

## ITPGRFA GB 8 Highlights: Thursday, 14 November 2019

Delegates to the eighth session of the Governing Body (GB 8) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) met in a brief morning plenary on organization of work. Contact groups on farmers' rights, and on conservation and sustainable use of plant genetic resource for food and agriculture, the budget committee, and informal groups on the Global Information System and the Funding Strategy met throughout the day.

The closed group on enhancing the Multilateral System (MLS) continued its deliberations in the afternoon. The group held another meeting in the evening, expanded to include all parties but no observers.

### Plenary

GB 8 Chair Christine Dawson (US) informed plenary that discussions held on Wednesday evening in the closed group on enhancing the MLS were positive. She then outlined the day's schedule as agreed by the Bureau.

Kathryn Youel Page (US), Co-Chair of the closed group on enhancing the MLS, expressed her appreciation to the group's members for a constructive first meeting, noting that a Co-Chairs' text will be produced during the day.

Alwin Kopse (Switzerland), Co-Chair of the informal group on the Funding Strategy, noted that a draft resolution will be circulated on Friday, excluding targets for the Benefit-sharing Fund, which depend upon the negotiations on the MLS.

### Contact Group on Farmers' Rights

The contact group on farmers' rights resumed review of the draft resolution. Regarding a paragraph inviting parties and relevant organizations to convene further regional workshops and other consultations with a broad range of stakeholders, including farmers' organizations, a lengthy discussion focused on whether specific groups of stakeholders should be explicitly mentioned.

SWITZERLAND, supported by FRANCE, suggested including civil society organizations and the private sector. The NETHERLANDS stressed that knowledge from all stakeholders is important. NIGER called for the inclusion of peasants. FRANCE requested reference to the seed sector, to include both private and public entities. NORWAY, ECUADOR, and GUATEMALA stressed that this discussion has been ongoing for

more than a decade, requesting to keep the original formulation, which was agreed at GB 7. ZAMBIA and MALAWI concurred, cautioning against singling out particular groups of stakeholders other than farmers' organizations. ECUADOR, ZAMBIA, and others stressed that all stakeholders are included in the call and there is no intention to exclude anyone from exchanging knowledge and experiences on the realization of farmers' rights. SWITZERLAND, SWEDEN, ITALY, NORWAY, and the US agreed to maintain a broad reference to all relevant stakeholders. FRANCE requested keeping brackets around the specific reference to the seed sector.

Delegates agreed to invite parties and all relevant stakeholders, especially farmers' organizations, to submit or update views, experiences, and best practices for inclusion in the inventory.

Delegates debated whether a request to the Secretariat to organize capacity-development workshops should be linked to the draft framework for a capacity-development strategy under negotiation, eventually removing the reference.

On requesting the Secretariat to continue identifying possible interrelations with relevant instruments of the World Intellectual Property Organization, SWITZERLAND proposed, and delegates agreed, to discuss the reference under the resolution on cooperation with other international bodies and organizations.

Delegates discussed whether to retain or extend the original terms of reference for the *Ad Hoc* Technical Expert Group (AHTEG) that tasked it with developing options for encouraging, guiding, and promoting the realization of farmers' rights. The EU proposed encouraging the AHTEG to pay attention to the compatibility of proposed options with other provisions of the Treaty as well as other existing international instruments, such as the International Union for the Protection of New Varieties of Plants (UPOV). ECUADOR, NORWAY, ITALY, ZAMBIA, the US, BURKINA FASO, SWITZERLAND, and the PHILIPPINES opposed extending the original terms of reference. ARGENTINA supported reference to UPOV, while NORWAY, NIGER, and NEPAL highlighted that the majority of parties are not parties to the 1991 version of UPOV and thus are not obliged to comply with its provisions. Delegates agreed to retain the original terms of reference.

Discussion then focused on whether the AHTEG should finalize its work on developing options for national implementation, as provided for in its original terms of reference, or whether it

should also develop voluntary guidelines. ECUADOR, CHILE, ARGENTINA, and ZAMBIA supported that the AHTEG develop voluntary guidelines. The NETHERLANDS, FRANCE, CANADA, the NEAR EAST, and SWITZERLAND called for maintaining the original terms of reference, focusing on options. Noting they have supported development of guidelines in the past, NORWAY called for concluding work on the options first. The US supported maintaining the term “*mutatis mutandi*,” to ensure the AHTEG has a work outcome. Following a discussion on its meaning and legal implications, the term was bracketed. The reference to voluntary guidelines also remained in brackets.

Delegates then discussed the AHTEG’s composition, noting the original terms of reference, which include up to five members from each regional group, up to three farmer representatives, and up to three representatives of other stakeholders, including the seed sector. A suggestion was tabled to increase the representation of farmers’ organizations to include two farmer representatives per region.

NIGER, ECUADOR, ALGERIA, BENIN, TOGO, URUGUAY, the NEAR EAST, CUBA, and CONGO supported increasing farmers’ representation, noting their important contribution. CANADA, the US, and FRANCE opposed, requesting to keep the original terms to avoid slowing down the process. ALGERIA, URUGUAY, CONGO, and ECUADOR emphasized FAO’s and the Treaty’s participatory approach, saying “it is time to put it into practice.” The US maintained their concern over expanding the group, noting that parties are responsible for implementation. Discussions continued in the evening.

### *In the Corridors*

Delegates returned on Thursday morning in a noticeably fresher mood. One insider supported that this can be attributed to “some improvements” during Wednesday evening’s closed group discussions on enhancing the MLS; an observer however pointed to general acceptance that the window for agreement has “already closed.” While contact and informal groups continued deliberations on less controversial items, participants in the corridors exchanged bits of intelligence regarding the closed group deliberations.

Reports had it that the group is considering both a substantive compromise proposal regarding benefit-sharing from digital sequence information (DSI) in the revised Standard Material Transfer Agreement, and a future process for addressing DSI under the Treaty. One veteran noted that discussions had returned to a “respectful” state for the first time since the Working Group’s meeting in June. Many observers, however, doubted that the closed group would yield a substantive compromise on DSI that would be acceptable to all. Long-standing commentators recalled that there is a broader context to this week’s negotiations: the need for an agreement on a post-2020 global biodiversity framework in the 2020 UN Biodiversity Conference, which will also be addressing benefit-sharing from DSI related to genetic resources. “While each instrument is different,” one participant noted, referring to the Convention on Biological Diversity and the Treaty, “the linkages are undeniable.” The next two days will show whether GB 8 will set a positive tone or not for the post-2020 biodiversity negotiations.



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