

ITPGRFA GB 7 HIGHLIGHTS: WEDNESDAY, 1 NOVEMBER 2017

ITPGRFA GB 7 delegates met in plenary throughout the day to address items on: farmers' rights; the multi-year programme of work (MYPOW); digital sequence information; compliance; and cooperation with the CBD, the Crop Trust, CGRFA, and other organizations. The budget committee, and contact groups on farmers' rights and on enhancing the MLS met throughout the day and in the evening.

PLENARY

FARMERS' RIGHTS: Plenary established a contact group to address the draft resolution. ECUADOR drew attention to the draft resolution she submitted to the Secretariat.

MYPOW: The Secretariat introduced the relevant document, including a draft MYPOW for 2018-2025 (IT/GB-7/17/26). ECUADOR underlined the importance of farmers' rights. BRAZIL and NAMIBIA urged addressing the implications of use of digital sequence information for Treaty implementation. The ERG and the US called for simplification and prioritization of activities already agreed upon by the GB.

IRAN emphasized the need to identify whether the MYPOW refers to the GB or the entire set of Treaty activities. CAMEROON expressed preference for a flexible MYPOW for the GB. CANADA and IRAN drew attention to the CGRFA MYPOW as an example. NAMIBIA, with SWITZERLAND, underscored the interrelations between MYPOW drafting and discussions on the programmatic approach on the Funding Strategy.

Noting that adoption of a MYPOW may not be feasible at this session, delegates debated whether to establish a contact group or an intersessional working group. They eventually agreed to task the Bureau with working alongside the Secretariat to finalize the MYPOW. VIA CAMPESINA, CIVIL SOCIETY and IPC called for a MYPOW that provides sufficient means to fully debate, support and implement farmers' rights.

DIGITAL SEQUENCE INFORMATION: Cameroon, for AFRICA, introduced a proposal to: endeavor to include digital sequence information on PGRFA in the MYPOW as a work stream leading to a substantive discussion at GB 8 and keeping it on the agenda in the future; request the Secretariat to share the outputs of work in other fora; invite governments and stakeholders to provide information on terminology, actors involved, and types and extent of uses for GB 8 consideration; request the Secretariat to evaluate and follow up on areas for additional investigation identified in the scoping study on the implications of new synthetic biology and genomics research trajectories presented at the special event on genomics

information held prior to GB 7; invite users of digital sequence information on PGRFA obtained from the MLS who derive benefits from its utilization to make substantial voluntary contributions to the BSF, pending clarification of their benefit-sharing obligations; and set up an advisory expert group to meet once before GB 8. BRAZIL, BOLIVIA, ARGENTINA, PERU and CIVIL SOCIETY supported the proposal. BOLIVIA called for discussing impacts on access, use, benefit-sharing, and farmers' rights.

IRAN underscored the need to consider the issue in the SMTA and in other aspects of benefit-sharing, calling upon the Secretariat to explore ways to make it compatible with the Treaty activities, and cooperate with other fora.

Requesting time to consult with capital, the US recommended focusing GB 7 discussions on procedural aspects, called for collaboration with other fora, and opposed creating an expert group. Estonia, for the EU, supported by AUSTRALIA, JAPAN and the ISF, stated that the ITPGRFA applies to physical material, therefore digital sequence information is outside the Treaty's scope; and the Treaty should promote free availability of, and wide access to, digital sequence information as part of benefit-sharing. With SWITZERLAND and CANADA, she called on the Secretariat to engage in ongoing work under the CGRFA and CBD, and report on progress at GB 8.

NAMIBIA, with ECUADOR, stressed that genetic resource utilization through sequencing and genetic manipulation entails benefit-sharing obligations, noting that genetic resources "re-materialized" on the basis of digital information are genetic resources in every sense of the term. The CBD highlighted ongoing cooperation with the Treaty, noting that the Treaty and CGRFA Secretariats participate in the expert group established at CBD COP 13. The ISF cautioned against misguided actions which could hamper conservation and research.

Emphasizing that there is no point in enhancing the MLS if sequences are privatized to the benefit of a few, CIVIL SOCIETY stressed that utilization of digital sequence information with no benefit-sharing breaks the relationship between seeds and farmers. He further underscored the ethical dimensions of patenting digital sequence information by certain CGIAR Centers. Highlighting the fast pace of scientific developments, DIVSEEK supported establishing an expert group. VIA CAMPESINA called for farmer participation in a potential advisory expert group. The INTERNATIONAL RICE RESEARCH INSTITUTE (IRRI) noted that their patented traits: do not affect availability of MLS accessions or provision of improved seed to farmers; and ensure that commercial exploitation of varieties comprising the protected traits lead to monetary benefits to the MLS. The draft resolution will be submitted by Africa for further discussion.

COMPLIANCE: Amparo Ampil (the Philippines), Compliance Committee Vice-Chair, presented the Committee's report (IT/GB-7/17/18). Many delegates urged parties to submit their compliance reports, lamenting that only 14 reports have been received to date.

The US, for NORTH AMERICA, proposed the Committee consider holding its meeting electronically, and that the funding of Committee member participation be subject to available resources. The ERG, supported by CANADA, proposed the compliance report format be harmonized with that used under the Second Global Plan of Action on PGRFA. Delegates agreed to the proposals.

MLS ENHANCEMENT: Contact Group Co-Chair Bert Visser (the Netherlands) reported on provisional agreement on the access system, payment conditions, termination and withdrawal, which rests on resolving other outstanding issues, including on benefit-sharing from subscriptions, enforcement, and digital sequence information.

COOPERATION: CBD: The CBD Secretariat reported on relevant outcomes of the 2016 Cancún Biodiversity Conference, including on: mainstreaming biodiversity in the agricultural sector; the preparatory process for following up on the 2011-2020 Biodiversity Strategic Plan; and intersessional work on digital sequence information. The Secretariat introduced the document on cooperation with the CBD (IT/GB-7/17/19).

Many expressed support for continued cooperation with the CBD. India, for ASIA, urged greater international engagement on the GLIS, benefit-sharing and the SDGs. The ERG emphasized attention to programmes that support Treaty implementation during the seventh replenishment of the Global Environment Facility (GEF-7) and development of strategic guidance for GEF-8. BRAZIL suggested a footnote in the resolution regarding the current lack of consensus on the terminology around digital sequence information. CANADA promoted the application of DNA sequence-based technology for the conservation and sustainable use of genetic resources. IPC noted the Treaty should cooperate with the CBD to examine ways to ban all IPRs that limit access to PGRFA of the MLS or farmers' rights. The ETC GROUP called for increased cooperation with the CBD on digital sequence information. A revised draft will be prepared.

Crop Trust: The Secretariat introduced the relevant document (IT/GB-7/17/20). The Crop Trust presented the Trust's report (IT/GB-7/17/21).

ECUADOR requested the Trust prioritize national genebanks and databases. The ERG emphasized the importance of the world's *ex situ* collections uploading their materials to Genesys. BRAZIL underscored the need for balance between *ex situ* and *in situ* conservation.

Replying to the Third World Network, the CROP TRUST indicated that they do not currently intend to fund DivSeek. VIA CAMPESINA stressed that farmers do not need improved seeds, highlighting that community seed banks are the most secure way of achieving conservation and sustainable use of PGRFA. The ETC GROUP called for a new funding window under the Trust focused on farmers and communities.

CGRFA: CGRFA Secretary Irene Hoffmann introduced the document (IT/GB-7/17/22). Delegates encouraged continued cooperation. CANADA noted the creation of a new FAO department on climate, biodiversity, land and water, hosting both institutions and allowing for greater integration and coherence.

The ERG requested reporting on the advantages and disadvantages of a common information system at GB 8. BRAZIL stressed the importance of collaboration on reporting systems. SENEGAL prioritized collaboration on reporting and the GLIS.

CIVIL SOCIETY welcomed cooperation with a mutual focus on promoting farmers' seed systems protected by farmers' rights. IPC called for information and support to enable participation

of smallholder farmers and indigenous peoples; and stressed that work on technical guidelines on farmers' varieties/landraces and global networking on *in situ* conservation and on-farm management of PGRFA must respect local knowledge. The resolution was approved with minor amendments.

Other organizations: The Secretariat introduced the relevant report (IT/GB-7/17/25) and NORWAY presented the report on the management of the Svalbard Global Seed Vault (IT/GB-7/17/25 Add.1), including an invitation to the GB Chair to act as Chair of the meetings of the International Advisory Panel of the Seed Vault.

JORDAN underscored the need for an adaptation strategy, calling for *in situ* conservation. MALAYSIA highlighted programmes impacting the conservation and sustainable utilization of PGRFA, and called for more capacity-building activities in developing countries. RWANDA highlighted CGIAR's contribution to the MLS, noting that four million samples have been distributed worldwide from 2007 to 2016.

CANADA and the ERG emphasized that the Vault's role as a safety net was confirmed in 2015 when the International Center for Agriculture Research in the Dry Areas (ICARDA) retrieved part of its heritage seed collection lost during the war in Syria. CIVIL SOCIETY and FARMERS ORGANIZATIONS urged the Secretariat to "take bolder initiatives" in engaging with UPOV and WIPO.

The Secretariat outlined reports from institutions with agreements with the GB (IT/GB-7/17/24), including Costa Rica's Tropical Agricultural Research and Higher Education Center's (CATIE) decision to discontinue their genebank. Argentina, for GRULAC, expressed hope that CATIE's material can continue to be effectively managed.

CIVIL SOCIETY urged the GB to: ensure full disclosure of patent applications and related policy changes or amendments by CGIAR; and request suspension of any further CGIAR patent applications until the GB gives its consent. IPC suggested cooperation between the Treaty and the UN Permanent Forum on Indigenous Issues. Delegates approved the resolution with minor amendments.

CONTACT GROUP ON ENHANCING THE MLS

Co-Chair Visser invited delegates to consider a draft resolution on measures to enhance the MLS, before continuing deliberations on the revised SMTA, including on benefit-sharing, enforcement, and digital sequence information. On the resolution, delegates noted that further work is needed to develop the agreed package of measures. Discussion focused on the Working Group's mandate for the next biennium, including finalization of the revised SMTA and development of a proposal for a growth plan. Deliberations continued into the night.

IN THE CORRIDORS

The long-awaited plenary discussion on digital sequence information expectedly revealed that the path towards developing a common understanding - let alone reaching consensus - will be thorny. An African proposal for heavy intersessional work leading to a systematic discussion at GB 8 and beyond was met with diametrically opposed reactions. "Information on genetic resources is not equivalent to physical material and the Treaty is only concerned with the latter," some opined. Others, however, maintained: "Digital information can be used to re-materialize genetic resources in the lab through synthetic biology techniques, and this is the increasingly dominant way of genetic resource utilization." Positions aside, most delegates underscored the urgency of the issue itself and its implications for the Treaty, with one worried observer noting, "it is difficult to question the frantic and explosive pace of technical developments."