

## ITPGRFA GB 7 HIGHLIGHTS: MONDAY, 30 OCTOBER 2017

Delegates to the seventh session of the Governing Body (GB 7) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) met in plenary throughout the day and in the evening, to hear opening and regional statements, address organizational matters, and initiate discussions on enhancement of the Multilateral System (MLS) of access and benefit-sharing (ABS) and a proposal by Switzerland to expand Annex I to all plant genetic resources for food and agriculture (PGRFA). Following lengthy deliberations, they agreed to address the topic of digital sequence information under the agenda item on the multi-year programme of work (MYPOW). A contact group on enhancing the MLS met in the evening.

### PLENARY

**OPENING:** GB 7 Chair Muhamad Sabran (Indonesia) thanked the host country and underscored the session's heavy agenda. FAO Assistant Director-General René Castro-Salazar highlighted challenges for the agricultural sector, including feeding 10 billion people, reducing carbon emissions, and preserving agricultural biodiversity; and emphasized the Treaty's role in ending hunger by 2030.

ITPGRFA Secretary a.i. Kent Nnadozie drew attention to Rwanda's implementation of, and support for, the Treaty. He highlighted successes, including exchanges of material, capacity building, and deployment of the Global Information System (GLIS); and called for maintaining the momentum needed to address remaining challenges.

Marjory Jeke, farmer, Zimbabwe, reported on a project supported by the Benefit-Sharing Fund (BSF) on policies and practices facilitating PGRFA conservation and use for food and nutrition security in changing climate conditions; and urged increased BSF support.

Jean-Christophe Gouache, President, International Seed Federation (ISF), called attention to the declaration of commitment signed by 41 seed companies supporting an enhanced MLS that "makes business sense," meets legal and economic conditions, and respects standard business practices.

Timothy Fischer, Global Crop Diversity Trust, noted the need for collaboration on technical issues, as well as awareness- and fund-raising, to achieve SDG 2 (zero hunger). Ann Tutwiler, Director-General of Bioversity International, emphasized the role of CGIAR in supporting the contribution of PGRFA to achieving SDG 2, 3 (good health and wellbeing), 13 (climate action), 15 (life on land) and 17 (partnerships for the Goals); and its commitment to support processes on the MLS, the GLIS and farmers' rights, among others.

Gerardine Mukeshimana, Minister of Agriculture and Animal Resources, Rwanda, stressed that more innovative, productive and diversified agricultural systems are required to protect and enhance the natural resource base, while feeding a growing population. She underscored the importance of operationalizing the BSF to ensure respect for farmers' rights, including on benefit-sharing.

René Castro-Salazar stressed that support is most needed in farmers' fields, as farmers continue to be the key custodians of agricultural biodiversity. José Graziano da Silva, FAO Director-General, via video message, highlighted that plant genetic diversity is crucial for the future of our planet and an integral part of the 2030 Agenda for Sustainable Development.

**REGIONAL STATEMENTS:** Ecuador, on behalf of the G-77/CHINA, reaffirmed the importance of farmers' rights. Lebanon, for NEAR EAST, noted the BSF persistently suffers from a lack of funds, and supported adoption of a subscription system and expansion of Annex I.

The Netherlands, on behalf of the EUROPEAN REGIONAL GROUP (ERG), stressed facilitated access as a major accomplishment of the Treaty, and prioritized: critical progress in MLS enhancement; agreement to update the Funding Strategy; and adoption of a realistic budget.

Cameroon, on behalf of AFRICA, underscored the need for: an effective and transparent MLS; successful negotiations on revising the SMTA; and a working group on farmers' rights. He expressed readiness to discuss expansion of Annex I provided that certain conditions are met. He particularly highlighted the need to enhance BSF disbursements, and address access to genetic information, including protected technologies.

Indonesia, on behalf of ASIA, and Australia, for SOUTH WEST PACIFIC, supported the appointment of Kent Nnadozie as Secretary for the next biennium and expressed appreciation to former Secretary Shakeel Bhatti. AUSTRALIA highlighted their financial contribution to support the launch of the fourth BSF cycle.

Southeast Asia Regional Initiatives for Community Empowerment (SEARICE): urged establishing a working group on farmers' rights; supported mandatory user payments at a level fully supporting *in situ* conservation needs; opposed expanding the MLS until a new subscription system has proven to be working; and argued for discussing digital sequence information. A FARMERS' representative urged immediate action to prevent privatization of seeds through patenting of digital sequence information, and to fully realize farmers' rights.

**ORGANIZATIONAL MATTERS:** On the agenda (IT/GB-7/17/1 and 2), AFRICA requested, supported by the G-77/CHINA, introducing an item on digital sequence information.

The US opposed, pointing to an already heavy agenda; and, with the EU and JAPAN, suggested addressing the issue under “any other matters.” SWITZERLAND proposed discussing it in conjunction with the MYPOW. Noting the danger of “a very full agenda becoming a very empty one” if digital sequence information is not addressed early in the meeting, NAMIBIA reminded participants that the issue is not new, and underscored its implications for other agenda items. BRAZIL noted that the topic is already expected to be discussed under the MLS, GLIS and MYPOW. Following Bureau deliberations during lunchtime, plenary adopted the agenda as amended to include consideration of digital sequence information under the MYPOW.

Plenary then approved Bureau members Cathrine Stephenson, Christiane Deslauriers, and Medi MOUNGUI, as designated by Australia, Canada and Cameroon, respectively; elected Tetsuya Otomo (Japan) as Rapporteur; and approved the list of observers (IT/GB-7/17/03).

The Secretariat introduced documents on the work programme and budget for the next biennium (IT/GB-7/17/27, 27 Add.1, 28 and 28 Add.1-2). Plenary established a credentials committee and a budget committee.

**OPERATIONS OF THE MLS:** The Secretariat introduced relevant documents (IT/GB-7/17/9, 10, 11 and 24). On availability of material in the MLS, the ERG recommended that the Secretariat increase communications on new notifications to acknowledge parties’ efforts and alert users of new material; opposed encouraging voluntary use of Digital Object Identifiers of the GLIS for identifying material available; and encouraged reporting on non-Annex I material. The US, for NORTH AMERICA, supported inviting voluntary use of Digital Object Identifiers.

ISF requested expanding the reports to include information on the amount of genetic resources that remain within provider countries and those that cross borders, among other issues. CGIAR called for information on the kind of resources that are circulated, and aggregate data on the type of recipients.

On the practice of CGIAR Centers for PGRFA under development, the ERG highlighted unnecessary duplication of reporting requirements. GRULAC supported provision of information on the status of the implementation of the CGIAR Principles on the Management of Intellectual Assets. The US suggested reflecting the procedures and reporting already in place in the CGIAR system. CIVIL SOCIETY expressed concern that CGIAR centres have applied for patents and plant variety protection without consulting the GB, and called for clear disclosure of their interests and decisions on intellectual property rights (IPRs). VIA CAMPESINA called for the MLS to effectively safeguard farmers’ rights and halt restrictions on seed by profit-oriented bodies.

**ENHANCEMENT OF THE FUNCTIONING OF THE MLS:** The Secretariat introduced the reports of the Working Group (IT/GB-7/17/7 and Add.1); and the Co-Chairs’ proposal (IT/GB-7/17/31).

Working Group Co-Chair Javad Mozafari (Iran) stressed “we cannot waste any more time in coming up with a more effective system of benefit-sharing.” Working Group Co-Chair Bert Visser (the Netherlands) said he believes a “breakthrough is possible” in resolving outstanding issues, including access mechanisms, definitions, digital sequence information in the context of the SMTA, and amending the MLS scope.

SWITZERLAND introduced a proposed amendment to the Treaty Annex I to cover all PGRFA (IT/GB-7/17/8), recommending its adoption in conjunction with a revision of

the SMTA. The ERG and NORTH AMERICA supported the proposal, GRULAC opposed it, and the Philippines, for ASIA, expressed willingness to consider it. NORTH AMERICA preferred amending Annex I and revising the SMTA at the same time but, with ERG, noted the possibility to discuss a staged approach to expanding the coverage.

Namibia, for AFRICA, stressed that, in the spirit of compromise, the region has agreed to engage in negotiations on the growth plan proposed by the Co-Chairs, and to discuss improving benefit-sharing in parallel with expanding the MLS scope. KENYA emphasized that problems in the current functioning of the MLS do not derive from the current Annex I scope. PAKISTAN highlighted technology transfer and capacity building for developing countries.

SWITZERLAND stressed the need to enhance the MLS both in terms of benefit-sharing and Annex I coverage. FRANCE supported a multi-option subscription system, with attractive payment rates. FRIDTJOF NANSEN INSTITUTE pointed to contractual issues arising from the current SMTA that prevent it from being enforceable. CGIAR cautioned against creating disincentives for public research organizations and small companies. CIVIL SOCIETY considered the proposal from industry to pay in 0.007% of seed revenues generated from Annex I crops inadequate vis-à-vis farmers and future generations.

Plenary then established a contact group, chaired by Working Group Co-Chairs Mozafari and Visser. The contact group met immediately after the evening plenary to start deliberations on: the latest draft of the revised SMTA, including digital sequence information; the growth plan; and expansion of the MLS.

### **IN THE CORRIDORS**

Delegates arrived in Kigali ready for a “make it or break it” week ahead. “Times are crucial for the future of the Treaty,” mused a delegate, hinting at the need to conclude the revision of the SMTA, update the Funding Strategy and deliberate proposals on farmers’ rights. Few, however, expected the temperature of the negotiations to rise as early as during procedural discussions on the meeting’s agenda, when Africa requested specific inclusion of digital sequence information. A lengthy discussion in plenary was followed by lengthier Bureau deliberations during lunch. Awaiting the start of the afternoon plenary, the corridors were abuzz with diverse viewpoints. Some expressed their surprise that the topic was not on the agenda in the first place. “After all, digital sequence information has received considerable attention for the past few years, both in the Treaty context and in relevant processes,” an expert commented, pointing to the Convention on Biological Diversity and its Nagoya Protocol on ABS, the Commission on Genetic Resources for Food and Agriculture, and the World Health Organization’s Pandemic Influenza Preparedness Framework. Others wondered whether a substantive discussion could be entertained on this topic without any preparatory documentation: although a special session on digital sequence information, held immediately prior to GB 7, was particularly well attended, some delegations opined it still did not allow delegations to consult on this issue. Yet others were considering where to best place this new issue in an already packed agenda with interlinked items, such as enhancement of the MLS, the Global Information System and the new multi-year programme of work. “One way or another,” one seasoned participant recommended, as she made her way towards the evening plenary, “get ready for late nights, every night this week.” Another sighed “let’s hope that in this beautiful land of a thousand hills, the Treaty will not have to climb every single one of them.”