

ITPGRFA GB 9 Highlights: Friday, 23 September 2022

Delegates engaged in textual negotiations to finalize resolutions as the ninth session of the Governing Body (GB 9) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA or Treaty) approached the finish line. Small groups were established to resolve pending issues on several agenda items, including the Funding Strategy, compliance, and the Multilateral System (MLS). The contact group on farmers' rights concluded its work. An evening plenary approved draft resolutions on a series of items, including on enhancing the MLS. Small groups continued negotiations late into the night on the Multi-Year Programme of Work (MYPOW), the Global Information System, and conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA).

Among the day's highlights, the Federation of Seed Industry of India made a donation of two million Indian Rupees (approx. USD 25,000) to the Treaty's Benefit-sharing Fund (BSF).

Plenary

Delegates approved the **Report of Norway on Management and Operations of the Svalbard Global Seed Vault** (IT/GB-9/22/RES_item16.4.3.Rev.1), with no amendments.

The draft resolutions on **Contribution of the Food and Agriculture Organization of the UN (FAO) to the Implementation of the International Treaty** (IT/GB-9/22/RES_item15/L1), **Cooperation with the Commission on Genetic Resources for Food and Agriculture (CGRFA)** (IT/GB-9/22/RES_item16.1/L1), and **Policy Guidance to the Global Crop Diversity Trust** (IT/GB-9/22/RES_item16.2/L1) were approved with minor amendments.

Compliance: On the draft resolution on compliance (IT/GB-9/22/RES_item14.L1), Chair El Bahloul noted that three paragraphs on support and capacity development are still under negotiation, and requested delegates to approve the other sections. Debate ensued on whether training workshops would be organized in person or virtually. Delegates agreed not to prescribe either form. Delegates approved the draft resolution, with the exception of the three pending paragraphs, with this and other minor amendments.

In the evening, delegates considered text in the draft resolution related to the capacity-development strategy, including on welcoming the aim of the strategy and on a request to the Compliance Committee to include an assessment of the strategy's implementation in future reports. NORWAY, the US, and AUSTRALIA proposed postponing decisions regarding the strategy as it is not yet operationalized. Delegates agreed to delete these paragraphs and approved the resolution as amended.

Funding Strategy: Delegates addressed a draft resolution on implementation of the Funding Strategy (IT/GB-9/22/RES_item10/L1), focusing on amendments from ARGENTINA, supported by BRAZIL and JAPAN related to, among others,

support for implementation by the Global Environment Facility and the Green Climate Fund; and meeting modalities for the Funding Committee.

INDIA, supported by NORWAY, proposed adding language welcoming the contribution to the BSF by the Federation of Seed Industry of India and calling for further, similar contributions. A small group was established to resolve outstanding issues on meeting modalities.

On the food processing industry engagement strategy, CANADA, supported by ARGENTINA, suggested deleting references to regularly monitoring progress and to ensuring early involvement of the food processing industry, which was accepted. Delegates approved the draft with these and other minor amendments, pending the result of the small group discussion on meeting modalities.

In the evening, delegates approved the draft resolution with minor amendments and with the addition of language welcoming the contribution made by the Federation of Seed Industry of India to the BSF.

MLS Operations: Chair El Bahloul presented the draft resolution (IT/GB-9/22/RES_item9.1/L1), noting that two paragraphs contain bracketed text pending discussions on enhancing the MLS.

On a request to the Secretariat to update the report on the global availability of MLS material, ARGENTINA suggested that the systematic analysis of the reasons why some parties have not placed any material in the MLS be based on the compliance reporting. GERMANY noted that few parties have submitted compliance reports, suggesting, with CANADA, that the analysis includes, but is not limited to, the compliance reports, which the GB accepted. ARGENTINA proposed, and delegates agreed, subjecting the analysis to the availability of financial resources. CANADA suggested, and delegates agreed, that the activities take place in cooperation with the Commission on Genetic Resources for Food and Agriculture (CGRFA).

On organizing workshops to strengthen MLS operations, including for the identification and notification of available material, NORTH AMERICA, opposed by AFRICA, requested deleting emphasis on the assignment of digital object identifiers (DOIs). The provision remained bracketed.

Delegates decided to remove brackets around a request to the Secretariat to monitor progress on the voluntary inclusion of material in the MLS by natural and legal persons and report to GB 10. The draft resolution was approved pending agreement on the reference to DOIs.

Guardians of Crop Diversity: Chair El Bahloul introduced a draft resolution (IT/GB-9/22/RES_item7.L1), explaining that it includes textual changes derived from the small group discussions over the week. These included references to "plant breeders, including farmer-breeders" in the preamble, to the contribution of "users" alongside all guardians and curators of crop diversity, and the important contribution of women. Delegates approved the draft resolution as presented, with minor amendments.

Contact Group on Farmers' Rights

The contact group, co-facilitated by Svanhild-Isabelle Batta Torheim (Norway) and Rakesh Chandra Agrawal (India), resumed deliberations on the draft resolution, finalizing its work.

On the options for encouraging, guiding, and promoting the realization of farmers' rights as set out in Article 9 of the Treaty, delegates engaged in a lengthy discussion focusing on category 10 (legal measures for implementation, such as legislative measures related to PGRFA). The group agreed to welcome the work of the *Ad Hoc* Technical Expert Group (AHTEG) on Farmers' Rights, take note of the options, and request the Secretariat to publish them, with a footnote reflecting that the options under category 10 are proposed by the AHTEG's Co-Chairs.

One regional group proposed requesting the Secretariat to develop detailed South-South and triangular cooperation plans to be addressed at the global symposium on farmers' rights to be hosted by India. Some delegates expressed concern that there is insufficient time to do this before the symposium, which will be held in the first half of 2023, with some proposing instead that these plans be addressed at GB 10. Others underlined that the development of cooperation plans falls under national responsibility. Delegates agreed to request the Secretariat to facilitate the development of regional cooperation plans among interested stakeholders, with an emphasis on South-South cooperation, and including a reference to Treaty Article 18.5 (implementation of plans and programmes in developing countries).

On the draft resolution, delegates agreed to "invite," rather than "encourage" parties to use the options, subject to national legislation and availability of financial resources. They also deleted proposed language encouraging parties to support the options with a view to adopt a human rights-based approach to farmers' rights.

On updating the educational module, they agreed to include information on new developments of relevance, including from human rights instruments and declarations. They further agreed on translating the module into UN languages.

Delegates amended text on cooperation to refer to collaboration with other units and partners working to promote farmers' rights within and outside the FAO and the UN, including international human rights bodies.

Plenary

Enhancement of the MLS: Contact group Co-Facilitators François Pythoud (Switzerland) and Sunil Archak (India) presented the draft resolution (IT/GB-9/22/RES_item9.2/L1), emphasizing that the contact group focused on process, rather than on substance, and produced a consensus document. They underscored that all participants in the contact group were "very eager to restart the process and enhance the MLS," thanking them for their constructive contributions during the deliberations.

GERMANY suggested, and delegates agreed, requesting the Working Group Co-Chairs to take into account what has been achieved so far. Michael Ryan (Australia) and Sunil Archak (India) were nominated as Working Group Co-Chairs. With these and other minor amendments, the resolution was approved.

Capacity-Development Strategy: Delegates approved the draft resolution on the capacity-development strategy 2023-2030 (IT/GB-9/22/RES_item6.1/L1) without comment.

Cooperation with the Convention on Biological Diversity (CBD): On this draft resolution (IT/GB-9/22/RES_item16.3/L1), delegates agreed to delete text recommending that options to strengthen aspects related to access and benefit-sharing (ABS) for PGRFA, including traditional knowledge, be included in the development of the post-2020 global biodiversity framework (GBF), as suggested by SWEDEN and the US. Following proposals by the US and ARGENTINA, they agreed to invite CBD

parties to adopt a GBF "which can contribute to conservation and sustainable use of plant genetic resources and to the fair and equitable sharing arising out of their use." Delegates also agreed to invite CBD parties to consider the Treaty's experience when finalizing the GBF and "any potential decision on digital sequence information (DSI)." They further agreed to invite parties to consider the best practices and lessons learned from the implementation of the CBD Gender Action Plan 2015-2020, while looking forward "to a future post-2020 gender action plan." Delegates also agreed to invite the UN Environment Programme to continue facilitating a cooperation process among biodiversity-related conventions. Plenary approved the resolution with these and other minor amendments.

Cooperation with Article 15 Institutions: Chair El Bahloul presented the draft resolution (IT/GB-9/22/RES_Item16.4.2/L1), to be integrated into the resolution on cooperation with other international organizations.

A lengthy discussion took place regarding supporting two genebanks, the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF) and the International Crops Research Institute for the Semi-Arid Tropics (ICRISAT). Delegates finally agreed calling upon all relevant stakeholders to assist the genebanks, financially, as appropriate, noting the advice provided during GB 9 that CIFOR-ICRAF and ICRISAT are facing funding difficulties as they no longer receive direct support from the CGIAR Trust Fund. Plenary further agreed to emphasize the need for long-term solutions for all Article 15 institutions through strengthening the involvement of the Treaty and the Crop Trust. The draft resolution was approved with these and other minor amendments.

Cooperation with Other Organizations: AFRICA, supported by the PHILIPPINES and INDIA, proposed a paragraph requesting the Secretariat to cooperate with the Human Rights Council to support parties to implement the Treaty in line with human rights instruments, such as the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, the UN Declaration on the Rights of Indigenous Peoples and the UN Declaration on the Rights of Peasants (UNDROP). FRANCE, AUSTRALIA, and CANADA objected to listing the instruments, urging referring to human rights bodies, as agreed in the contact group on farmers' rights. Discussions will continue on Saturday.

In The Corridors

On the penultimate day of GB 9, an air of cautious optimism permeated the meeting hall as informal discussions on the resolution on farmers' rights, one of the traditionally controversial items for the Treaty, concluded. Pending consideration by plenary, the outcome left delegates with mixed feelings. Some pointed to positive developments for farmers, including a global symposium dedicated to their rights being in the offing for 2023. Others underscored weak language on cooperation with human rights bodies, stressing the need for full realization of farmers' rights as human rights and for any future activities on farmers' rights to be aligned with the human rights framework, in particular UNDROP, adopted recently by the UN General Assembly.

Plenary was frantically busy, as delegates worked late into the night to finalize consideration of all draft resolutions. In a tedious, but necessary process, delegates spent hours examining the drafts, mostly crossing the "t's" and dotting the "i's," but also addressing issues of greater concern. With the closing of the meeting on the near horizon, tired delegates agreed that a successful ending on Saturday is within their reach.

The *Earth Negotiations Bulletin* summary and analysis of GB 9 will be available on Tuesday, 27 September 2022 at enb.iisd.org/plant-genetic-resources-food-agriculture-itpgrfa-gb9