

ITPGRFA GB 7 HIGHLIGHTS: TUESDAY, 31 OCTOBER 2017

ITPGRFA GB 7 delegates met in plenary throughout the day to address items on: the 2030 Agenda for Sustainable Development (2030 Agenda); the Funding Strategy; farmers' rights; the Global Information System (GLIS); and sustainable use. The budget committee, a Friends of the Chair group on farmers' rights, and the contact group on enhancing the MLS met in the afternoon and evening.

PLENARY

2030 AGENDA: The Secretariat presented the relevant document (IT/GB-7/17/6). Many delegates supported the draft resolution and emphasized the Treaty's role in achieving SDG 2.5 (genetic diversity) and 15.6 (fair and equitable benefit-sharing and appropriate access). BRAZIL and Cameroon, for AFRICA, said the 2030 Agenda presents opportunities to mobilize resources and establish partnerships for Treaty implementation. BRAZIL further stressed the need to better communicate the importance of crop genetic diversity to donors and decision makers. The ERG called for a more action-oriented resolution, highlighting the indirect contribution of the Treaty, including its MLS, also to SDGs 1 (no poverty), 12 (responsible consumption and production), 13 (climate action) and 17 (partnerships). ARGENTINA underscored the role of innovative agricultural technologies to increase productivity.

CHILE suggested language recognizing farmers' important contribution via maintaining resilient and sustainable agricultural systems. The US requested clarifying that parties, not UN entities, provide information regarding SDG monitoring.

The INTERNATIONAL PLANNING COMMITTEE FOR FOOD SOVEREIGNTY (IPC) underscored the need for free access to genetic information to safeguard farmers' rights. OXFAM stressed challenges, including the extreme concentration of wealth and power, poverty proliferation, dematerialization of genetic resources, the impact of IPRs and the need to protect farmers' rights. A revised draft will be prepared.

FUNDING STRATEGY: Pierre du Plessis (Namibia) and Alwin Kopse (Switzerland), Co-Chairs of the Advisory Committee on the Funding Strategy, reported on the Committee's work (IT/GB-7/17/12), and the Secretariat introduced the report on implementation of the Funding Strategy (IT/GB-7/17/13). BRAZIL supported the establishment of new financial targets, while the US, for NORTH AMERICA, highlighted any new target "needs to be realistic in its revenue expectations."

NORTH AMERICA called for an effective monitoring and evaluation strategy for funded projects, and the ERG supported a results-based framework with clear objectives, indicators and

targets linked to relevant SDGs. CANADA suggested reporting on the impacts of BSF-funded projects on enhanced PGRFA conservation status and utilization, and on complementarity between on-farm and *ex situ* activities. HONDURAS, with INDONESIA, noted developing countries' willingness to contribute voluntarily to the BSF, which is linked to the need for the Advisory Committee to monitor funded projects and their impacts. ARGENTINA, CHILE and NAMIBIA opposed using criteria for country eligibility under the BSF beyond those in the Treaty.

Japan, for ASIA, supported the Advisory Committee on the Funding Strategy becoming a standing committee, while the ERG, NORTH AMERICA, AUSTRALIA and ARGENTINA disagreed. The ISF emphasized the need to recognize different forms of non-monetary benefit-sharing as part of the Committee's renewed mandate. CIVIL SOCIETY recommended considering expansion of Annex I only after three years of operation of the renewed funding strategy.

The Committee Co-Chairs will hold informal consultations for the preparation of a revised draft.

FARMERS' RIGHTS: The Secretariat presented the relevant document (IT/GB-7/17/17) and drew attention to the educational module. Many delegates emphasized farmers' contribution to PGRFA conservation and welcomed the module. INDONESIA, also on behalf of NORWAY, reported on the outcome of the global consultation on farmers' rights (IT/GB-7/17/Circ.1), including the proposed establishment of a working group.

Ghana for AFRICA, Argentina for GRULAC, Sudan for NEAR EAST, NORWAY, IPC and VIA CAMPESINA supported establishing a working group to develop guidelines for national implementation. AUSTRALIA, the US and CANADA opposed. AFRICA said the working group should also address, among others: policies supporting seed-sharing practices and farmer seed systems; measures that parties can choose from to implement farmers' rights; and participatory approaches. The US, CANADA and AUSTRALIA emphasized that implementation of farmers' rights under Article 9 falls under national responsibility.

SWITZERLAND noted that the intersessional process should be party-driven, identify areas of interrelation between the Treaty, UPOV and the World Intellectual Property Organization (WIPO) and include development of: a study on best practices and lessons learned; development of terms of reference for producing guidance for national implementation; and voluntary options for farmers' rights implementation.

INDIA drew attention to national policies, including farmers' rights to: register farmer crop varieties as breeders; save and use seed as cultivators; and receive compensation for landraces as conservers. URUGUAY underscored the need for specific

recommendations to support smallholder farmers and realize their rights as custodians of genetic resources. ZIMBABWE emphasized the need to: respect farmers' rights through the development of dispute-settlement mechanisms; and ensure coherence with other international instruments.

BOLIVIA suggested acknowledging relevant work under the UN Human Rights Council. HONDURAS stressed the need to support farmers to obtain high-quality seeds regulated by national laws on certified seeds. PERU underscored prior informed consent for traditional knowledge utilization.

UPOV outlined the conclusions of the 2016 Symposium of possible interrelations between the Treaty and UPOV (IT/GB-7/17/Inf.14), and noted UPOV's decision to review the "Frequently Asked Question" on the interrelations between the two treaties. The EUROPEAN SEED ASSOCIATION (ESA) welcomed collaboration with UPOV, and lamented lack of stakeholder participation in consultations on farmers' rights.

The ERG suggested inviting parties to review and adjust their national measures affecting the realization of farmers' rights. The Global Forum on Agricultural Research (GFAR) outlined their joint capacity-building programme with the Treaty, including: facilitating dissemination of best practices and capacity-building material on farmers' rights; and strengthening national multi-stakeholder platforms and training.

The AFRICAN SEED ASSOCIATION underscored the need to protect new varieties with IPRs, and farmers' right to good-quality seeds from improved and new varieties. CGIAR expressed commitment to support the development of voluntary guidelines on farmers' rights.

A discussion ensued on future work. BRAZIL and ECUADOR noted an overwhelming majority called for establishing a working group. CIVIL SOCIETY supported a working group including representatives of farmers' associations, social movements and NGOs; and called for a study on the impacts of digital sequence information on farmers' rights. Delegates debated whether to continue deliberations in a contact group, drafting committee, or Friends of the Chair group. A Friends of the Chair group was eventually established.

GLIS: The Secretariat introduced relevant documents (IT/GB-7/17/14 and 15). Axel Diederichsen (Canada), Co-Chair of the Scientific Advisory Committee on GLIS, reported on the committee's meetings, stressing the need for further work on the Digital Object Identifiers (DOIs) system and on processes to facilitate participation of more PGRFA holders and users.

BRAZIL called for: building capacity in developing countries to increase the use of available information and facilitate access to PGRFA-related information by farmers; and exploring ways to prevent the utilization of digital sequence information that leads to bypassing the Treaty's benefit-sharing requirements. The ERG called for strategic partnerships to avoid duplication of efforts, including with the World Information and Early Warning System on PGRFA and the reporting system for the Second Global Plan of Action on PGRFA. CANADA stressed communication and interaction with relevant organizations and initiatives. The ERG and the US stressed the Scientific Advisory Committee should provide scientific and technical advice on digital sequence information related to GLIS implementation.

Uganda, for AFRICA, emphasized broader consultation with agricultural communities; noted that efforts on digital sequence information should focus on triggering benefit-sharing; and called upon the Treaty to take the lead in engaging with relevant discussions in other fora. Egypt, for NEAR EAST, highlighted their regional workshop (May 2017, Cairo, Egypt), which encouraged the use of standards and criteria for the facilitation of PGRFA registration in GLIS.

Noting that information on identity, location and transfer of PGRFA is useful to identify cases of biopiracy, CIVIL SOCIETY warned that digital sequence information poses an existential threat to the Treaty, and added that scientists would often "rather share a toothbrush than data they think is valuable."

VIA CAMPESINA stressed that access to digital sequence information may lead to violating the Treaty provisions on farmers' rights. NAMIBIA, with BRAZIL, opposed by AUSTRALIA, proposed text recognizing the need for legal clarity about the use of digital sequence information and related benefit-sharing obligations.

Delegates discussed a potential memorandum of understanding (MoU) between the Treaty and DivSeek. The US and the ERG supported developing an MoU, while the ETC GROUP stated serious concerns about DivSeek's lack of competence in understanding farmers' needs.

SUSTAINABLE USE: The Secretariat introduced the relevant document (IT/GB-7/17/16). Several delegates supported exploring the possibility of establishing a joint programme on biodiversity in agriculture for sustainable use in PGRFA with other organizations, with BRAZIL suggesting a link with the FAO platform on mainstreaming biodiversity in the agricultural sector.

Zambia for AFRICA, the ERG, BRAZIL and BIOVERSITY INTERNATIONAL emphasized the link with farmers' rights, with the PHILIPPINES requesting policy guidance on developing national legislation to implement Treaty provisions on sustainable use and farmers' rights. VIA CAMPESINA called for addressing the issue of digital sequence information also in relation to sustainable use. ISF recommended recognizing the contribution of the private sector to sustainable use.

AFRICA and ECUADOR supported, while the ERG and CANADA opposed, reconvening the technical committee on sustainable use. CIVIL SOCIETY urged prioritizing work on farmers' rights and providing core-budget funding for the technical committee on sustainable use.

CONTACT GROUP ON ENHANCING THE MLS

Co-chaired by Bert Visser (the Netherlands) and Javad Mozafari (Iran), the contact group started deliberations on the basis of a dual-access mechanism, including a subscription and single-use access. They further debated whether to retain both mandatory and voluntary payments; and whether a subscription system should cover all Annex I crops or allow for subscription to single crops or categories of crops. Different options were discussed in relation to traceability, expansion of Annex I, and digital sequence information. Negotiations continued into the night.

IN THE CORRIDORS

Farmers' rights took the lion's share of attention on the second day of GB 7. This long-standing issue that many consider systematically sidelined features in many of the week's side-events. Citing the Treaty text, a delegate was heard saying "responsibility for realizing farmers' rights rests with national governments," while another exclaimed "establishment of a working group is the bare minimum; many countries need guidance on national implementation," echoing the calls of the majority of delegations. The few oppositions voiced in plenary led some observers to lament that their "expectations for the week have plummeted" and "an opportunity to finally make strides may be lost." In between well-known complexities related to intellectual property, seed laws and linkages with other processes, and fresh challenges emerging from digital sequence information, "I really hope that the Friends of the Chair group will be able to navigate around the polarized views and at least pave a way forward," quipped a participant.