

## ITPGRFA GB 9 Highlights: Thursday, 22 September 2022

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 with plenary deliberations on the Multi-Year Programme of Work (MYPOW), including digital sequence information (DSI). Contact groups concentrated on the most controversial matters of farmers' rights and a process for enhancing the Multilateral System (MLS). The contact group on the MLS concluded its work, with agreement to reestablish the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the MLS to finalize the process by GB 11. An informal group continued discussions on guardians of crop diversity. The budget committee resumed its deliberations in the evening.

### *Multi-Year Programme of Work 2022-2027*

Delegates continued Wednesday's discussions. The ERG stressed that the draft MYPOW offers a helpful structure for future work, noting, with others, that amendments depend upon discussions on other agenda items.

GRULAC, with NEAR EAST, stressed that, regarding the MYPOW milestones, potential implications of DSI on plant genetic resources for food and agriculture (PGRFA) should be addressed under the MLS, rather than under other items. AFRICA urged including reports on the MLS and the Global Information System at GB 10 in the draft MYPOW. CONGO called for a plan to safeguard PGRFA, noting that the MYPOW should include targets to evaluate progress and provide greater visibility to the Treaty.

NORTH AMERICA stressed that the content of the MYPOW table of activities should reflect GB decisions, noting that items such as the Global Symposium on Farmers' Rights have not been determined by the GB. She further supported: presenting a report on availability of material at GB 10; including any outcomes regarding the enhancement of the MLS; and considering an item on strengthening information-based decision making in PGRFA management.

GRULAC and G-77/CHINA underscored that all decision making should take place during in-person meetings, utilizing virtual settings for preparatory meetings. A conference room paper will be prepared.

**DSI:** The Secretariat presented relevant documents (IT/GB-9/22/17.2 Rev.1 and Inf.1).

The ERG, NORTH AMERICA, and SAUDI ARABIA supported the plan of the Commission on Genetic Resources for Food and Agriculture (CGRFA) of the Food and Agriculture Organization of the UN (FAO) to hold an intersessional workshop to raise awareness on DSI. The ERG emphasized that open access to DSI is an important form of non-monetary benefit-sharing; and requested the Secretariat compile DSI-related capacity needs of Treaty parties.

GRULAC urged the GB to take note of deliberations on the post-2020 global biodiversity framework (GBF) under the Convention on Biological Diversity (CBD) on benefit-sharing from DSI, noting the latest GBF draft refers to the Treaty's MLS in its preamble; and called for analysis of potential implications on the Treaty's MYPOW. INDIA said the Treaty has a lot to offer the CBD on DSI discussions. JAPAN noted the Treaty can support the GBF by providing an analysis of options for capacity building in generating, sharing, and using PGRFA, with focus on genetic sequence data. AFRICA called for a GB 9 decision urging the CBD Conference of the Parties to consider a multilateral benefit-sharing mechanism for use of DSI to support conservation and sustainable use of biodiversity, including PGRFA.

NEAR EAST stressed the importance of building capacity and of finding a formula for fair and equitable benefit-sharing. NORTH AMERICA acknowledged the challenges associated with accessing and making full use of DSI, lamented the proliferation of national measures to regulate data access, and opposed delegating decision making on DSI related to PGRFA to the CBD.

MALAYSIA requested the Secretariat to continue following DSI discussions under the CBD and the CGRFA and, with IRAQ, called for further developing capacity-building programmes on DSI. ECUADOR supported a benefit-sharing mechanism with coherence across the Treaty and the CBD and, with PERU, urged improving genetic resource traceability.

THIRD WORLD NETWORK (TWN), supported by NAMIBIA, lamented "coordinated attempts to dismantle" ABS frameworks while DSI use is expanding globally and underlined the need for a concrete solution before GB 11. INTERNATIONAL SEED FEDERATION and UNIVERSITY OF LOUVAIN stressed the Treaty should not wait for other bodies to make a decision on DSI related to PGRFA. BOLIVIAN CATHOLIC UNIVERSITY underscored that capacity building and technology transfer are preconditions for benefit-sharing.

**Review of Subsidiary Bodies and Intersessional Processes:** The Secretariat introduced the document (IT/GB-9/22/17.3).

GRULAC expressed concern about the limited participation from some regional groups in online meetings, underlining the importance of continuity within subsidiary bodies. The ERG supported virtual modalities for certain meetings, noting the need to assess efficiency and participation, and called for limited commissioning of studies and background papers.

G-77/CHINA strongly supported in-person meetings for the intersessional subsidiary bodies, noting they are essential for inclusive engagement. Some underscored that in-person meetings should be held for negotiating and decision making, while preparatory meetings could be held virtually. CONGO and MALI emphasized considering the digital divide, adding that virtual meetings should only take place in cases of *force majeure*. URUGUAY suggested specifying parameters and standards for both in-person and virtual meetings. Calling for flexibility, AUSTRALIA and JAPAN supported virtual modalities both for preparatory and for subsidiary body meetings.

Summarizing the discussion, Chair El Bahloul noted that most delegates support in-person meetings for decision making and virtual ones for preparatory purposes, stressing the need for flexibility, including due to financial constraints.

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

GB 9 Chair El Bahloul presented the document (IT/GB-9/22/19.1 Rev.1), noting the extension of Secretary Nnadozie's appointment for two additional years.

AFRICA, NEAR EAST, ERG, NORTH AMERICA, SOUTHWEST PACIFIC, JAPAN, CONGO, TOGO, LIBYA, NORWAY, SWITZERLAND, MALAYSIA, UGANDA, INDIA, UNITED ARAB EMIRATES, NEPAL, the PHILIPPINES, and KENYA endorsed the reappointment, stressing Secretary Nnadozie's hard work and appreciating his efforts during the challenging times of the COVID-19 pandemic.

Some requested clarifications on the timeline of the reappointment. Chair El Bahloul and FAO Legal Officer Annick Van Houtte provided relevant explanations and GB 9 endorsed the reappointment for 2022-2023.

**Selection and Appointment Procedure:** FAO Legal Officer Van Houtte presented the document (IT/GB-9/22/19.2), explaining the procedure endorsed by the FAO Council in December 2021 for the selection and appointment of the Treaty's Secretary. The ERG, with AUSTRALIA, noted the need for agreement on the term of the Secretary's appointment, suggesting a four-year term, and requesting tasking the GB 10 Bureau to work with FAO to establish this as part of the appointment criteria. Delegates then approved the selection and appointment procedures, agreeing to forward the relevant guidance to the Bureau.

### ***Contact Group on Enhancing the MLS***

Co-facilitated by François Pythoud (Switzerland) and Sunil Archak (India), the contact group addressed a newly circulated draft resolution on enhancing the MLS (IT/GB-9/22/RES\_item9.2/CRP1), based on the terms of reference of the intersessional working group that deliberated until GB 8.

Delegates considered the aims of a package of measures to enhance the functioning of the MLS, debating whether to refer to new developments and emerging issues. Delegates agreed to "make the MLS more dynamic, given that there are emerging issues in science, innovation, plant breeding, and the global policy environment." Delegates further agreed to reestablish the *Ad Hoc*

Open-ended Working Group to Enhance the Functioning of the MLS to finalize the process by GB 11.

Regarding the Working Group's composition, delegates identified the number of spokespersons per region to ensure regional balance. On observer participation, the contact group decided to invite two spokespersons each from: civil society organizations; the seed industry; farmers' organizations; and research centers and academia, including the CGIAR. Delegates further decided to ensure regional and gender balance for the participation of both parties and observers.

The contact group agreed to the appointment of two Co-Chairs and on a list of requests to them to move the process forward, including a checkpoint report on progress to GB 10 for guidance on the continuation of the process. Delegates also recognized the magnitude of the task at hand, urging parties to provide the necessary financial resources.

The contact group concluded its deliberation and the draft resolution, as amended, will be forwarded to plenary.

### ***Contact Group on Farmers' Rights***

The contact group, co-facilitated by Svanhild-Isabelle Batta Torheim (Norway) and Rakesh Chandra Agrawal (India), focused on a draft resolution on the implementation of Article 9 (farmers rights). Delegates debated whether to carry out an assessment or a background study on the state of implementation of farmers' rights. Some noted that a background study is premature as no adequate time has passed since the 2019 study. Several highlighted time limitations in the MYPOW to accomplish and present outcomes of an assessment, with some suggesting postponing completion to GB 11. Delegates thereafter debated whether to request a report on progress at GB 10 and completion at GB 11. Co-Chair Torheim suggested that an outline of the assessment be presented at GB 10. Delegates agreed to a possible assessment, with review of its form and scope at GB 10.

On strengthening coordination and collaboration with other partners, delegates agreed to broaden collaboration beyond FAO to other UN systems. They also noted the need to refer to implementation rather than consideration of farmers' rights, finally agreeing to the "realization" of farmers rights. Deliberations continued into the night.

### ***In The Corridors***

Delegates have been circling around the issue of DSI since the session's beginning, but on Thursday, they finally dived in for the catch. Most were keenly cognizant that discussions on this topic have hamstrung many a process, starting from the Treaty's very own negotiations on enhancing the MLS, to the process of the CBD on a post-2020 global biodiversity framework, to the UN negotiations on marine biodiversity of areas beyond national jurisdiction. "Benefit-sharing from DSI use is either a deal-maker or a deal-breaker," one participant commented, relieved that the contact group on enhancing the MLS had reached agreement on a process to restart negotiations. "And this applies both to the Treaty and to the CBD," she added.

In the meantime, the contact group on farmers' rights continued deliberations late into the evening, fuelled by endless cups of coffee. While agreement on this remains elusive, hot-off-the-press in-session documents started making an appearance in the corridors, a relief for those keen to see at least some resolutions concluded.