on the scope, resource mobilization, and information and reporting. Annex 2 contains the operations manual for the BSF, including: an introduction; a section of financial resources of the BSF and resource mobilization; operational procedures for the use of resources under the BSF; and a section on monitoring, evaluation, and the learning framework.



Appendix 1 contains a provisionally populated matrix of funding tools, including: an introduction; a summary of findings by Treaty area; and a section on understanding the matrix.

### Global Information System

This agenda item was addressed in plenary on Tuesday, Friday, and Saturday, and in informal discussions throughout the week.

On Tuesday, the Secretariat introduced a report and draft resolution (IT/GB-8/19/10), noting that 29 countries have begun to indicate DOIs and that 834,252 PGRFA have been identified and linked through the registration of DOIs on the GLIS Portal. Axel Diederichsen (Canada), Co-Chair of the Scientific Advisory Committee on GLIS, summarized the Committee's outcomes, suggesting that DOIs could be a useful starting point to address genetic sequence data.

India requested enhancing cooperation with relevant institutions. With the ERG, he supported DOIs remaining voluntary. Uruguay and Brazil stressed the potential for DOIs to link and track germplasm and related information. Canada proposed that the Committee continue and revise guidelines for the application of DOIs, taking into account national genebanks.

Africa proposed that GLIS-related databases require that DSI users accept the SMTA conditions before access. Farmers' Organizations said accessing DSI should be subject to the free prior informed consent (PIC) of knowledge holders. The CGIAR pointed to the obligation to make non-confidential information available. The ISF supported GLIS as a tool for utilization of PGRFA. An informal group continued discussions in the evening.

On Friday, delegates discussed a draft resolution developed in informal discussions. Argentina requested the establishment of infrastructural elements in the GLIS portal be "in accordance with national and/or local legislation." Germany called for specifying that application of DOIs is voluntary.

On Saturday, Canada reported on the informal deliberations, focusing on amendments to the draft resolution. He stressed that the term "genetic sequence data" used in the resolution was not accepted by all, suggesting as a compromise using DSI/genetic sequence data.

Africa lamented that since there is no decision on how to address DSI, the region cannot agree to the draft resolution as a whole. Brazil, Argentina, and Australia stressed the need to reach agreement to move forward with implementation. Following consultations, Africa agreed to maintain the draft resolution with a request to the Scientific Advisory Committee, in addition to considering scientific and technical issues of relevance to genetic sequence data as far as it relates to the Treaty objectives, to address "in particular national ABS legislation requiring PIC and mutually agreed terms (MAT) governing the provision of DSI/genetic sequence data about material in the MLS provided under the SMTA."

The EU, the US, Australia, Malaysia, and Japan opposed. Norway supported the African proposal, noting it is an emerging issue. Uruguay said the text was important to countries that have ratified both the Treaty and the Nagoya Protocol. Following a lengthy discussion during which delegates proposed alternative formulations, Norway highlighted the sentiment of growing consensus, encouraging parties to accept the text. Finland rejected continued work on DSI and requested withdrawing the resolution.

Following informal discussions, the US offered compromise language requesting the Scientific Advisory Committee to continue considering scientific and technical issues of relevance to genetic sequence data as far as it relates to the Treaty objectives, and considering relevant national legislation, as appropriate.

Africa and Finland agreed with the suggestion. The draft resolution was adopted with these changes.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem10/L.2), the GB takes note of progress made on DOIs and requests the Secretariat to continue its efforts to build capacity of relevant stakeholders. It further requests the Secretariat to:

- continue enhancing cooperation with relevant institutions and initiatives;
- establish infrastructural elements in the GLIS Portal linking to information related to PGRFA;
- support conversion of existing crop descriptors into ontologies;
- encourage and guide users to link scientific publications and datasets to PGRFA material; and
- explore possible arrangements for further engagement with the DivSeek International Network under guidance of the GB 9 Bureau.

The GB also decides to reconvene the Scientific Advisory Committee, with the same composition and terms of reference, and requests the Scientific Advisory Committee to continue considering scientific and technical issues of relevance to genetic sequence data as far as it relates to Article 1 of the Treaty, and considering relevant national legislation, as appropriate.

### Farmers' Rights

The item was discussed in plenary on Tuesday and Friday, and in a contact group on Wednesday and Thursday.

On Tuesday, the Secretariat introduced the report of the *Ad Hoc* Technical Expert Group (AHTEG) on Farmers' Rights (IT/GB-8/19/12.2, 12/Inf.2 and 12/Inf.3). Rakesh Chandra Agrawal (India), AHTEG Co-Chair, reported on progress developing an inventory of national measures, best practices, and lessons learned for the realization of farmers' rights.

Many supported the draft resolution and welcomed progress on the inventory. Jordan highlighted difficulties faced by smallholders using local varieties. Africa noted that efforts to realize farmers' rights are hindered by poor donor support and inadequate farmer participation in national policy development.

Asia, Ecuador, Norway, Chile, Côte d'Ivoire, Cameroon, Guatemala, Zimbabwe, and Switzerland supported continuation of the AHTEG. North America, the EU, Australia, and Japan said the AHTEG should retain its original terms of reference. Côte d'Ivoire and Civil Society called for effective representation of peasants, farmers, and indigenous peoples. Ecuador, Zimbabwe, the IPC, and others proposed the AHTEG draft voluntary guidelines on farmers' rights implementation.

Switzerland requested the Secretariat to continue the ongoing process established by the Council of International Union for the Protection of New Varieties of Plants (UPOV) on the interrelations between the UPOV Convention and the Treaty. The EU encouraged analyzing possible areas of interrelation between farmers' rights, the Treaty, the UPOV Convention, and the World Intellectual Property Organization (WIPO).

The EU supported a regulatory framework and a favorable economic environment for all farmers, from subsistence to commercial farmers, to have the right to: choose the best available seeds that fulfill their needs; access quality seeds; and save, use, and exchange seeds, subject to national laws. The CGIAR noted the draft resolution highlights concrete legal measures to promote the realization of farmers' rights. A contact group was established to continue deliberations.

On Wednesday evening, the contact group, co-chaired by Svanhild-Isabelle Batta Torheim (Norway) and Rakesh Chandra Agrawal (India) resumed review of the draft resolution. The group identified which elements of the draft resolution relate to the terms of reference for the AHTEG, to be considered later, and agreed on minor amendments to other parts of the resolution.

On Thursday, the contact group addressed a paragraph inviting parties and relevant organizations to convene further regional workshops and other consultations with a broad range of stakeholders, including farmers' organizations. A lengthy discussion focused on whether specific groups of stakeholders should be explicitly mentioned. Switzerland, supported by France, suggested including civil society organizations and the private sector. The Netherlands stressed that knowledge from all stakeholders is important. Niger called for the inclusion of peasants. France requested reference to the seed sector, to include both private and public entities. Norway, Ecuador, and Guatemala stressed that this discussion has been ongoing for more than a decade, requesting to keep the original formulation, which was agreed at GB 7. Zambia and Malawi concurred, cautioning against singling out particular groups of stakeholders other than farmers' organizations. Ecuador, Zambia, and others stressed that all stakeholders are included in the call and there is no intention to exclude anyone from exchanging knowledge and experiences on the realization of farmers' rights. Switzerland, Sweden, Italy, Norway, and the US agreed to maintain a broad reference to all relevant stakeholders. France requested keeping brackets around the specific reference to the seed sector.

Delegates agreed to invite parties and all relevant stakeholders, especially farmers' organizations, to submit or update views, experiences, and best practices for inclusion in the inventory.

Delegates discussed whether to retain or extend the original terms of reference for the AHTEG, which tasked it with developing options for encouraging, guiding, and promoting the realization of farmers' rights. The EU proposed encouraging the AHTEG to pay attention to the compatibility of proposed options with other provisions of the Treaty as well as other existing international instruments, such as UPOV. Ecuador, Norway, Italy, Zambia, the US, Burkina Faso, Switzerland, and the Philippines opposed extending the original terms of reference. Argentina supported reference to UPOV, while Norway, Niger, and Nepal highlighted that the majority of parties are not parties to the 1991 version of UPOV and thus are not obliged to comply with its provisions. Delegates agreed to retain the original terms of reference.

Discussion then focused on whether the AHTEG should finalize work on developing options for national implementation, as provided for in its original terms of reference, or whether it should also develop voluntary guidelines. Ecuador, Chile, Argentina, and Zambia supported that the AHTEG develop voluntary guidelines. The Netherlands, France, Canada, the Near East, and Switzerland called for maintaining the original terms of reference, focusing on options. Noting they have supported development of guidelines in the past, Norway called for concluding work on the options first. The US supported maintaining the term "*mutatis mutandi*," to ensure the AHTEG has a work outcome. Following a discussion on its meaning and legal implications, the term was bracketed. The reference to voluntary guidelines also remained in brackets.

Delegates then discussed the AHTEG's composition, noting the original terms of reference, which include up to five members from each regional group, up to three farmer representatives, and up to three representatives of other stakeholders, including the seed sector. A suggestion was tabled to increase the representation of farmers' organizations to include two farmer representatives per region.

Niger, Ecuador, Algeria, Benin, Togo, Uruguay, the Near East, Cuba, and Congo supported increasing farmers' representation, noting their important contribution. Canada, the US, and France opposed, requesting to keep the original terms to avoid slowing down the process. Discussions continued in the evening.

On Friday, plenary approved a draft resolution as developed and finalized in the contact group.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem12/L.1), the GB welcomes the inventory of national measures, best practices, and lessons learned on the realization of farmers' rights, and invites parties and all relevant stakeholders to submit views, experiences, and best practices for inclusion in the inventory. The GB further decides to:

- reconvene the AHTEG for the 2020-2021 biennium, with its original terms of reference established at GB 7; and
- expand the AHTEG with two more representatives of farmers' organizations, particularly from centers of origin and crop diversity.

The GB invites parties to:

- consider developing national measures, particularly regarding their seed and agricultural policies, for implementing farmers' rights;
- engage farmers' organizations and relevant stakeholders in matters relating to farmers' rights, including capacity building and awareness raising;
- promote sustainable biodiverse production systems and facilitate participatory approaches such as community seed banks, community biodiversity registries, participatory plant breeding, and seed fairs;
- convene further regional workshops and other consultations with a broad range of stakeholders, including with farmers' organizations; and
- consider reviewing and adjusting their national measures affecting farmers' rights, particularly regarding variety release and seed distribution.

The GB further takes note of the UN Declaration on the Rights of Peasants and other People Working in Rural Areas.

### **Conservation and Sustainable Use of PGRFA**

Delegates addressed this issue in plenary on Tuesday and Friday, with a contact group convening on Thursday.

On Tuesday, the Secretariat introduced the relevant document (IT/GB-8/19/11). In Thursday's contact group, Norway presented a proposal to advance the implementation of conservation and sustainable use of PGRFA by restructuring, redefining, and focusing the work of the GB, the Secretariat, and the *Ad Hoc* Technical Committee on Conservation and Sustainable Use. Delegates agreed on its key principles and considered new terms of reference for the Committee. They agreed the terms of reference include: reviewing a compilation of reports from parties on the implementation of conservation and sustainable use; reviewing submissions to the CGRFA on the implementation of the Second Global Plan of Action on PGRFA; and recommending further steps on how the GB can assist parties' implementation. Many parties supported an emphasis on training and capacity building.

On Friday, plenary heard a report on contact group deliberations, noting that agreement had been reached on the draft resolution, including on the revised terms of reference for the Committee, which include the Committee's tasks, its composition, and meeting schedule. Japan noted that the meetings envisaged for the 2020-2021 biennium originally referred to electronic work. Plenary approved the draft resolution as agreed in the contact group, noting that consensus was reached on two face-to-face meetings during the biennium, subject to the availability of financial resources.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem11/L.1), the GB requests the Secretary, *inter alia*, to:

- cooperate with the CGRFA to organize the International Symposium on on-farm management and *in situ* conservation;



- facilitate training and capacity building to support implementation, including by collaborating with CGIAR centers; and
- continue to collaborate with the CBD on the interaction between genetic resources, community and farmer-led system activities, and protected area systems.

The GB further decides to reconvene the *Ad Hoc* Technical Committee, comprised of up to three members from each FAO region and seven technical experts. The Committee will:

- review reports from parties on national implementation, and from the CGRFA regarding members' implementation of the Second Global Plan of Action;
- identify examples and opportunities to support and assist parties and stakeholders in promoting, enhancing, and further developing conservation and sustainable use of PGRFA;
- review the toolkit for sustainable use, assess its relevance and effectiveness, and recommend how it can be better monitored, evaluated, and improved;
- advise the GB on the possibility of a future joint programme on biodiversity in agriculture for sustainable use of PGRFA; and
- recommend on how the GB can assist parties in advancing implementation of conservation and sustainable use.

### Compliance

On Tuesday evening, the Secretariat introduced the relevant document (IT/GB-8/19/13). The item was then discussed informally throughout the week. On Friday evening, Malta reported on agreement in informals to urge parties that have not submitted their reports to do so and request the compliance committee, in collaboration with the committee on the Funding Strategy, to integrate funding strategy implementation, monitoring, and review into the existing reporting format.

Cameroon, Ecuador, Brazil, Argentina, and Uruguay, opposed by the US and the ERG, stressed the importance of requesting the committee to review compliance of specific Treaty provisions regarding the MLS. After informal discussions, delegates agreed to request the compliance committee, in consultation with parties and with the support of the Secretariat, to review compliance with the Treaty, in particular those articles that specify binding obligations for parties, and present its conclusions and suggestions for action to GB 9.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem13/L.1), the GB encourages: regional and sub-regional capacity-building workshops; development of training resources; and exploring regional opportunities for organization of training meetings and other events with the FAO and other relevant organizations.

It invites the Secretariat to consider organizing a capacity-building workshop for monitoring and reporting of the implementation of the Treaty in collaboration with FAO units tasked with monitoring of the Global Plan of Action on PGRFA. It further invites parties to continue submitting and updating their reports.

The GB requests the compliance committee to review compliance with Articles 11.3, 11.4, 12.2, 13.2, 18.4 of the Treaty; and work in collaboration with the Committee on the Funding Strategy to integrate information related to implementation, monitoring, and review of the Funding Strategy into the existing reporting format.

The GB also elects the members of the Committee for the 2020-2023 term.

### Multi-Year Programme of Work

This agenda item was addressed in plenary on Tuesday, Wednesday, and Saturday. The Secretariat introduced the relevant document (IT/GB-8/18/16 and 16.2 Inf.1).

Japan urged aligning the MYPOW with the Sustainable Development Goals (SDGs) and encouraged strengthening cooperation on DSI with the CBD and the CGRFA. Africa stressed including DSI in many MYPOW activities and called for legal clarity, and for fair and equitable benefit-sharing. Ecuador considered DSI as part of the Treaty's scope and warned that access to DSI held in public databases is not subject to PIC.

Pointing to other international bodies working on DSI, Australia called for non-duplication and a harmonious approach. The African Union pointed to the need to decide whether to address DSI through a sectoral or cross-sectoral approach, indicating readiness to consider it under the CBD. Via Campesina called for addressing DSI and for a long-term work programme on farmers' rights.

On Saturday, plenary addressed a definition of genetic sequence data as "the order of nucleotides found in a molecule of DNA or RNA." Africa, with Argentina and Finland, opposed. Ecuador, with Norway, opposed by Australia and the US, suggested deleting text stating that the Treaty and other relevant international agreements should be mutually supportive.

On the CBD's science-based process on DSI, the US proposed, and delegates agreed, to consider its "status" rather than its "outcome," as well as the "discussions" rather than "findings" of the CGRFA's process on DSI. Regarding a table with major outputs and milestones 2018-2027, Switzerland, opposed by the US, proposed having a separate row for DSI.

Finland and the US asked to remove a reference to the review of the implementation of the GB decisions on MLS implementation and on the process for enhancing the MLS, given that there was no relevant GB decision. The Near East, Africa, and others preferred keeping the reference noting that the issue should be reconsidered at GB 9. Following lengthy deliberations, the reference was removed.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem16/L.1), the GB adopts the MYPOW and decides to review and update it at each session of the GB to address evolving needs, as necessary.

Regarding DSI, the GB requests the Secretariat to: continue following the relevant discussions in other fora and to continue coordinating with the Secretariats of the CBD and the CGRFA to ensure coherence and avoid duplication of efforts; and inform GB 9 on the state of discussions and outcomes of the related processes on potential implications of the use of DSI on genetic resources for the Treaty's objectives.

Regarding consideration of subsidiary bodies and intersessional processes, the GB requests that the GB 9 Bureau conduct the review of subsidiary bodies and intersessional processes for GB 9 consideration.

Annex 1 contains the MYPOW for the GB of the Treaty 2018-2027. Its purpose is to plan and structure the work of the GB in a coherent and integrated manner to advance the implementation of the Treaty, highlighting key issues for consideration, and expected outputs and milestones at the respective GB sessions. The MYPOW includes major outputs and milestones from GB 9 to GB 12, to be held in 2027, under the main workstreams of the Treaty: conservation and sustainable use of PGRFA; farmers' rights; the MLS; the GLIS; the Funding Strategy; compliance and national reporting; and other items.

GB 9 is expected to, *inter alia*:

- review options for encouraging, guiding, and promoting the realization of farmers' rights;
- review the report of the fourth BSF project cycle;

- review the programme of work on GLIS (2016-2022);
- present an outlook report on the implementation of the Treaty;
- take stock of SDG 2 (zero hunger) and 15 (life on land) related to PGRFA;
- contribute to the third report on the State of the World's PGRFA;
- consider inputs for the post-2020 global biodiversity framework;
- consider the status of the science-based process on DSI of the CBD, and the discussion on DSI of the CGRFA; and
- consider additional inputs from parties on DSI and updates by the Secretariat on the relevant CBD and CGRFA processes.

### FAO Contribution to Implementation of the Treaty

This item was addressed on Wednesday and Friday. On Wednesday, the Secretariat introduced the draft document (IT/GB-8/19/14). FAO Assistant Director-General René Castro-Salazar highlighted the Treaty as one of FAO's flagship achievements. Many regions expressed appreciation for FAO's ongoing, steady support to member states. GRULAC encouraged efforts to broaden Treaty participation and Africa emphasized FAO's leadership on integrating biodiversity into the agricultural sector.

Japan suggested better use of online systems to decrease the workload involved in coordinating and compiling documents. Zambia urged FAO to promote awareness of the Treaty at the highest policy level, and the Republic of Korea urged inviting non-parties to join. The IPC highlighted that present FAO activities are not sufficiently inclusive of indigenous peoples, local communities, and smallholder farmers.

On Friday, plenary approved a draft resolution without discussion.

**Final Outcome:** In the final resolution, (IT/GB-8/19/RESitem14/L.1), the GB:

- calls upon FAO to consider supporting Treaty activities, including through the allocation of financial resources; and
- invites FAO to continue actively supporting the Treaty as a key international instrument required for the fulfillment 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.

It further recommends that the FAO Strategy on Mainstreaming Biodiversity across Agricultural Sectors place adequate emphasis on genetic diversity; and requests the Secretariat and the Bureau consider collaboration with other units and instruments within FAO, such as the use of online information-sharing platforms.

### Cooperation with International Instruments and Organizations

Delegates began discussions on cooperation on Wednesday.

**CGRFA:** CGRFA Secretary Irene Hoffmann presented the CGRFA report (IT/GB-8/19/15.1), highlighting the Voluntary Guidelines for the Conservation and Sustainable Use of Farmers' Varieties/Landraces. Delegates welcomed collaboration between the Treaty and the Commission, and many emphasized avoiding duplication. The ERG supported strengthening coordination between the GLIS and Genesys portals. Africa emphasized that cooperation regarding the GLIS and FAO's World Information and Early Warning System (WIEWS), as well as the post-2020 global biodiversity framework, should consider the role of DSI.

The US noted there is no need to keep under review the functional division of tasks between the GB and the CGRFA. Canada preferred the division to be kept under review, encouraging the CGRFA to consider focusing on animal and

microbial genetic resources, to allow the Treaty to focus on PGRFA. Canada further recognized the CBD and the CGRFA as the main fora for discussing genetic sequence data.

On Friday, a draft resolution was accepted with minor amendments.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem15.1/L.1), the GB agrees to keep the matter of the functional division of tasks and activities between the ITPGRFA and the CGRFA under review, and encourages the CGRFA to consider putting more emphasis on its work streams related to animal genetic resources and microbial and invertebrate genetic resources, allowing the ITPGRFA to focus on PGRFA.

It further invites parties to cooperate with the CGRFA in the preparation of the third report on the State of the World's PGRFA. It requests the Secretariat to cooperate in the organization of the international symposium on *in situ* conservation and on-farm management of PGRFA subject to availability of financial resources.

**Global Crop Diversity Trust:** The Secretariat introduced the relevant document (IT/GB-8/19/15.2) and the Global Crop Diversity Trust outlined its report (IT/GB-8/19/15.2/2). Many commended the Trust for its work and supported the draft resolution. The ERG highlighted the positive interaction between the Trust's Board, the GB 8 Bureau, and the two Secretariats. Africa called for supporting proposals from farmers' organizations and, with the US, stressed that the Trust is an essential element of the Treaty's Funding Strategy. Canada, supported by the US, explained that the Trust's mandate is broader than supporting CGIAR centers, and questioned the focus on crop wild relatives, noting it should be limited to material threatened *in situ*. Ecuador suggested the Trust mainly support genebanks of parties whose collections are at risk due to lack of national or international funding. The US and Zambia suggested prioritizing initiatives and programmes jointly designed and implemented between the Treaty and the Trust. Malaysia highlighted the Trust's work regarding Genesys and crop wild relatives. The IPC stressed that *ex situ* conservation needs to go hand in hand with *in situ* conservation. The CGIAR highlighted development of tools and methods for quality management and germplasm health improvement. GB 8 then approved new members of the Trust Executive Board.

Plenary addressed a draft resolution on Friday. Delegates agreed to invite the Trust to provide information on resource mobilization and allocation of long-term grants to support selected national genebanks in developing countries. Regarding an invitation to the Trust to expand cooperation with the Treaty's Secretariat on crop conservation strategies, delegates agreed to subject the invitation to the availability of resources.

**Final Outcome:** The resolution (IT/GB-8/19/RESitem15.2/L.1) includes policy guidance on: resource mobilization; scientific and technical matters; GLIS; communication and outreach; and other matters. In the final resolution, the GB:

- invites the Trust to provide information at GB 9 on progress made on allocation of long-term grants from its Endowment Fund to support selected national genebanks in developing countries;
- recommends that the Trust further enhance its collaboration and complementarity with the ITPGRFA on scientific and technical matters, and invites it to expand cooperation with the ITPGRFA Secretariat to elaborate a dynamic system for developing, implementing, and updating crop conservation strategies; and
- welcomes the close cooperation of the Trust with the ITPGRFA and FAO for the connection of the GLIS, Genesys, and WIEWS, in a synergistic and complementary approach.

**CBD:** The Secretariat introduced relevant documents (IT/GB-8/19/15.3, 15.3/Inf.1 and 15.3/Inf.2). The CBD emphasized synergies and outlined cooperation on: providing guidance to the Global Environment Facility (GEF); considering potential implications of DSI; and developing indicators for the SDGs. He further stressed the importance of all biodiversity-related conventions engaging fully in the post-2020 framework.

Many welcomed collaboration with the CBD. The ERG suggested establishment of a joint programme on DSI. Ecuador urged ensuring agro-biodiversity becomes a cornerstone of the post-2020 framework. Asia and Africa stressed the importance of cooperation to meet the CBD and ITPGRFA objectives, especially regarding benefit-sharing. The US drew attention to the ITPGRFA-CBD Memorandum of Cooperation. Canada recommended strengthening targets, including on sustainable use, and welcomed existing monitoring processes without imposing additional burdens on parties. The African Union recalled that the African Group will not agree on a post-2020 global biodiversity framework unless DSI is addressed. The IPC called for implementation of farmers' rights, PIC, and fair and equitable sharing of benefits with indigenous peoples and farmers.

On Friday, delegates addressed a draft resolution. They agreed to indicate that the post-2020 framework should recognize direct and indirect contributions of biodiversity to climate change adaptation. Delegates also agreed to request the Secretariat to: submit the GB recommendations to the CBD Working Group on the post-2020 framework and to the fifteenth meeting of the Conference of the Parties to the CBD; and continue exploring technical options for exchanging information between the GLIS and the CBD ABS Clearing-House.

Delegates agreed to invite the GEF to: enhance support for the integration of PGRFA in the revision or updating of NBSAPs; and support, rather than consider, projects for the mutually supportive implementation of the Nagoya Protocol and the Treaty. Delegates further agreed to suggest that, as part of the GEF Trust Fund's eighth replenishment, activities should focus on *in situ* conservation of crop wild relatives, wild food crops, and on-farm management of farmers' landraces.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem15.3/L.1), the GB requests the Secretariat to continue monitoring and participating in the relevant processes related to the CBD and its Nagoya Protocol. The GB also emphasizes the importance of enhancing cooperation between the ITPGRFA and the CBD, and with other biodiversity-related conventions, in the development and implementation of the post-2020 framework, and recommends:

- the post-2020 framework recognize the direct and indirect contributions of biodiversity to food security and nutrition, climate change adaptation, and poverty eradication;
- strengthening PGRFA-related targets, including by relying on monitoring systems through existing reporting processes; and
- taking into account the ITPGRFA and its MLS when establishing ABS targets.

It requests the Secretariat to submit the GB 8 recommendations to the Co-Chairs of the CBD Working Group on the post-2020 framework, and requests the GB 9 Bureau to engage in the preparation of the post-2020 process.

- It provides elements of advice for GEF-8, including that GEF:
- continue giving priority to conservation and sustainable use of PGRFA;
  - support the integration of PGRFA in the revision or updating of NBSAPs;
  - articulate the role of PGRFA in achieving sustainable agriculture and food systems;
  - support projects for mutually supportive implementation of the Nagoya Protocol and the ITPGRFA; and

- increase the priority given to implementation of the ITPGRFA, focusing on *in situ* conservation of wild crop relatives, wild crop foods and on-farm management of farmers' landraces.

It requests the Secretariat to continue monitoring processes within the CBD concerning DSI and provide information on relevant ITPGRFA activities and collaborate with the CBD Secretariat on issues related to DSI. It further requests the Secretariat to:

- continue engaging in processes to enhance cooperation among biodiversity-related conventions;
- continue exploring, with the CBD Secretariat, practical means and activities to further enhance their cooperation; and
- cooperate with the CBD Secretariat to inform future discussions on Article 10 of the Nagoya Protocol (Global Multilateral Benefit-sharing Mechanism).

**Other Bodies and Organizations:** The Secretariat introduced the relevant document (IT/GB-8/19/15.4/1). UPOV reported on activities of relevance to the Treaty. The CGIAR underscored that the Treaty provides essential policy support to the CGIAR centers, and expressed concern about uncertainty of next steps on DSI, opining that the Treaty is the proper forum to address the issue. Norway presented a report on the Svalbard Global Seed Vault (IT/GB-8/19/15.4/4).

The EU requested that UPOV, the CBD, and the Treaty collaborate to draft an explanation of their mutual supportiveness. Belgium, welcomed by many, drew attention to a crop cryopreservation facility at the Catholic University of Leuven.

Ecuador stressed that cooperation should support the work of the Treaty, and emphasized that many Treaty parties have not ratified UPOV, so cooperation should respect national legislation. Argentina called for balance between farmers', breeders', and peasants' rights.

The Philippines highlighted the importance of PGRFA duplication and use of the Vault to secure seed collections. Côte d'Ivoire emphasized a multi-site genebank to preserve and share coconut genetic resources, requesting support to move the national collection that is under threat. Costa Rica requested assistance for maintaining collections held at the CATIE Tropical Agricultural Center. Madagascar emphasized the development of community protocols and community seed banks.

Switzerland and Norway urged continuing the ongoing review process on the interrelations between the UPOV Convention and the Treaty, and exploring ways for parties and observers to contribute. Civil Society and the IPC stressed that the majority of Treaty parties have not ratified UPOV, stressing that the UPOV Convention does not support the Treaty's objectives, especially compared to national *sui generis* systems of plant variety protection.

On Friday, delegates discussed a draft resolution. On institutions that have concluded agreements with the GB under Article 15 of the Treaty, the EU proposed encouraging Article 15 institutions to make information on PGRFA under development available through GLIS, and welcoming the proposal by Belgium to host a safety backup cryopreservation facility at the Catholic University of Leuven.

Delegates debated a provision on ongoing work with UPOV. Japan preferred requesting the Secretariat to continue exploring a possible new initiative proposed by UPOV to develop brief explanations of the objectives and mutual supportiveness of the Treaty, the CBD, and the UPOV Convention. Switzerland, Ecuador, and Argentina preferred continuing the review of the Frequently Asked Questions (FAQ) on the interrelations between the UPOV Convention and the Treaty.

Following informal consultations, delegates agreed to request the ITPGRFA Secretariat to continue cooperating with the Secretariats of the CBD and UPOV on review of the FAQ on the



interrelations between the Treaty, CBD, and UPOV, as a basis to explore means to facilitate exchanges of experiences and information on the implementation of the UPOV Convention, the CBD, and the Treaty.

**Final Outcome:** The final resolution (IT/GB-8/19/RESitem15.4/L.1) addresses: cooperation with international bodies and organizations, Article 15 institutions, and management and operations of the Svalbard Global Seed Vault. The GB reaffirms the importance of maintaining and further strengthening cooperation with relevant international organizations and the need to continue efforts to ensure that the ITPGRFA's role in the conservation of PGRFA is recognized and supported.

It requests the Secretariat to:

- strengthen collaboration with Bioversity International, the ABS Capacity Development Initiative, and other capacity building providers in their support to parties in implementing the ITPGRFA, the CBD, and its Nagoya Protocol in a harmonious and mutually supportive manner;
- actively participate in the Liaison Group of the biodiversity-related conventions, in particular on the development of the post-2020 framework;
- continue participating in relevant meetings of UPOV and WIPO; and
- continue cooperating with the Secretariats of the CBD and UPOV on review of the FAQ on the interrelations between the Treaty, CBD, and UPOV, as a basis to explore means to facilitate exchanges of experiences and information on the implementation of the UPOV Convention, the CBD, and the Treaty.

The GB takes note that institutions that have concluded agreements under ITPGRFA Article 15 are main providers of PGRFA under the SMTA, including PGRFA under development, and requests that these institutions make information on PGRFA under development exchanged with an SMTA available as part of GLIS. It invites Article 15 institutions that have not submitted reports to submit them to GB 9, while recognizing those that have.

The GB takes note of ongoing efforts to secure international collections at risk or threatened, and urges financial and material support to facilitate those efforts. It further welcomes the International Coconut Community as the new host and coordinator of the COGENT network and invites it to strengthen its collaboration with the Secretariat on the implementation of Article 15 agreements.

The GB welcomes Belgium's proposal to host a global safety backup cryopreservation facility at the Catholic University of Leuven-Bioversity International Genebank to safeguard cryopressed plant material for future generations; and requests the Secretariat to explore, with the government of Norway, other practical means to enhance the linkages between the ITPGRFA and the Svalbard Seed Vault.

### ***Appointment of the Secretary***

On Friday, Chair Dawson introduced this item (IT/GB-8/19/18.1), noting it includes two sub-items: the appointment of the ITPGRFA GB Secretary; and the general procedures for appointment and renewal of term. FAO Deputy Director-General Maria Helena Semedo drew attention to ongoing deliberations at the FAO Council regarding appointments to head bodies under Article XIV of the FAO Constitution such as the Treaty.

**Appointment:** Deputy Director-General Semedo recommended reappointment of the current Secretary for one year only, to allow the FAO Council to conclude deliberations on the appointment process. Chair Dawson recalled that the GB, which is charged with approving the appointment of the Secretary, meets only every two years. The FAO Legal Officer recommended that

the GB extend the Secretary's mandate for one year, and delegate the future decision to its Bureau. A lengthy discussion ensued and many delegates called for a two-year extension of the term of the current Secretary, pointing to the need for continuity. Chair Dawson highlighted unanimous endorsement of current Secretary Kent Nnadozie and support for a two-year renewal of his term. Semedo proposed FAO extend the Secretary's mandate for one year first, and then another one, which was endorsed by the plenary.

**Procedures for Appointment:** Chair Dawson presented a Chair's proposal for a procedure for the appointment and renewal of the Secretary's term. The FAO Legal Officer drew attention to ongoing consultations in FAO governing bodies. In the evening, the plenary addressed draft guidance for the GB 9 Bureau.

The EU welcomed the proposal, noting it sends a strong signal to FAO that this needs to be a joint process with the Treaty. Chile requested specifying that: the proposed representatives from the Treaty on the selection committee be Bureau members; and only one shortlist be prepared.

Africa suggested that: the vacancy announcement be drafted in conformity with FAO technical requirements; the selection committee include three FAO and four Treaty representatives, two from developing and two from developed countries; the initial list include seven to ten candidates; and the shortlist, following interviews, include five ranked candidates, agreed by consensus, from which the FAO Director-General selects one.

On Saturday, delegates discussed guidance for selection of the ITPGRFA Secretary. Canada asked to specify that the process start six months before the beginning of the next term; and that interviews precede the preparation of a ranked list of five. Delegates further agreed that, following FAO procedures, a vacancy announcement stating minimum technical requirements should be issued and a list of candidates meeting the minimum requirements prepared.

**Final Outcome:** In the report of the meeting (IT/GB-8/19/Draft Report), the GB guides the Bureau to select, appoint, and renew the appointment of the Secretary, including to draft a vacancy announcement stating minimum technical requirements in conformity with the technical requirements of FAO.

The FAO Office of Human Resources would: issue the announcement and prepare a list of candidates meeting the minimum requirements for the position six months prior to expiration of the term; and convene an interview panel, including two ITPGRFA GB Bureau representatives, each from developed and developing countries, and three from FAO.

The Panel should prepare a list of seven to ten candidates and, following interviews, a ranked list of the top five candidates, in a gender-balanced manner, from which the FAO Director-General appoints a candidate, and presents it to the ITPGRFA GB for approval.

Regarding renewal of the appointment, it is foreseen that six months prior to the expiration of the first term of the ITPGRFA Secretary, taking into consideration past performance, the FAO Director-General and GB Chair jointly recommend whether the Secretary's appointment should be renewed, with GB approval. It foresees that the Secretary is appointed for a four-year term, renewable only once.

### ***Work Programme and Budget***

The budget committee, co-chaired by Yukio Yokoi (Japan) and Luis Fernando Ceciliano (Costa Rica) met from Wednesday to Saturday. On Saturday, Co-Chair Yokoi reported on outcomes, including efforts to enhance the financial transparency of the Treaty, and an almost zero nominal growth budget for the upcoming biennium. Delegates adopted the Work Programme and Budget 2020-2021, without amendment.

**Final Outcome:** In the final resolution (IT/GB-8/19/RESitem17/L.1), the GB:

- adopts a no growth budget for the Core Administrative Budget for the 2020-2021 biennium;
- notes with concern that the number of parties who contribute to the Core Administrative Budget remains low, and urges parties who have made no or only limited contributions in previous biennia to make contributions to the Core Administrative Budget; and
- urges all parties to provide the resources required.

It invites the Secretariat to continue exploring ways, within the existing FAO disclosure policy, to improve the provision of financial information in order to enhance transparency regarding the trust funds of the Treaty. The GB further:

- recommends project proposals and invites donor governments and institutions to provide funding for their implementation;
- approves the level of the Working Capital Reserve at USD 580,000, noting that parties who have not contributed will be requested to do so by separate voluntary contributions;
- takes note of the provisional proposed contribution from FAO of USD 2,000,000; and
- encourages parties and other donors to replenish the Fund to Support the Participation of Developing Countries in the amount of USD 700,000 for the next biennium.

Annexed to the resolution and referring to the next biennium are: the core budget and work programme, totaling USD 7,809,274; maintenance and core implementing functions; possible donor-funded supporting projects; the Secretariat staffing table; and the indicative scale of contributions by country.

### **Closing Plenary**

On Saturday afternoon, plenary accepted with appreciation India's proposal to host GB 9.

Plenary then elected new Bureau members as nominated by regional groups, including: Kim van Seeters (Netherlands); Manrique Lucio Altavista (Argentina); Ali Chehade (Lebanon); Christine Dawson (US); Kuldeep Singh (India); and Michael Ryan (Australia). Yasmina El Bahloul (Morocco) was elected as GB 9 Chair.

Plenary also elected new Compliance Committee members; and expressed gratitude to retiring Javad Mozafari (Iran), noting his contribution and sincere belief in the importance of the Treaty.

Following adoption of the meeting's report and series of resolutions, as reflected under relevant agenda items, Chair Dawson closed the session at 12:39 am.

### **A Brief Analysis of GB 8**

The crucial item under discussion at the eighth session of the Governing Body (GB 8) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) was a package of measures to enhance the functioning of the Treaty's Multilateral System (MLS) of access and benefit-sharing (ABS). The "package" involved two main components: an expanded list of crops in the MLS, to facilitate access to material for agricultural research and development; and a revised Standard Material Transfer Agreement (SMTA) for transfers of plant genetic resources for food and agriculture (PGRFA) in the MLS, to improve fair and equitable benefit-sharing. Under negotiation for six years, each component mirrored the respective priorities of the developed and the developing world. Taken as a whole, the package would have been an important contribution to global agricultural development and reinforce the role of the Treaty as a core instrument supporting sustainable agriculture and global food security. Agreement, however, was nowhere to be found.

This brief analysis will attempt to explain what happened at the meeting and why, showcasing the urgent need to reposition the Treaty to reinvigorate its role in the broader policy arena.

### **GB 8 at a Glance**

When it came to enhancing the functioning of the MLS, GB 8 delegates had before them the outcomes of the intersessional Working Group, which had a rollercoaster of a year. During a very productive meeting in June 2019, the Working Group reached tentative agreement to expand the list of crops in the MLS, and achieved significant progress on revising the SMTA, including details on the envisaged subscription system with advanced payments for access to crops in the MLS. Rates for benefit-sharing payments, and PGRFA-related information, also referred to as genetic sequence data or digital sequence information (DSI), remained as the main outstanding issue. However, when the Working Group met again in October, the emerging consensus collapsed, and deep principled divergences (re)surfaced, with DSI identified as the deal breaker. Informal consultations conducted immediately prior to GB 8 did not manage to change the downhill trajectory of the negotiations.

By the end of the meeting, many participants remarked with frustration that the organization and management of work was far from conducive to a successful outcome. Complaints addressed, in particular, the delay in establishing a negotiating group, the last-minute circulation of compromise proposals, and confusion regarding procedure and final outcomes. Some saw delay as a pressure tactic; others, as a risky game unacceptable for international negotiations and an indication of lack of good faith blocking those who wanted to engage in substantive negotiations. Participants also highlighted the lack of balance in deliberations, noting in particular that the compromise proposal presented did not adequately reflect lengthy deliberations in the closed group.

What exactly happened remains obscure, largely because once negotiations started, they were closed to observers. The facts are the following: a small, closed group of negotiators met day and night from Wednesday evening to the early hours of Saturday morning; according to reports, the group discussed the main controversial items, such as benefit-sharing from DSI use, and specific payment rates for benefit-sharing; and on Saturday afternoon, plenary was presented with a Chair's proposed "package," including a resolution, a revised SMTA text, text for the amendment of Annex I of the Treaty, and terms for intersessional work. Developing countries rejected it as unfair and unbalanced, particularly regarding DSI. In turn, developed countries opposed continuation of intersessional work on the item.

The result was a big blow to the expansion of the Treaty. Delegates' inability to reach a decision on the MLS or provide for structured future steps also spilled over into related items, such as the Multi-Year Programme of Work and the Funding Strategy, resulting in chaotic proceedings during the closing plenary and overarching frustration. Following collapse of the process to enhance the MLS, tensions mounted as delegates struggled with interlinked documents containing references to the enhancement of the MLS, compounded by lack of time.

Nevertheless, "life needs to go on," as one participant put it. Whether this breakdown in deliberations on an enhanced MLS will provide an opportunity for contemplation and repositioning of the Treaty in the broader international policy arenas of relevance to agriculture and food security, as some hope, or prove to be a defeat for multilateralism and good-faith diplomacy, as others fear, remains to be seen. In the meantime, breeders and farmers alike are facing an ever increasing set of agriculture-related challenges.

### *A Treaty for Breeders*

The Treaty's MLS was built to accommodate the specific PGRFA-related needs of the world's agricultural research and development community. Differentiated from the bilateral approach to ABS within the Convention on Biological Diversity (CBD), the Treaty's multilateral approach reflects the high degree of countries' interdependence when it comes to agriculture and food production: continued global access to PGRFA is indispensable for the crop improvements that are necessary for sustainable agriculture and food security in the face of genetic erosion, climate change, and future human needs. With rising concerns about privatization of PGRFA, the concept of benefit-sharing points to the need for fair distribution of the outcomes of agricultural research and development.

Enhancing and fostering this interdependence was at the heart of the SMTA revision process. Developed countries have long wished for access to a larger pool of genetic material to enable research and development, including for commercial users within their jurisdictions. On the other hand, developing countries, the main providers of this material, have long called for strengthening benefit-sharing as a way of tackling global inequalities in research capacity and chronic injustices in resource use. While all eventually agreed that benefit-sharing payments had to be mandatory, and consensus was emerging on the rates for such payments, the increasing use of DSI in research and development was the critical element behind the collapse of the negotiations.

The term "DSI" refers to advances in bioinformatics, an interdisciplinary field of knowledge that develops and uses methods and software tools to extract knowledge from biological material. Posing challenges for ABS frameworks, including the Treaty, such advances result in what is described as "dematerialization" or digitalization of genetic resources. This suggests that the information and knowledge content of genetic material may be extracted, processed, and exchanged in its own right, detached from the physical genetic material, enabling research on the building blocks of genes. The availability and easy exchange of large amounts of genetic sequence data have the potential to facilitate research on genetic resources, especially for actors in developed countries who have the capacities to analyze and use such data. At the same time it poses two main regulatory issues: the possibility of appropriation of genetic sequence data through intellectual property rights; and the question of commercial value arising from the use of such data, and related benefit-sharing obligations. The latter question featured at the forefront of GB 8 negotiations. Developing countries wanted to ensure that benefit-sharing obligations extend to DSI use to maintain the Treaty's integrity and relevance in light of a wave of technological developments. "A genetic resource is like a book," a veteran of the process said, "whether it is in hard copy or in digital form it makes no difference to its value." Developed countries, on the other hand, considered it premature to pose obstacles to this technological wave, pointing to legal issues and limitations regarding the Treaty's scope.

As one expert said, GB 8 marked a missed opportunity for the Treaty to propose international regulations on DSI use in response to the needs of the global agricultural community. In the meantime, plant breeding efforts continue, by farmers, public researchers, and commercial companies alike, and exchanges of material will continue under the current Treaty regime. While national legislatures develop ABS legislation under the Nagoya Protocol on ABS, some of which may limit DSI use with potential impact for the agricultural sector, all eyes are now set on the 2020 UN Biodiversity Conference in China. It remains to be seen whether the Treaty's failure will serve as a sign of urgency to address the matter, or will be used as an argument to show that the international community is not yet ready to do so.

### *A Treaty for Farmers*

As the major international convention addressing plant genetic resources for food security, the ITPGRFA is also a treaty for farmers. The Treaty recognizes the enormous contribution of farmers to the conservation and development of PGRFA, and many voices in the room reminded delegates that farmers are the driving force of global food security. While plant breeders and public research institutions tend to deal with *ex situ* research and development, farmers, particularly smallholders, subsistence farmers, and indigenous peoples, conserve and sustainably implement *in situ* conservation. As farmers' representatives pointed out, farmers have been the stewards of agricultural biodiversity for thousands of years.

One of the Treaty's central challenges, therefore, remains balancing the needs of plant breeders and public research institutions with those of farmers. Although the Food and Agriculture Organization of the UN (FAO) recognized farmers' contributions to the conservation and development of PGRFA in 1989, progress within the Treaty has been slow. Many consider the establishment at GB 7 of a long-awaited *Ad Hoc* Technical Expert Group (AHTEG) on farmers' rights a breakthrough moment. The AHTEG's main task is to produce an inventory of national measures, best practices, and lessons learned from the realization of farmers' rights, as well as options for encouraging, guiding, and promoting their realization. GB 8 merely extended the AHTEG's original terms of reference, but a number of delegates pointed out that, in the context of the meeting's entangled atmosphere, this simple extension could itself be seen as an achievement, if not, as some said, one of the few positive outcomes of GB 8.

Another quiet and somewhat eclipsed achievement of GB 8 that is important for farmers' rights is the constructive progress on conservation and sustainable use. Delegates adopted a resolution that redefines the work stream to focus on, among others, reviewing national implementation reports and the online toolkit for sustainable use, and report to GB 9 on how to assist parties in advancing implementation of conservation and sustainable use. Many welcomed this reinvigorated focus, and, along with the AHTEG, hoped it will help strengthen interlinkages with parallel work in other international fora, including the CBD and human rights bodies.

Throughout the meeting, farmers' organizations called for linkages to the recently adopted UN Declaration on the Rights of Peasants, a new instrument linking farmers' rights with human and natural resource-related rights. One Kenyan farmer representative summed up the importance of interconnectedness between farmers' rights and a wide range of social, environmental, and economic objectives, saying: "Happy farmers build a healthy nation that builds a peaceful world."

### *A Treaty for All: Seeing the Trees without Missing the Forest*

FAO has repeatedly stated that agriculture in the 21st century faces multiple challenges. Agriculture needs to: produce more food to feed a growing, urbanized population; adopt more efficient and sustainable production methods in the face of genetic erosion, reduced resources, and environmental pressures; adapt to climate change; care for the livelihoods of increasingly marginalized rural populations; and contribute to sustainable development in many agriculture-dependent developing countries. In other words, the world needs to produce more and better food, using fewer resources, in a more challenging environment and in the context of globalization, rapid urbanization, growing inequality, and insecure land tenure. Never before has it been more important for humanity to generate, use, and share agricultural knowledge, technology, and production. The Treaty



has all the tools to make a crucial contribution to these aims, within the framework of the Sustainable Development Goals. Instead, as a veteran eloquently put it at the end of GB 8, “We are fiddling while Rome burns.” Admittedly, the current international environment, marked by rising nationalism and attacks on multilateralism, may not be conducive for the “sharing ethos,” fundamental to the Treaty’s approach to stewarding global PGRFA. Hopefully the “moment to reflect,” that some delegates requested when they opposed further negotiations on the MLS, will result in reinigorated efforts for the good of all.

### Upcoming Meetings

**WG8J 11:** The 11th meeting of the CBD *Ad Hoc* Open-ended Working Group on Article 8(j) and Related Provisions will examine the role of traditional knowledge, customary sustainable use, and the contribution of the collective actions of indigenous peoples and local communities to the post-2020 global biodiversity framework. **dates:** 20-22 November 2019 **location:** Montreal, Canada **www:** <https://www.cbd.int/meetings/WG8J-11>

**CBD SBSTTA 23:** The 23rd meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) will review possible elements for the post-2020 global biodiversity framework, including any implications arising from the IPBES Global Assessment, the draft of the fifth edition of the Global Biodiversity Outlook, as well as other relevant information and sources of knowledge. **dates:** 25-29 November 2019 **location:** Montreal, Canada **www:** <https://www.cbd.int/meetings/SBSTTA-23>

**Second meeting of the CBD Working Group on the Post-2020 Framework:** This meeting will develop a preliminary text of the post-2020 global biodiversity framework. **dates:** 24-29 February 2020 **location:** Kunming, China **www:** <https://www.cbd.int/meetings/>

**Ad Hoc Technical Expert Group on Digital Sequence Information:** This CBD expert group will develop options for operational terms to provide conceptual clarity on digital sequence information on genetic resources, and identify key areas for capacity building, for consideration by the Working Group on the post-2020 framework. **dates:** 17-20 March 2020 **location:** Montreal, Canada **www:** <https://www.cbd.int/meetings/>

**CBD SBSTTA 24:** The 24th meeting of SBSTTA will address scientific matters related to the post-2020 framework. **dates:** 18-23 May 2020 **location:** Montreal, Canada **www:** <https://www.cbd.int/meetings/SBSTTA-24>

**CBD SBI 3:** The CBD Subsidiary Body on Implementation (SBI) will address items related to the implementation of the Convention and its Protocols, including in relation to the post-2020 framework. **dates:** 25-30 May 2020 **location:** Montreal, Canada **www:** <https://www.cbd.int/meetings/SBI-03>

**IUCN World Conservation Congress:** The IUCN World Conservation Congress will bring together leaders and decision-makers from government, civil society, indigenous peoples, business, and academia, with the goal of conserving the environment and harnessing the solutions nature offers to global challenges. **dates:** 11-19 June 2020 **location:** Marseille, France **www:** <https://www.iucncongress2020.org/>

**Third meeting of the CBD Working Group on the Post-2020 Global Biodiversity Framework:** On the basis of its previous work and work of the subsidiary bodies and other consultations, the Working Group will develop a draft post-2020 framework for consideration by CBD COP 15. **dates:** 27-31 July 2020 **location:** Cali, Colombia (TBC) **www:** <https://www.cbd.int/meetings/>

**CBD COP 15, COP/MOP 10 to the Cartagena Protocol on Biosafety, and COP/MOP 4 to the Nagoya Protocol on Access and Benefit-sharing:** The 2020 UN Biodiversity Conference, including the 15th meeting of the Conference of the Parties (COP 15) to the CBD, the tenth Meeting of the Parties to the Cartagena Protocol on Biosafety (COP/MOP 10) and the fourth Meeting of the Parties to the Nagoya Protocol on Access and Benefit-sharing (COP/MOP 4), is expected to address a series of issues related to implementation of the Convention and its Protocols, and adopt a post-2020 global biodiversity framework. **dates:** October 2020 (TBC) **location:** Kunming, China **www:** <https://www.cbd.int/meetings/>

**CFS 47:** The plenary of 47th session of the Committee on World Food Security (CFS) will take a decision on the Voluntary Guidelines on Food Systems and Nutrition. **dates:** 12-16 October 2020 **location:** Rome, Italy **www:** <http://www.fao.org/about/meetings/en/>

**UPOV Council 52:** The 52nd Council of the International Union for the Protection of New Varieties of Plants (UPOV) is expected to address legislative, administrative and technical matters. **date:** 30 October 2020 **location:** Geneva, Switzerland **www:** <https://www.upov.int/meetings/en/calendar.html>

**CGRFA 18:** The eighteenth session of the Commission on Genetic Resources for Food and Agriculture will convene in early 2021. **dates:** 1-5 March 2021 **location:** Rome, Italy **www:** <http://www.fao.org/cgrfa/en/>

**ITPGRFA GB 9:** The ninth meeting of the Treaty’s Governing Body will address items on general policy and implementation of the Treaty and the MLS, and administrative and budgetary matters. **dates:** 2021 (TBC) **location:** India (TBC) **www:** <http://www.fao.org/plant-treaty/en/>

For additional meetings, see <http://sdg.iisd.org>

### Glossary

ABS	Access and Benefit-sharing
AHTEG	<i>Ad Hoc</i> Technical Expert Group
BSF	Benefit-sharing Fund
CBD	Convention on Biological Diversity
CGRFA	FAO Commission on Genetic Resources for Food and Agriculture
DOI	Digital object identifier
DSI	Digital sequence information
ERG	European Regional Group
FAO	Food and Agriculture Organization of the UN
GB	Governing Body
GEF	Global Environment Facility
GLIS	Global Information System
GRULAC	Latin American and Caribbean Group
IPC	International Planning Committee for Food Sovereignty
ISF	International Seed Federation
ITPGRFA	International Treaty on Plant Genetic Resources for Food and Agriculture
MLS	Multilateral System
MYPOW	Multi-Year Programme of Work
NBSAP	National biodiversity strategy and action plan
PGRFA	Plant genetic resources for food and agriculture
PIC	Prior informed consent
SDGs	Sustainable Development Goals
SMTA	Standard Material Transfer Agreement
UPOV	International Union for the Protection of New Varieties of Plants
WIPO	World Intellectual Property Organization