

SEVENTH SESSION OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE: 30 OCTOBER – 3 NOVEMBER 2017

The seventh session of the Governing Body (GB 7) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) opens today and will continue until 3 November 2017, at the Kigali Convention Centre in Kigali, Rwanda. The session was preceded by two days of regional and inter-regional consultations, and a special event on genomics information.

Held under the theme “The 2030 Agenda for Sustainable Development and the Role of Plant Genetic Resources for Food and Agriculture,” the session is expected to address items on general policy and implementation of the Treaty and its Multilateral System (MLS) of access and benefit-sharing (ABS); and administrative and budgetary matters. Among other issues, GB 7 will consider: the Funding Strategy; farmers’ rights; sustainable use; the Global Information System (GLIS); and the report of the Compliance Committee. It will address: the launch of the fourth Call for Proposals under the Benefit-sharing Fund (BSF); further development of the Multi-Year Programme of Work for the Treaty; a communication strategy; approval of Kent Nnadozie as the new Secretary, and procedures for future appointments; and cooperation with the Convention on Biological Diversity (CBD) and other international organizations and processes.

Deliberations are expected to focus on measures to enhance the functioning of the MLS, resulting from intersessional work. These include: a draft revised standard material transfer agreement (SMTA), including a subscription system; modalities for a possible expansion of the coverage of the MLS; and a launch mechanism.

A BRIEF HISTORY OF THE ITPGRFA

Concluded under the auspices of the Food and Agriculture Organization of the UN (FAO), the 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 CBD, for sustainable agriculture and food security. The treaty contains sections on general provisions, farmers’ rights, supporting components, and financial and institutional provisions. It establishes an 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 144 parties.

ITPGRFA INTERIM COMMITTEE: From 2002-2006, the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA), acting as the ITPGRFA Interim Committee, set the terms of reference for intersessional consideration of the rules of procedure and financial rules for the Treaty’s GB, procedures for compliance, and the terms of the SMTA. An open-ended intersessional working group revised the rules of procedure and financial rules of the GB, as well as the funding strategy, and prepared a draft resolution on compliance for GB 1 consideration. An expert group considered options for the SMTA terms and draft structure, and recommended establishment of an intersessional contact group, which developed the basic structure and specific elements of the SMTA, for GB 1 consideration.

GB 1: The first session of the ITPGRFA GB (June 2006, Madrid, Spain) adopted the SMTA and the Funding Strategy. The SMTA includes provisions on a benefit-sharing scheme, providing two options. Firstly, 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 international agricultural research centers of the CGIAR Consortium and other international institutions.

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, cooperation with the CGRFA, and sustainable use of PGRFA. Following challenging budget negotiations, the meeting adopted the work programme and budget for 2008-09. It also adopted a resolution on farmers’ rights, as well as a joint statement of intent for cooperation with the 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 of US\$116 million for the period July 2009 - December 2014; 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. The meeting also adopted the work programme and budget for 2010-11; agreed to finalize the outstanding financial rules at GB 4; and established intersessional processes to finalize compliance procedures by GB 4 and review the SMTA.

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 a work programme and budget for 2012-2013, including a moderate budget increase, and resolutions on a number of items, including farmers' rights, sustainable use, and implementation of the Funding Strategy. The GB also outlined the intersessional process, including meetings of the Compliance Committee and *ad hoc* committees on MLS implementation, the Funding Strategy, and sustainable use.

GB 5: The fifth session of the GB (September 2013, Muscat, Oman) established an *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 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; a work programme on sustainable use; a resolution on farmers' rights; and a finalized set of rules of procedure and a voluntary reporting format to support compliance.

MLS WORKING GROUP 1-4: The Working Group to Enhance the Functioning of the MLS met four times between GB 5 and 6, in May 2014, December 2014, June 2015 and October 2015. The Working Group was composed of up to 27 regional representatives: up to five from Europe; up to five from Asia; up to five from Latin America and the Caribbean (GRULAC); up to three from the Near East; up to two from North America; and up to two from Southwest Pacific. Up to two representatives from each of the following groups could participate as observers: civil society organizations; the seed industry; farmers' organizations; and the CGIAR Consortium. The Working Group made a series of recommendations to GB 6, including on the elaboration of a subscription system for user-based payments to the MLS and revision of the SMTA.

GB 6: The sixth session of the GB (October 2015, Rome) extended the Working Group's mandate, and requested it, among other issues, to: 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 GLIS, and resolutions on a series of substantive, cooperation-related and administrative items, with a focus on addressing the shortfall in the BSF, and 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.

INTERSESSIONAL HIGHLIGHTS

MLS WORKING GROUP 5-6: The fifth meeting of the Working Group (July 2016, Geneva, Switzerland), considered the second draft of a revised SMTA and focused on the development

of the subscription system. It further considered a number of additional measures to enhance the functioning of the MLS, including with regard to the MLS scope and the Funding Strategy.

At its sixth meeting (March 2017, Rome), the Working Group continued its deliberations on the basis of a third draft of the revised SMTA, prepared by Co-Chairs Bert Visser (the Netherlands) and Javad Mozafari (Iran), and on the basis of discussions, advice from various Friends of the Co-Chairs' groups, opinions of the ITPGRFA Standing Group of Legal Experts, and submissions received from parties and stakeholders. The draft focuses on a subscription system to generate advance payments for access to MLS material. It retains alternate modalities for access to such material and benefit-sharing. The Working Group also considered coverage of the MLS vis-à-vis the Treaty's scope, and held a brief discussion on genetic information associated with material accessed from the MLS.

SECOND GLOBAL CONSULTATION ON FARMERS' RIGHTS: The consultation was organized by the governments of Indonesia and Norway (September 2016, Bali, Indonesia). Its Co-Chairs recommended that GB 7 establish an *ad hoc* working group to guide parties' implementation of farmers' rights; produce an inventory of possible national measures; and develop voluntary guidelines on the realization of farmers' rights at the national level.

TECHNICAL COMMITTEE ON SUSTAINABLE USE: At its third meeting (October 2016, Vienna, Austria), the Committee addressed developments related to the toolbox for sustainable use of PGRFA, the platform for co-development and transfer of technologies, and farmers' rights; and invited the Secretariat to explore possibilities of establishing a joint programme on biodiversity in agriculture for sustainable use of PGRFA with relevant organizations.

SYMPOSIUM ON INTERRELATIONS BETWEEN ITPGRFA AND UPOV: The Symposium on possible interrelations between the ITPGRFA and the International Convention for the Protection of New Varieties of Plants (UPOV Convention) (October 2016, Geneva) included presentations on the interrelations between farmers' rights and plant breeders' rights, party experiences on implementation, and an overview of initiatives involving both agreements.

CANCUN BIODIVERSITY CONFERENCE: The thirteenth meeting of the Conference of the Parties (COP 13) to the CBD and the second Meeting of the Parties to the Nagoya Protocol on ABS (December 2016, Cancún, Mexico), addressed, among other issues, mainstreaming biodiversity into productive sectors, including agriculture, and a series of items on emerging technologies, including synthetic biology, gene drives and digital sequence information on genetic resources.

CGRFA 16: The sixteenth session of the CGRFA (January – February 2017, Rome), addressed, among other issues: the Commission's contribution towards the achievement of the Sustainable Development Goals (SDGs); preparation of the report on the State of the World's Biodiversity for Food and Agriculture; the role of genetic resources for food security; ABS for genetic resources for food and agriculture; and preparation of the third report on the State of the World's PGRFA.

ADVISORY COMMITTEE ON THE FUNDING STRATEGY: At its eighth and ninth meetings (March 2017 and June 2017, Rome), the Committee prepared an annotated outline for an updated funding strategy for GB 7 consideration, and elements of a draft resolution on enhancing the functioning of the Funding Strategy.