

ITPGRFA GB 9 Highlights: Tuesday, 20 September 2022

Delegates to the ninth session of the Governing Body (GB 9) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) continued their deliberations in morning, afternoon, and evening sessions. They addressed items related to the guardians of crop diversity, the Funding Strategy, the Multilateral System (MLS), farmers' rights, the Global Information System (GLIS), and conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA). A contact group was established to discuss a process on enhancing the MLS. In the evening, the budget committee held its first meeting.

Celebrating the Guardians of Crop Diversity: Towards an Inclusive Post-2020 Global Biodiversity Framework

The Secretariat introduced the document (IT/GB-9/22/7), which recognizes the contribution of guardians of crop diversity, especially farmers, to the effective management of PGRFA, and drew delegates' attention to the draft resolution.

The EUROPEAN REGIONAL GROUP (ERG), AFRICA, SOUTHWEST PACIFIC, NEAR EAST, ECUADOR, INDIA, ARGENTINA, NORWAY, JAPAN, PERU, and SAUDI ARABIA supported the draft resolution, stressing the need to recognize the contributions of smallholder farmers and other biodiversity custodians for current and future generations.

NORTH AMERICA, opposed by NORWAY and others, suggested acknowledging the role of plant breeders as guardians of PGRFA.

CHILE, supported by NORWAY, BURKINA FASO, and CANADA, proposed specifically recognizing the contributions of women.

Debate focused on the proposal to acknowledge the role of plant breeders. PERU suggested reference to breeders that are farmers, recognizing their contributions. CANADA proposed reference to "breeders and farmer breeders." Consensus was not reached, and a small group will discuss the issue.

Funding Strategy

The Secretariat presented the report of the Standing Committee on the Funding Strategy and Resource Mobilization (IT/GB-9/22/10), and information documents on the Benefit-sharing Fund (BSF) (IT/GB-9/22/10/Inf.1 and 2).

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

NORTH AMERICA, with SOUTHWEST PACIFIC and JAPAN, encouraged the Committee to focus on resource mobilization in support of implementation. The ERG welcomed the launch of the fifth cycle of the BSF, noting that resource mobilization should build on existing partnerships. AFRICA

called for collaborative fundraising. ARGENTINA urged giving more consideration to private sector financing. ASIA lauded the monitoring framework as key for improving governance of the BSF.

NORTH AMERICA supported engagement with the food processing industry. AFRICA and MALAYSIA supported the inclusion of contributions from the food processing industry.

NORWAY announced a contribution of approximately USD 4 million to the BSF. The INTERNATIONAL SEED FEDERATION called for direct insights from stakeholders providing non-monetary benefits.

Multilateral System

Enhancement of the MLS: Delegates considered jointly the Swiss proposal for amendment of the Treaty (IT/GB-9/22/8) and the item on enhancing the MLS (IT/GB-9/22/9.2). The Secretariat noted that GB 8 was unable to reach agreement on enhancing the MLS, and informal consultations were held intersessionally (IT/GB-9/22/9.2/Inf.1 and 2).

Co-Facilitators Sunil Archak (India) and François Pythoud (Switzerland) reported on the three informal consultations held in 2021 and 2022. They noted that all regional groups were represented and had agreed on the importance of a fully functioning MLS, and on the need to consider how to build on what had been achieved prior to GB 8. They noted possible consensus around: a new mandate and terms of reference for an intersessional group; building upon three pillars, including a revised standard Material Transfer Agreement (SMTA), expansion of the list of crops in Annex I, and implementation measures through a GB resolution; and the need for early discussions on digital sequence information (DSI) and benefit-sharing payment rates. SWITZERLAND then proposed the establishment of a contact group.

Many delegates stressed the importance of enhancing the MLS and supported establishing a contact group.

GRULAC and ASIA noted that the Swiss proposal to amend the MLS to cover all PGRFA can only be discussed in conjunction with the broader deliberation to enhance the MLS. GRULAC and AFRICA called for a formal process with full participation, to be finalized at GB 10, focusing, among others, on new technologies and DSI. NORWAY supported restarting the negotiating process. NORTH AMERICA and SOUTHWEST PACIFIC noted that a formal negotiating process makes sense if any compromises are foreseen to be achievable.

The ERG supported the proposal to amend Annex I to cover all PGRFA. NEAR EAST stressed the need for capacity development. BRAZIL called for balanced discussions on expanding Annex I and amending the SMTA, also addressing DSI. Several developing countries noted that, while expanding the scope of MLS is essential, it remains premature unless benefit-sharing is improved and DSI is addressed.

The ERG discussed improving the MLS, including: developing a shared vision on the key roles and functions of the MLS; developing measures to include currently fragmented material in the MLS; addressing incomplete availability and accessibility of Annex I material; addressing measures of non-monetary benefit-sharing; and discussing monetary benefit-sharing, calling for realistic expectations.

CGIAR said a formal process is required, based on common objectives to be agreed at GB 9, including: increasing benefit-sharing payments; increasing PGRFA in the MLS; investing in capacity building for developing country users; and developing a monitoring framework to keep track of monetary and non-monetary benefits.

A contact group was established, co-chaired by Pythoud and Archak.

Operations of the MLS: The Secretariat introduced the document (IT/GB-9/22/9.1), containing updates on available material, an analysis of germplasm transfers within the MLS, and a draft resolution.

NORTH AMERICA highlighted that only 86 countries had been profiled, recognized gaps in reporting capacity, and urged all parties to provide reports. AFRICA called for capacity-building workshops on use of the MLS. BRAZIL said a process on enhancing the MLS should also address issues related to private sector engagement. The ERG called for an analysis on why 40% of parties have not included material in the MLS.

ProSpecieRara, for CIVIL SOCIETY, called attention to a loophole whereby one party uses the SMTA only for access by foreign, and not domestic users, calling for a legal analysis on the unequal treatment of domestic and foreign natural and legal persons in access to the MLS. The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) stressed the need to include information on the source of the material in the MLS and free, prior, and informed consent. A conference room paper will be prepared.

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

ECUADOR, with ARGENTINA, noted that definitions of food security already exist, including under the FAO, which could allow for better analysis *vis-à-vis* the inclusion of multiple-use crops in the MLS. BRAZIL expressed caution, noting that a request for amending the Treaty should follow the agreed rules for amendments. ARGENTINA and the US said the provision should be applied based on case-by-case national interpretation, adding, with others, that it is not the GB's role to interpret Treaty provisions. SOUTHWEST PACIFIC underscored the agreed criteria of food security and interdependence, and pointed to dispute settlement in cases that MLS material is used for other purposes.

AFRICA expressed concerns regarding DSI originating from MLS material and used for aims not covered by the Treaty, requesting a strong message to the CBD to agree on a global multilateral solution on benefit-sharing from DSI.

URUGUAY suggested, and delegates agreed, to continue discussions in the contact group on enhancing the MLS.

Farmers' Rights (Article 9)

The Secretariat introduced relevant documents (IT/GB-9/22/13 and 13.2), including draft elements for a resolution. *Ad Hoc* Technical Expert Group (AHTEG) Co-Chair Rakesh Chandra Agrawal (India) presented the updated inventory of national measures, best practices and lessons learned (IT/GB-9/22/13/Inf.1). He further drew attention to the options for encouraging, guiding and promoting the realization of farmers' rights (IT/GB-9/22/13.3), noting that the options under Category 10 (legal measures), were not finalized and are thus presented as the Co-Chairs' Options. INDIA offered to host a symposium on farmers rights.

On Category 10, the ERG, with IPC, stated their preference to "take note" of the Co-Chairs' options without further action on them. The PHILIPPINES, with INDIA, favored Category 10 measures. NORTH AMERICA and JAPAN expressed concern regarding their inclusion. AFRICA said consensus is needed on

all options for adoption. The US said use of the options should be subject to national laws.

AFRICA supported, while the ERG opposed, a request for commissioning a background study on the state of implementation of Article 9. REPUBLIC OF CONGO called for an action plan including South-South, and triangular best practices in the implementation of farmers rights.

GRULAC welcomed the updated version of the Educational Module on Farmers' Rights. NEAR EAST called for renewing the AHTEG's mandate and, supported by others, for translation of the Inventory into all official UN languages.

A small group was established to make progress on unresolved issues.

Global Information System

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

GRULAC stressed that DOIs should be assigned on a permanent and precise fashion, and welcomed the new GLIS portal, stressing the need, with ASIA, for capacity building to effectively access and use the GLIS.

NORTH AMERICA stressed that the Scientific Advisory Committee should prioritize technical advice on developing and deploying the GLIS. He identified two main roles for DOIs, ascertaining biological identity and tracking and recording SMTAs, and suggested focusing on the latter; and opposed any benefit-sharing obligations from use of genome sequence data (GSD). JAPAN also preferred the term GSD over DSI. AFRICA urged that the GLIS ensures benefit-sharing, including from use of DSI. CANADA noted that DSI cannot be included in GLIS due to limitations in hosting and circulating protected information.

IPC said GLIS should include information on collectors, place of collection, and catalogue numbers.

Conservation and Sustainable Use of PGRFA

The Secretariat introduced relevant documents (IT/GB-9/22/12 and 12.2). Teresita Borrromeo (the Philippines), Co-Chair of *Ad Hoc* Technical Committee on conservation and sustainable use, reported on the Committee's work, including on the toolbox on sustainable use and a joint programme on biodiversity in agriculture.

AFRICA called for enhancing the visibility of the toolbox, and for additional funds to address implementation bottlenecks. ASIA supported the integration of the toolbox into the GLIS. ASIA and AFRICA supported the joint programme, while NORTH AMERICA expressed reservations on its scope. The ERG proposed postponing any recommended action, except that related to the joint programme. Discussions will continue on Wednesday.

In The Corridors

The jovial mood set by the festivities of the first day started to fade on Tuesday, as an attempt to celebrate the guardians of crop diversity experienced an unexpected hiccup. What should have been a simple matter ended up in a lengthy discussion on whether plant breeders should be included as guardians of crop diversity. Views diverged, with most commenting that the proposal aimed to acknowledge the contribution of farmers, who often lack policy recognition and support.

Further disagreements surfaced as delegates slid into deeper waters. Finding a way to restart the negotiating process on enhancing the Treaty's Multilateral System of Access and Benefit-Sharing was not expected to be easy. The rather swift decision to form a contact group to address the matter had a delegate sharing her hopes that "we are all on the same page regarding the importance of enhancing the MLS" to achieve the Treaty's objectives. As negotiations continued into the night on an equally divisive item, farmers' rights, it was obvious to all participants they have their work cut out for them in the coming days.