

ITPGRFA GB 10 Highlights: Tuesday, 21 November 2023

Deliberations continued on the process for enhancing the Treaty's Multilateral System (MLS) of access and benefit-sharing, indicating that positions remain polarized on key issues. Following discussion on implementation-related items, including the Funding Strategy, Global Information System (GLIS), and conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA), delegates addressed farmers' rights. Debates centered on the establishment of an expert group and its terms of reference (ToRs). An evening plenary addressed compliance and the multi-year programme of work

Enhancement of the MLS

In continuation of Monday's discussions, many expressed support for: the preliminary timeline for negotiations; use of the June 2019 package; and focus on the three "hotspots" of digital sequence information (DSI)/genetic sequence data (GSD), expansion of Annex I, and payment structure and rates.

Some drew attention to the 2022 decision of the Conference of the Parties (COP) to the Convention on Biological Diversity (CBD), which established a multilateral mechanism for benefit-sharing from the use of DSI on genetic resources. The US, with the REPUBLIC OF KOREA and NETHERLANDS, noted the CBD decision acknowledged the divergent views on the scope and definition of DSI. The CBD reported on progress achieved in the first meeting of the CBD Working Group on DSI (12-18 November 2023, Geneva, Switzerland), highlighting convergence of views on collaboration with the Treaty.

BRAZIL, KOREA, NETHERLANDS, and BURKINA FASO supported the process outlined in the Working Group Co-Chairs' checkpoint report. AFRICA called for adequate representation at all levels during intersessional work, with NEAR EAST noting the importance of financial and logistical support.

BRAZIL stressed that enhancing the MLS must increase income to the Benefit-sharing Fund (BSF). CONGO indicated farmers' rights as a potential fourth hotspot. The REPUBLIC OF KOREA called for a Treaty definition of DSI. CGIAR urged a single integrated regime covering PGRFA and DSI. The SEED INDUSTRY noted the potential subscription rates indicated in the report are too high. CIVIL SOCIETY stressed the need to address limitations to access linked to patenting. The AFRICAN UNION urged reflecting on the African proposal for 1% charge on products from biodiversity to be placed into a global fund, which will match the expectations of Target 19 of the Kunming-Montreal Global Biodiversity Framework (GBF) on increasing financial resources for biodiversity. The EU supported Canada's proposal to expand the MLS to non-food and feed uses. ECUADOR

emphasized that discussions should take place on the 2019 package with no new topics included.

MLS Working Group Co-Chair Michael Ryan (Australia) proposed bilateral informal discussions on the draft resolution. Delegates agreed that the proposed timeline be revised after GB 10, with a resolution specifying the number of Working Group meetings planned.

Funding Strategy

The Secretariat presented the report of the Standing Committee on the Funding Strategy and Resource Mobilization ([IT/GB-10/23/10](#)) and the BSF report ([IT/GB-10/23/10/Inf.1](#)), noting underrepresentation by some regions in the fifth project cycle (BSF-5). Committee Co-Chair Katlyn Scholl (US) recommended adjusting the concluding date of the Operational Plan from 2025 to 2027 to account for the impact of COVID-19, build on the recent adoption of the GBF, and support the finalization of the enhancement of the MLS. Delegates supported the adjustment.

GRULAC welcomed work in implementing the Food Processing Industry Engagement Strategy, noting however that only 1% of the contributions to the BSF are user-based. Supported by ASIA, he called for a methodology for measuring non-monetary benefit-sharing. ASIA cautioned against putting pressure on the food processing sector. Urging the acceleration of contractual arrangements, AFRICA called for setting up monitoring procedures to ensure project implementation. SOUTHWEST PACIFIC called for prioritization of projects supporting the biodiversity-climate change nexus. NEAR EAST highlighted the challenges faced by the agricultural sector in the region, stressing the need for greater capacity building and technology transfer.

CANADA opposed setting an overall target for funds to come through the BSF. MALAYSIA called for more projects in the Asia and Near East regions. On the draft resolution, CANADA and the US proposed holding regional briefings of BSF projects online to lower costs and widen participation.

Global Information System

The Secretariat introduced the report on implementation of the Global Information System (GLIS) ([IT/GB-10/23/11](#)). Many expressed support for the draft resolution and for reconvening the Scientific Advisory Committee. NORTH AMERICA called for better structuring and updating the GLIS portal to capture all relevant databases, adding that GLIS should: link to existing databases; avoid duplication; and cease publishing data that may conflict with national confidentiality laws. On the draft resolution, they proposed requesting the Secretariat to identify the resources implications of new tasks.

NEAR EAST and AFRICA emphasized taking account of CBD COP 15 decisions on DSI and benefit-sharing. AFRICA welcomed

the links to the CBD Clearing-House Mechanism. ASIA requested continuing capacity building on utilization of the GLIS portal and promoting its wide use.

GRULAC with AFRICA emphasized the importance of financial support for developing national inventories on crop wild relatives, noting it should not be subject to availability of funds. CANADA and JAPAN said funds for this purpose may not be readily available.

Conservation and Sustainable Use

The Secretariat presented relevant documents ([IT/GB-10/23/12](#), [12.1](#), and [12.2](#)), including the background study on bottlenecks and challenges to the implementation of Treaty Articles 5 and 6 ([IT/GB-10/23/12/Inf.1](#)).

Introducing the report of the *Ad Hoc* Technical Committee, Co-Chair Pace Lubinsky (US) drew attention to the strategies identified to address implementation bottlenecks, including through an inclusive process to develop voluntary guidelines, and a mechanism in support of implementation. Many supported the proposed strategies and reconvening the Committee, with GRULAC and ASIA calling for provision in the budget. CANADA and ERG proposing changes to its terms of reference. The SEED INDUSTRY welcomed the insights of the background study but noted that the proposed strategies are not tailor made and may fail to achieve their objectives.

AFRICA, GRULAC, NEAR EAST, and ASIA supported adoption of the revised concept note of the joint programme on biodiversity in agriculture, while ERG and CANADA expressed reservations, with ERG noting that the proposed activities form a good basis for possible next steps.

ACADEMIA, supported by CHILE and ECUADOR, proposed reflecting smallholder farmers' important contribution to conservation and sustainable use in the draft resolution, and supporting participatory processes. The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) said that only national legislation can assist in overcoming some of the identified bottlenecks. CIVIL SOCIETY noted that the Committee should host in-person meetings and boost farmer representation.

Farmers' Rights

The Secretariat introduced the report on implementation ([IT/GB-10/23/13](#)). Several delegates supported the convening of an expert group to prepare an assessment of the state of implementation of Article 9 on farmers' rights and applauded India for organizing the Global Symposium on Farmers' Rights (September 2023, New Delhi, India).

Debate centered on the proposed expert group and its ToRs. The ERG and NEAR EAST supported establishment of the expert group and called for developing its ToRs. JAPAN opposed creation of an expert group, calling instead for national-level implementation. PERU, IPC, and CIVIL SOCIETY called for the creation of a standing working group. UGANDA, BRAZIL, F and ECUADOR called for holistic implementation of all Treaty provisions.

AFRICA proposed including a list of obstacles that hinder realization of farmers' rights, and to assess the impact of DSI and other technologies. ASIA called for in-depth consideration on the methodology, criteria, and sources of information. NORWAY said the expert group should review the assessment, draft voluntary guidelines, and suggest future work. NORTH AMERICA objected to the drafting of voluntary guidelines, noting that time is required to assess the effectiveness of the Options for the realization of farmers' rights. BRAZIL highlighted the need for farmer

participation and, with NIGER, called for addressing the linkages between DSI and farmers' rights. CIVIL SOCIETY asked that farmers' rights remain a priority in all discussions around the enhancement of the MLS and that this be reflected in the draft resolution.

Several parties welcomed the recommendations from the Global Symposium. INDIA focused attention on the Delhi Framework on Farmers' Rights, especially on the call for creation of legal provisions as envisaged in the Treaty. The PHILIPPINES supported developing voluntary guidelines, promoting links with human rights, and strengthening benefit-sharing mechanisms. NORTH AMERICA recommended hybrid approaches of future symposia to enhance accessibility. AFRICA called for compiling and sharing best practices.

Citing the UN Declaration on the Rights of Peasants, CONGO, with BURKINA FASO, emphasized that farmers' rights are human rights. BOLIVIA said farmers' rights go hand in hand with rights of Mother Earth. NORTH AMERICA cautioned against referring to international human rights bodies, and drew attention to Article 9.2 stating that implementation of farmers' rights rests with national governments. IPC, supported by UGANDA, IRAN, BRAZIL, and others, noted that farmers' contribution to strengthening resilience could be threatened if their rights are not respected. CHILE and COSTA RICA called for language that recognizes women's role as guardians of crop diversity.

The CBD noted the GBF has reaffirmed that issues of traditional knowledge and Indigenous Peoples' rights over their territories are central to the CBD, and highlighted complementarities between the GBF and the Treaty on farmers' rights. ACADEMIA, supported by CHILE, suggested citing relevant text from the GBF to promote farmers' rights. CGIAR noted the value of the Options for the realization of farmers' rights in guiding their work and raising awareness. The SEED INDUSTRY stressed that national law, not attempts to establish international standards, is the appropriate way to implement farmers' rights, as all countries' circumstances differ.

In The Corridors

"We have hit the crux of the matter," a participant commented as the process for enhancing the MLS came into the spotlight. A Treaty veteran expressed cautious optimism: "After a decade of negotiations, we have a good understanding of country positions." Plenary deliberations however revealed that considerable divergence of views remains on key issues. As developing countries highlighted the need to increase substantially the "extremely limited" monetary benefits accumulated from MLS users, developed countries focused on facilitating access and argued against benefit-sharing from DSI use. An observer pointed to developments under the CBD and the agreement on marine biodiversity beyond national jurisdiction, noting they can assist with resolving the impasse around DSI: "DSI use is a reality, and we cannot ignore it," she said, adding that "a principled focus on benefit sharing is the way forward." Others however questioned the idea that the CBD decision places DSI "automatically" within the scope of the Treaty.

Later in the day, discussions on farmers' rights rekindled old arguments, demonstrating that parties' views still differ despite years of deliberations and implementation efforts. Lengthy, often impassioned statements emerged, with some pointing to the Treaty text that implementation of farmers' rights rests with national governments, and many asserting that the Treaty has failed farmers and their efforts to conserve agrobiodiversity and develop resilient crops.