

ITPGRFA GB 9 Highlights: Wednesday, 21 September 2022

Deliberations continued at the ninth session of the Governing Body (GB 9) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty). Plenary addressed a series of items related to conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), compliance, and cooperation with other organizations. Contact and informal groups on the more controversial issues met in the evening and into the night, to address a process for enhancing the Multilateral System (MLS), farmers' rights, guardians of crop diversity, the capacity-development strategy, as well as the budget.

Conservation and Sustainable Use

Delegates continued Tuesday's discussions. NEAR EAST, UGANDA, UNITED ARAB EMIRATES, IRAQ, and BURKINA FASO called for capacity-building efforts and training on the use of PGRFA. UGANDA called for high-level engagement with governments. TUNISIA and URUGUAY emphasized the need for increased visibility through a communication strategy. The PHILIPPINES underscored the need to determine whether the objectives of the food processing industry are in harmony with those of the Treaty. BRAZIL stressed that universalization of sustainable agriculture is dependent on universalization of market access.

NEAR EAST, the PHILIPPINES, PAPUA NEW GUINEA, and LIBYA urged considering the joint programme on biodiversity in agriculture. GRULAC stressed that the joint programme is necessary but the relevant concept note needs to be improved.

GRULAC, NEAR EAST, and others supported the new prototype of the toolbox for PGRFA, with NEAR EAST noting that it does not include information on crop wild relatives.

GRULAC and NEAR EAST supported the reconvening of the *Ad Hoc* Technical Committee. JAPAN suggested that the Committee meetings be held online. The INTERNATIONAL SEED FEDERATION called for new terms of reference for the Committee focusing on implementation bottlenecks.

SWISSAID, for CIVIL SOCIETY, urged the GB to take concrete steps to address implementation barriers through protecting farmers' rights and ensuring civil society engagement. The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) underlined lifelong process-based approaches to support farmers in their conservation and sustainable use of PGRFA. The Secretariat will prepare a conference room paper (CRP).

Compliance

Outgoing Compliance Committee Chair Angeline Munzara (Zimbabwe) reported on the work of the Committee (IT/GB-9/22/14), noting that 79 parties submitted national reports and highlighting a first-time request for advisory services on a draft seed law from a party.

The ERG said that about a third of the 79 respondents did not include information on PGRFA, noting the need for continued capacity development in this area.

AFRICA reported that capacity building in the region has facilitated an increase in reporting with 22 out of the 79 reports being from the continent. URUGUAY supported using the current reports to provide a snapshot of compliance and identify gaps.

On the draft resolution, ASIA, NEAR EAST, CAMEROON, and TOGO supported capacity building through training workshops, webinars, and other resources on report preparation. NORTH AMERICA noted that reporting is not a legal obligation under the Treaty. NORTH AMERICA and SOUTHWEST PACIFIC opposed paragraphs on the Committee's role in enhancing and assessing implementation, saying this is outside its mandate. The PHILIPPINES emphasized that alignment of national legislation is an obligation under Treaty Article 4 (general obligations). AFRICA supported postponing the assessment of compliance procedures to GB 10.

CGIAR reported use of compliance reports to identify areas for capacity building. IPC requested that the revision and update of the standard reporting format take into account reporting on national measures on farmers' rights. A CRP will be prepared.

FAO Contribution to Treaty Implementation

The Secretariat introduced the document (IT/GB-9/22/15), including a draft resolution.

Many welcomed the ongoing support by the Food and Agriculture Organization of the UN (FAO) and supported the draft resolution. The ERG, AFRICA, GRULAC, and NEAR EAST highlighted FAO's annual financial contributions and recent initiatives. The ERG noted these initiatives build bridges to new stakeholders, especially the food industry.

The ERG and GRULAC appreciated the 2021-2023 Action Plan on mainstreaming biodiversity across agricultural sectors. GRULAC and NEAR EAST emphasized capacity development for analyzing and collecting biodiversity-related information. AFRICA encouraged support for implementing national strategies and stepping up the outreach campaign. IRAQ highlighted FAO's efforts to support smallholder farmers at the national level. NORTH AMERICA suggested referencing the private sector and the FAO Strategy on Climate Change 2022-2031 in the draft resolution.

Cooperation with International Organizations

Commission on Genetic Resources for Food and Agriculture (CGRFA): The Secretariat introduced the document (IT/GB-9/22/16.1), which was jointly prepared with the CGRFA Secretariat.

The CGRFA presented its report (IT/GB-9/22/16.1/Inf.1) highlighting, among others: the Framework for Action on Biodiversity for Food and Agriculture; preparation of the third report on the state of the world's PGRFA; a forthcoming virtual global workshop on digital sequence information (DSI); and activities to support implementation of the second Global Plan of Action for PGRFA.

The ERG lauded organization of the International Multi-stakeholder Symposium on PGRFA. ASIA underlined that the

Treaty should be the main source of information on PGRFA in the post-2020 global biodiversity framework (GBF).

NORTH AMERICA opposed the transfer of functions between the Treaty and the CGRFA. BRAZIL cautioned against reinterpreting mandates and duplicating efforts, calling to replace reference to “synergies” with “complementarities” in all relevant draft resolutions. A CRP will be prepared.

Global Crop Diversity Trust (Crop Trust): The Secretariat and the CROP TRUST presented relevant documents (IT/GB-9/22/16.2 and 16.2.2), highlighting joint activities, and long-term funding from the Crop Trust to nine CGIAR Centers and to the Centre for Pacific Crops and Trees (CePaCT).

The ERG welcomed the role of the emergency reserve in safeguarding genebanks at risk, particularly in areas with conflicts, such as Syria and Ukraine. CUBA and ECUADOR lauded the Biodiversity for Opportunities, Livelihoods and Development (BOLD) project. ZAMBIA reiterated support for the Seeds for Resilience and BOLD projects. ECUADOR reported protection of wild potatoes and rice collections through the emergency reserve. URUGUAY cited regeneration of corn varieties. KENYA, UGANDA, and BURKINA FASO reported capacity-building benefits for national and regional genebanks. NORTH AMERICA commended the preparation of a white paper on crop conservation strategies.

INDIA and GUYANA lamented the predicament of the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT), due to its financial fall back after not joining the One CGIAR. They urged the GB to consider options for long-term funding of all Article 15 institutions. ICRISAT highlighted its funding shortfall, and supported the proposal.

CGIAR underlined the One CGIAR approach, underscoring that other centers are welcome to join the unified governance arrangements. CANADA supported the reform and alignment of the CGIAR centers into One CGIAR. The NETHERLANDS urged ICRISAT to join the initiative. AUSTRALIA noted their financial support for One CGIAR.

Other bodies: The Secretariat introduced relevant documents (IT/GB-9/22/16.4 Rev.1, 16.4.2, 16.4.2 Add.1, and 16.4.3 Rev.1).

Regarding cooperation with the International Union for the Protection of New Varieties of Plants (UPOV) and the development of “frequently-asked questions” (FAQ) on the interrelation between UPOV and the Treaty, AFRICA stressed that comments should be limited to explaining the objective of the Treaty, noting that the development of the FAQ was not decided under the Treaty. JAPAN supported development of the FAQ. The US noted that the FAQ had been finalized. UPOV requested a textual amendment to reflect that a draft of the FAQ was approved in July 2022. The ERG welcomed ongoing interaction with UPOV, with FRANCE noting that 79 Treaty parties are also UPOV Members. THIRD WORLD NETWORK (TWN) called for a report on how UPOV furthers the implementation of the Treaty, particularly regarding farmers’ rights.

AFRICA and the PHILIPPINES called for cooperation with the Human Rights Council and different human rights instruments, including the UN Declaration on the Rights of Indigenous Peoples and the UN Declaration on the Rights of Peasants (UNDROP). The US said that further consideration is needed, and FRANCE queried the legal nature of the link between human rights instruments and the Treaty. ProSpeciesRara underlined that the FAO and the Treaty have an obligation to implement UNDROP as part of their mandates, particularly regarding farmers’ rights.

The ERG and others welcomed cooperation with the Global Plant Cryopreservation Initiative. The US noted it is premature to develop an international cryopreservation facility.

The INTERNATIONAL OLIVE COUNCIL shared their goal of an international collection of PGRFA from olive trees. NORDIC GENETIC RESOURCE CENTER (NORDGEN) reported on the growth of the Svalbard Global Seed Vault, set to receive additional deposits bringing the collection to over 1.2 million seeds.

Convention on Biological Diversity (CBD) and Nagoya Protocol: The Secretariat presented the document (IT/GB-

9/22/16.3), highlighting that the latest GBF draft contains targets, goals, and indicators of direct relevance to the Treaty. The CBD presented its report (IT/GB-9/22/16.3/Inf.1), and mentioned that the biodiversity focal area under the eighth replenishment of the Global Environment Facility (GEF-8) Trust Fund remains the main source of funding. The ERG noted that GEF-8 recognizes the interdependency of human wellbeing and the environment, including the importance of transforming food systems.

NORTH AMERICA said that the resolution should refer to “maintaining,” rather than “enhancing” collaboration. ARGENTINA called for increasing cooperation based on complementarities. ECUADOR and UNITED ARAB EMIRATES supported cooperation on the GBF. NORTH AMERICA and ARGENTINA cautioned against prejudging the outcome of the GBF negotiations, and requested the GB to “welcome,” rather than “endorse” it when it is adopted. AFRICA stressed DSI as a pertinent and cross-cutting issue between the Treaty and the CBD.

The BOLIVIAN CATHOLIC UNIVERSITY, supported by CHILE, ECUADOR, TWN, and the US, proposed language inviting parties to consider lessons learned from the CBD’s 2015-2020 Gender Plan of Action as applicable to the Treaty. IPC underlined the importance of discussing DSI under this forum, with TWN adding that agreeing on benefit-sharing from DSI use under the Treaty is crucial also for the GBF and a new high seas treaty. The AFRICAN UNION, with CÔTE D’IVOIRE, called on GB 9 to request the CBD Conference of the Parties to establish a global multilateral benefit-sharing mechanism for DSI.

Multi-year Programme of Work

The Secretariat introduced the document (IT/GB-9/22/17.1), noting that the COVID-19 pandemic affected implementation. Discussions will continue on Thursday.

Contact Group on Enhancing the MLS

Co-Chairs François Pythoud (Switzerland) and Sunil Archak (India) noted that the group’s mandate is to discuss next steps for the enhancement of the MLS, addressing the outcomes of the informal consultations. They urged delegates to focus on the process of organizing future work, rather than on the substance.

Delegates agreed in principle on the aim of enhancing the MLS, namely to: increase monetary and non-monetary benefits; increase user-based income to the Benefit-sharing Fund; expand the crops available under the MLS and improve the availability of current Annex 1 crops; make the MLS more dynamic to take into account emerging issues; and ensure legal certainty and administrative simplicity.

The group then discussed the process forward, including the characteristics of an intersessional group mandated to discuss substantive issues, its timeline, and its terms of reference.

In The Corridors

After a burst of mid-week color, courtesy of an Indian cultural interlude on Wednesday morning, delegates got straight back to work, rushing to open all the agenda items in order to concentrate on the more difficult aspects of GB 9. Although non-controversial, some found it interesting to follow the status of party compliance with the Treaty. While many noted pandemic-related challenges, the overall increase in reports, particularly from previously low-responder regions, was treated with much pride. Some delegates did not hold back, piling on effusive praise for the Secretariat and the Compliance Committee. Others, though, were keen to raise the standard, calling to address gaps related to PGRFA collections and staying on top of issues such as farmers’ rights.

Although the spirit of appreciation continued during discussions on cooperation with other organizations, inevitable stumbling blocks emerged. “Cooperation with UPOV has always been controversial,” one participant commented, pointing to conflicts between farmers’ rights and plant breeders’ rights. As delegates rushed to small group meetings in the evening, many observed that the real negotiations are only just beginning.