

Summary of the First Special Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture: 7 December 2021

The first special session of the Governing Body (GB) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) convened virtually to adopt an interim budget for 2022, to enable continued functioning of the Treaty and its Secretariat. This special session was organized due to the extraordinary circumstances caused by the continuing COVID-19 global pandemic, which led to the postponement of the ninth session of the GB (GB 9). GB 9 was originally scheduled for December 2021, and is now scheduled to take place in India, in May 2022.

Delegates remained focused on the session's only substantive agenda item, the interim budget, which had been prepared by the Secretariat, endorsed by the Bureau, and subject to review by parties through the correspondence procedure. This resulted in swift adoption of the interim budget and the accompanying resolution following a single three-hour session. The interim budget will ensure that Treaty operations continue until GB 9 convenes.

The first special session was held virtually on Tuesday, 7 December 2021. Approximately 400 participants followed the proceedings, including government representatives, and observers from international organizations, civil society, and the private sector.

A Brief History of the Treaty

Negotiated under the auspices of the UN Food and Agriculture Organization (FAO), ITPGRFA is a legally-binding instrument that targets the conservation and sustainable use of plant genetic resources for food and agriculture (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 a Multilateral System (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 148 parties.

Key Turning Points

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

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

In this Issue

| | |
|--|---|
| A Brief History of the Treaty | 1 |
| Report of the First Special Session. | 2 |
| Interim Budget. | 3 |
| Adoption of the Report | 3 |
| A Brief Analysis of the Meeting | 3 |
| Upcoming Meetings | 4 |
| Glossary. | 4 |

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; 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) 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.

The Working Group met three times during the intersessional period (October 2018, June 2019, and October 2019). It reached tentative compromise to amend the list of crops in the MLS (Annex I of the Treaty) to include all PGRFA under the management and control of parties and in the public domain, in *ex situ* conditions, while allowing for reasoned national exemptions on a limited number of native species. It also agreed on a package of measures, allowing for simultaneous adoption of the revised SMTA and the amendment of Annex I. Parties made progress on the draft revised SMTA, but were unable to reach consensus on elements including benefit-sharing payment rates and benefit-sharing from use of DSI/genetic sequence data.

GB 8: The eighth session of the GB (November 2019, Rome) did not reach consensus on its main item, the package of measures to enhance the functioning of the MLS, under negotiation for six years, which would have resulted in revising the SMTA and the coverage of the MLS, with DSI identified as the deal breaker. Nor did it agree to continue intersessional work on the matter. The session adopted a series of other resolutions, including on farmers' rights, conservation and sustainable use of PGRFA, and the Funding Strategy.

Report of the First Special Session

GB Chair Yasmina El Bahloul (Morocco) opened the session, underscoring that adoption of an interim budget for 2022 is the only substantive agenda item. She noted such adoption is critical to enable the GB to support the Treaty's continued contribution to food security in the context of the COVID-19 pandemic, as well as climate change.

FAO Deputy Director-General Maria Helena Semedo welcomed Mozambique and South Sudan as the newest parties to the Treaty. She noted that PGRFA are fundamental assets for sustainable and resilient agri-food systems, adding that biodiversity must feature prominently in recovery efforts. She drew attention to the FAO 2021-2023 Action Plan for the Implementation of the FAO Strategy on Mainstreaming Biodiversity across Agricultural Sectors and the Treaty's role in its implementation.

ITPGRFA Secretary Kent Nnadozie provided an overview of intersessional work, including ten meetings of subsidiary bodies, three technical webinars, such as on cryopreservation and management of BSF projects, development of knowledge and training products, and cooperation with other processes and organizations, including the CBD on the post-2020 global biodiversity framework and the Global Crop Diversity Trust on the establishment of the Emergency Reserve for Genebanks.

Organizational Matters: Delegates adopted the Special Procedures for the First Special Session of the GB (IT/GB-Sp1/21/1.2, Appendix), noting that the amended working modalities are due to exceptional circumstances and would not set a precedent. They adopted the meeting's agenda (IT/GB-Sp1/21/1) and elected

Christine Dawson (US) as rapporteur. They approved the list of observers (IT/GB-Sp1/21/2) and agreed that the Bureau would act as the credentials committee.

Interim Budget

ITPGRFA Secretary Nnadozie presented the proposal for a draft interim budget and accompanying resolution (IT/GB-Sp1/21/3). He noted the interim budget's limited scope, only to enable the continued operations of the Treaty and its Secretariat until the GB convenes in 2022. He provided an overview of the correspondence procedure used to allow parties to review the budget and make comments, and offered clarifications regarding use of unspent funds and the indicative scale of contributions.

Delegates supported the proposed interim budget, including Paraguay, for the LATIN AMERICAN AND THE CARIBBEAN GROUP, Lebanon, for the NEAR EAST, Poland, for the EUROPEAN REGIONAL GROUP (ERG), MALAYSIA, JAPAN, and RWANDA. The ERG drew attention to the group's proposal to "note with concern" in the resolution that the number of parties that contributed to the core budget remains low. Stressing the need to acknowledge pandemic-related challenges, ARGENTINA suggested requesting parties to increase their efforts to provide the resources required. Delegates accepted the ERG proposal, as amended by Argentina.

The NEAR EAST further highlighted the need to implement all Treaty provisions, including on capacity building and technology transfer, to ensure food security. MALAYSIA highlighted their contribution to the core budget and, with the ERG, encouraged other parties to contribute to ensure the Treaty's ability to function. The ERG stressed the need to coordinate the timing of GB 9 and the fifteenth meeting of the Conference of the Parties (COP 15) of the CBD, indicating the need for many delegates to attend both events. JAPAN requested the Secretariat to explore standard reporting governance procedures and facilitate an audit by GB 9.

Chair El Bahloul noted that India has reaffirmed its commitment to host GB 9 in May 2022, while the Bureau continues to monitor the situation and make adjustments as necessary.

Adoption of the Report

Rapporteur Dawson presented the report of the meeting, following a break to allow for its preparation and review. Delegates adopted the report, including the interim budget for 2022 and accompanying resolution, as amended, without comment. ITPGRFA Secretary Nnadozie thanked delegates and offered the ongoing support of the Secretariat. Chair El Bahloul closed the meeting at 2:31 pm CET (UTC+1).

Final Outcome: The report (IT7GB-SP1/21/Draft Report) contains a resolution (GB-Sp1/2021) and the interim budget for 2022.

In the resolution, the GB adopts the ITPGRFA's interim budget for 2022 and the indicative scale for voluntary contributions. It "notes with concern" that the number of parties contributing to the core administrative budget remains low and requests all parties to "increase efforts to provide the resources required in the interim budget, emphasizing the necessity for the Secretariat to find economies to conduct operations amid uncertain circumstances."

It further takes note of the provisional proposed contribution from FAO of USD 2 million for the 2022-23 biennium and affirms that the approval of the interim budget is without prejudice to the final budget to be approved by GB 9. The interim budget for 2022 and the indicative scale of contributions are annexed to the resolution.

The interim budget contains categories for: human resources at USD 2,603,019; meeting expenses at USD 417,500; other costs, including staff travel and publications, at USD 249,750; general operating services at USD 130,811; and support costs at USD 144,065. This amounts to a total core administrative budget of USD 3,545,144, one million of which will be covered by the FAO contribution, with the remainder to be covered by parties.

A Brief Analysis of the Meeting

Well into the second year of the COVID-19 pandemic, the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) followed other environmental agreements by devising ways to continue its work virtually, in light of the difficulties with holding face-to-face meetings. Thus, the regular ninth session of the Governing Body (GB 9), originally scheduled for December 2021, had to be postponed until May 2022. Following its dramatic last session in 2019, which ended without agreement after six years of negotiations on the revision of the Treaty's Multilateral System (MLS) of access and benefit-sharing, the GB did not get into any substantive negotiations in a virtual setting. Thus, the only substantive matter on the agenda was the adoption of an interim budget, to allow operations of the Treaty and its Secretariat until GB 9 can convene.

The special session was brief and uneventful. Delegates were quick to adopt the interim budget for 2022 and the accompanying resolution, which had already been reviewed through a correspondence procedure and approved by the Bureau. While they refrained from discussing other matters, parties used the opportunity to highlight ongoing budget-related concerns, such as the need for more parties to contribute to the core budget and financial challenges in the context of the pandemic.

At the same time, they heard that preparations for GB 9 are well underway. India renewed its offer to host the session, while intersessional work continues in a virtual format through the Treaty's subsidiary bodies, including on the Funding Strategy and resource mobilization, farmers' rights, the Treaty's Global Information System, compliance, and conservation and sustainable use of plant genetic resources for food and agriculture.

Cooperation with other processes also continues, in particular with the Convention on Biological Diversity (CBD), as its post-2020 global biodiversity framework currently under negotiation is of direct relevance to the Treaty. Furthermore, the session served to highlight developments of potential interest for national decision makers and project managers, particularly in the context of the pandemic. For instance, the Emergency Reserve for Genebanks, established by the Treaty and the Global Crop Diversity Trust, may be used to provide urgent support to *ex situ* collections in the Multilateral System in cases of imminent threat and no alternative financial support. The recently launched inventory of

national measures on farmers' rights may offer ideas towards the alleviation of the detrimental effects of the pandemic, which hit rural communities and smallholder farmers particularly hard.

With its operations secure until the convening of GB 9, the Treaty can now continue intersessional work on its agenda, while further developing its cooperation with biodiversity- and agriculture-related agreements. As the pandemic has showcased the vulnerabilities of agricultural and food systems, the Treaty's role in facilitating fair and equitable agricultural research and development for global food security is becoming increasingly important. It remains to be seen how GB 9 will assess the operations of the MLS and whether it will re-attempt to enhance its functioning, given the current circumstances.

Upcoming Meetings

Resumed Fifth Session of the UN Environment Assembly (UNEA 5.2): UNEA 5.2 will take place under the theme "Strengthening Actions for Nature to Achieve the SDGs." Its aim will be to connect and consolidate environmental actions within the context of sustainable development and motivate the sharing and implementation of successful approaches. UNEA will also discuss whether to establish an intergovernmental negotiating committee towards a new agreement on marine litter and plastic pollution. The in-person session of UNEA- 5 will be followed by a Special Session of the UNEA, on 3-4 March 2022, to commemorate UNEP's 50th anniversary. **date:** 28 February – 2 March 2022 **location:** Nairobi, Kenya **www:** unep.org/environmentassembly/unea5

Resumed sessions of the CBD Subsidiary Bodies and Working Group on the Post-2020 Global Biodiversity Framework (GBF): The resumed sessions of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-24), Subsidiary Body on Implementation (SBI-3) and the third meeting of the Open-ended Working Group on the GBF were scheduled to reconvene face-to-face in January 2022 but have been postponed to a later date due to the emergence of the Omicron variant. The meetings will address, as a core topic, outstanding issues in regard to the GBF. **dates:** TBC **location:** Geneva, Switzerland **www:** cbd.int/meetings

BBNJ IGC-4: The fourth Session of the Intergovernmental Conference (IGC) on the Conservation and Sustainable Use of Marine Biodiversity of Areas Beyond National Jurisdiction is scheduled to meet in person to continue textual negotiations of an international instrument. **dates:** 7-18 March 2022 **location:** UN Headquarters, New York **www:** un.org/bbnj/

Ninth World Water Forum: The 9th World Water Forum is the first of its kind in sub-Saharan Africa. It will focus on the theme "Water Security for Peace and Development," and will consider four priorities: water security and sanitation; cooperation; rural development; and means tools. The Forum aims to enhance dialogue of the decision-making process on water at the global level, seeking to achieve the rational and sustainable use of this resource. **dates:** 22-27 March 2022 **location:** Dakar, Senegal **www:** worldwatercouncil.org/en/dakar-2022

CITES SC 74: The 74th meeting of the Standing Committee to the Convention on International Trade in Endangered Species of Wild Fauna and Flora will meet either in person or in hybrid format

to prepare for the next meeting of the Conference of the Parties.

dates: 7-11 March 2022 **location:** France (TBC) **www:** cites.org/sites/default/files/notifications/E-Notif-2021-069.pdf

Second Part of the UN Biodiversity Conference (CBD COP 15): The second part of CBD COP 15, the 10th meeting of the COP serving as the Meeting of the Parties (MOP) to the Cartagena Protocol on Biosafety, and the fourth meeting of the COP serving as the MOP to the Nagoya Protocol on Access and Benefit-sharing are scheduled to reconvene in a face-to-face meeting in Kunming, China. Among a range of policy, implementation, administrative and financial items, COP 15 is expected to adopt a post-2020 GBF. **dates:** TBC **location:** Kunming, China **www:** cbd.int/meetings

Ninth Session of the Governing Body of the ITPGRFA: The ninth session of the Governing Body (GB 9) of the ITPGRFA will address items on general policy and implementation of the Treaty and its Multilateral System, and administrative and budgetary matters. **dates:** 9-14 May 2022 **location:** India **www:** fao.org/plant-treaty/meetings/

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

Glossary

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| BSF | Benefit-sharing Fund |
| CBD | Convention on Biological Diversity |
| DSI | Digital sequence information |
| ERG | European Regional Group |
| FAO | UN Food and Agriculture Organization |
| GB | Governing Body |
| ITPGRFA | International Treaty on Plant Genetic Resources for Food and Agriculture |
| MLS | Multilateral System |
| PGRFA | Plant genetic resources for food and agriculture |
| SMTA | Standard Material Transfer Agreement |