

April 2014



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

**FIRST MEETING OF THE *AD HOC* OPEN-ENDED WORKING GROUP TO
ENHANCE THE FUNCTIONING OF THE MULTILATERAL SYSTEM**

Geneva, Switzerland, 14-16 May 2014

**INFORMATION FROM AND CONSULTATIONS WITH
RELEVANT STAKEHOLDERS**

Note by the Secretary

1. In Resolution 2/2013, the Governing Body requested the Working Group to consult with relevant stakeholder groups and requested the Secretariat, as a basis for such consultations, to prepare short, strategic preliminary studies, taking into account all relevant information from stakeholders.
2. Accordingly, the Secretary invited Contracting Parties and stakeholder groups to make available any information relevant to the above studies. This document contains the submissions, which the Secretary has received from stakeholders until 3 May 2014 in response to Notification GB6-010, and refers to the various stakeholder processes that have been considered with the aim of contributing to the work of the Working Group.

This document is printed in limited numbers to minimize the environmental impact of FAO's processes and contribute to climate neutrality. Participants are kindly requested to bring their copies to meetings and to avoid asking for additional copies.

Introduction:

1. In Resolution 2/2013, the Governing Body requested the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing (Working Group) to consult with relevant stakeholder groups, as defined in task (c) of the Terms of Reference of the Working Group. This is to be done on the basis of studies, which the Governing Body requested the Secretary to prepare, taking into account all available information, including the study *Assessing the potential for monetary payments from the exchange of plant genetic resources under the Multilateral System of the International Treaty on Plant Genetic Resources for Food and Agriculture*.
2. By Notification GB6-010, which is attached as *Appendix 1*, the Secretary accordingly invited Contracting Parties, Non-Contracting Parties, stakeholder groups and relevant international organizations to make available any information relevant to the above studies, including in particular on the development of innovative user-based approaches to realizing monetary benefit-sharing, within the context of the use of the SMTA, and other innovative approaches that can contribute to an adequate and sustainable flow of resources to the Benefit-sharing Fund.
3. Numerous stakeholder groups have already begun holding their own consultations to directly participate in and contribute to the process of the Working Group. As a result of ongoing consultations of stakeholder groups, in particular those undertaken by CGIAR Centres and the seed industry, several written submissions with basic considerations of the stakeholder groups have been contributed for the Working Group's consideration at its first meeting. The Secretary has also been informed that further written submissions from Contracting Parties and stakeholder groups are currently in preparation and will be forthcoming for the Working Group's consideration at its second meeting. At the time of preparation of this document, the Secretary had received respective written submissions from the International Center for Tropical Agriculture, the International Seed Federation, and the European Seed Association. These stakeholder submissions are attached as *Appendix 2*, *Appendix 3* and *Appendix 4*, respectively.
4. In addition to these written submissions, several Contracting Party regions have started holding regional consultations among their governments and stakeholder groups in order to contribute to and provide direct inputs to the Working Group. Four regions of the membership are ongoingly conducting or currently preparing such consultations with their governments and stakeholder groups. In addition, various institutions are considering organizing further information gathering and stakeholder consultations, in order to contribute to the work of the Working Group. These include possible information gathering and consultations led by QUNO, the FAO Liaison Office in Geneva, Bioversity International, the Meridian Institute and the University of St. Gallen (Switzerland) and additional information on these various processes will be provided to the Working Group as soon as they will become available.
5. It is to be noted that task (c) in the Terms of Reference of the Working Group to consult with relevant stakeholder groups is a continuation and extension of direct consultations conducted in the last biennium with stakeholder groups by the *Ad Hoc* Committee on the Funding Strategy (Committee) to identify possible innovative approaches to mobilize resources for the Benefit Sharing Fund. The Committee conducted these direct stakeholder consultations through multiple means, including: formal dialogue between stakeholder groups and the Committee as a whole during its regular plenary sessions; informal inter-sessional consultations of the Co-chairs with the stakeholder groups in closed dedicated meetings; informal consultations of the Co-chairs with stakeholder representatives on the margins of other meetings; written exchanges; teleconferences; and joint inter-sessional drafting exercises of the Co-chairs with stakeholder representatives to produce specific products requested by the Committee for its next meeting. The outcomes and products of these direct consultations held by the Committee with stakeholders in the last biennium are outlined in document IT/OWG-EFMLS-1/14/4. Detailed accounts and

products of these consultations are contained in documents IT/GB-5/13/Inf.4, IT/GB-5/13/Inf.4 Add.1, and IT/GB-5/13/Inf.4 Add.2.

6. In Resolution 2/2013, the Governing Body thanks the stakeholders who cooperated with the *Ad Hoc* Advisory Committee on the Funding Strategy (Resolution 2/2013, part IV, para. 22) and appeals to stakeholders who use plant genetic resources under the Treaty to assist the Working Group to develop innovative user-based approaches to realizing monetary benefit-sharing (Resolution 2/2013, part IV, para. 25). *Appendixes 2 to 4* indicate that the relevant stakeholder groups intend to continue their existing consultations, in order to provide further direct contributions to the next meeting of the Working Group.

List of Appendixes

1. Notification GB6-010 soliciting relevant available information as contribution to the work of the Working Group
2. Stakeholder submission from the International Center for Tropical Agriculture to the Working Group, dated 14 April 2014
3. Stakeholder submission from the International Seed Federation to the Working Group, dated 24 April 2014
4. Stakeholder submission from the European Seed Association to the Working Group, dated 24 April 2014



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



Viale delle Terme di Caracalla, 00153 Rome, Italy

Mail: pgrfa-treaty@fao.org

Facsimile: +39 0657056347

Telephone: +39 0657055430

Our Ref.: GB6 – 010 Working Group – Inputs

26 February 2014

NOTIFICATION

***Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing**

Dear Madam/Sir,

I have the honour to solicit relevant available information as contribution to the work of the *Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing (Working Group), based on the following:

At its Fifth Session, the Governing Body decided to establish the Working Group through Resolution 2/2013, *Implementation of the Funding Strategy of the International Treaty*.¹ The Working Group will develop a range of measures for consideration and decision by the Governing Body at its Sixth Session that will:

- (a) Increase user-based payments and contributions to the Benefit-sharing Fund in a sustainable and predictable long-term manner, and,
- (b) Enhance the functioning of the Multilateral System by additional measures.

For this purpose, the Secretariat will prepare a number of short, strategic preliminary studies, taking into account all available information of relevance to the work of the Working Group. These studies should include:

- A study estimating income to be expected from possible changes, consistent with the objectives of the Treaty, in the provisions governing the functioning of the Multilateral System, taking into account reports of the *Ad Hoc* Advisory Committee on the Funding Strategy and the *Ad Hoc* Technical Advisory Committee on the Multilateral System and SMTA;

..!..

¹ The Resolution 2/2013 is available at:

http://www.planttreaty.org/content/fifth_gb_resolutions



- A policy and legal study on the feasibility and effects of such changes;
- A study on how to enhance mechanisms for capacity-building, technology-transfer and information-exchange;
- An analysis of the factors that influence the willingness of stakeholder groups to make contributions to the Benefit-sharing Fund and to access plant genetic resources for food and agriculture from the Multilateral System.

On the basis of the above studies, with the view of achieving enhanced access and increase fair and equitable sharing of benefits, the Working Group will, *inter alia*, consult with relevant stakeholders groups. The Governing Body appealed to stakeholders who use plant genetic resources under the Treaty to themselves develop, and assist the Working Group to develop, innovative user-based approaches to realizing monetary benefit-sharing, within the context of the use of the Standard Material Transfer Agreement, and other innovative approaches that can contribute to an adequate and sustainable flow of resources to the Benefit-sharing Fund.

I therefore have the pleasure to invite Contracting Parties, Non-Contracting Parties, stakeholder groups and relevant international organizations to make available any information relevant to the above studies being prepared by the Secretariat, including in particular on the development of innovative user-based approaches to realizing monetary benefit-sharing, within the context of the use of the Standard Material Transfer Agreement, and other innovative approaches that can contribute to an adequate and sustainable flow of resources to the Benefit-sharing Fund.

To facilitate the consolidation of information by the Secretariat for consideration by the first meeting of the Working Group, and to disseminate relevant information through the website of the International Treaty, where appropriate, I would appreciate if information could be sent by 25 April 2014 electronically to PGRFA-Treaty@fao.org and in hard copy to:

Dr Shakeel Bhatti
Secretary
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
00153 Rome, Italy
Tel: +39 06 5705 3441; Fax: +39 06 5705 6347.

Please accept, Madam/Sir, the assurance of my highest consideration.



Dr Shakeel Bhatti
Secretary of the Governing Body
International Treaty on Plant Genetic Resources
for Food and Agriculture



14 April 2014
DIR-012-14

Dr. Shakeel Bhatti
Secretary
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla
00153 Rome, Italy

Dear Dr. Bhatti:

We write in regard to the invitation by the Secretary in reference to the *Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit Sharing, to encourage relevant international organizations to make available information relevant to the studies being prepared by the Secretariat.

The International Center for Tropical Agriculture (CIAT), the Global Crop Diversity Trust, the CGIAR Research Program on Climate Change, Agriculture and Food Security (CCAFS), and a number of research universities, have recently completed and published an analysis¹ of changes in national level food supplies worldwide over the past half-century, utilizing food supply data provided by FAO. Our methods were chosen in order to provide the highest feasible resolution for analyzing trends in the utilization of food crop species in a standardized manner worldwide, and included all possible countries (98% of world population) and all available metrics of food supply (calories, protein, fat, and food weight) from 1961 to the present.

The major findings of the research include: a) as a global trend, national food supplies have diversified to include a greater number of the crop commodities measured by FAO; b) the relative abundance of crops within national food supplies has also changed significantly, generally with a greater amount of major cereal, sugar and oil crops in the diet, and a declining contribution of regionally and locally important cereals, roots and tubers, and other crops; and c) due to these changes, national food supplies have become much more similar worldwide, i.e. there is increasing homogeneity in global food supplies. These results strongly highlight our increasing dependence worldwide on a relatively restricted suite of globalized crops and, therefore, as a corollary, the increasing interdependence of countries on the genetic resources underpinning their sustainable production. The research has received an extraordinary amount of attention in both the scientific community and the public media, as the implications of such changes relate both to the future of agriculture as well as to nutrition and human health.

Building upon this research, we are expanding our discussion of the effects of such changes in national food supplies on interdependence among countries in the genetic resources of food crops. Our methodology will build upon a key analysis² prepared as an input in support of the original negotiations of the International Treaty on Plant Genetic Resources for Food and Agriculture, expanding it to include further metrics of food supply, an improved methodology of geographic sourcing of the genetic resources of crops, and, most critically, providing a vision of change over time in regard to interdependence on these genetic resources. We have initiated the analysis, and project to publish in a scientific journal by the end of this year.

We would like to submit our upcoming analysis on the quantification of interdependence in the genetic resources underpinning national food supplies, and its supplementary information, to the *Ad Hoc* Working group. We believe that the results will serve as an important contribution to the analysis of the factors that influence the willingness of stakeholder groups to make contributions to the Benefit-sharing Fund and to access plant genetic resources for food and agriculture from the Multilateral System, including the potential enhancement of the Multilateral System to include more crops of global significance, as elucidated in our study. CIAT and the Global Crop Diversity Trust have long-standing collaborations with the Treaty Secretariat and we look forward to continue such collaborations in the preparation of the upcoming analysis, so as to make available the research results in the most accessible manner to inform the policy discussions.

Thank you for your consideration of inclusion of our contributions to the goals of the *Ad Hoc* Working Group.

Sincerely,



Ruben Echeverria
 Director General
 International Center for Tropical Agriculture (CIAT)
 Km 17, Recta Cali-Palmira, Apartado Aéreo 6713,
 Cali, Colombia

¹Khoury CK, Bjorkman AD, Dempewolf H, Ramírez-Villegas J, Guarino L, Jarvis A, Rieseberg LH and Struik PC (2014) Increasing homogeneity in global food supplies and the implications for food security. *Proceedings of the National Academy of Sciences of the United States of America (PNAS)* 111(11): 4001-4006. doi: 10.1073/pnas.1313490111. Available online at: <http://www.pnas.org/content/111/11/4001.abstract>

²Flores Palacios X (1998) Contribution to the Estimation of Countries' Interdependence in the Area of Plant Genetic Resources. Commission on Genetic Resources for Food and Agriculture, Background Study Paper No. 7, Rev. 1, Food and Agriculture Organization of the United Nations, Rome, Italy. Available online at: <ftp://ftp.fao.org/docrep/fao/meeting/015/j0747e.pdf>

The **International Center for Tropical Agriculture (CIAT)** develops technologies, tools, and new knowledge that better enable farmers, especially smallholders, to make agriculture eco-efficient—that is, competitive and profitable as well as sustainable and resilient. With headquarters near Cali, Colombia, CIAT conducts research for development in tropical regions of Latin America, Africa, and Asia. www.ciat.cgiar.org

The **Global Crop Diversity Trust** is an independent international organization working to ensure the conservation and availability of crop diversity essential for food and agriculture, forever. www.croptrust.org

CGIAR is a global research partnership for a food secure future. Its science is carried out by the 15 research centers who are members of the CGIAR Consortium in collaboration with hundreds of partner organizations. www.cgiar.org



International Seed Federation

Chemin du Reposoir 7
1260 Nyon, Switzerland
Phone: +41 22 365 44 20
Fax: +41 22 365 44 21
E-mail: isf@worldseed.org
<http://www.worldseed.org>

Some Basic Considerations for the *Ad Hoc* Open-Ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-Sharing

April 24, 2014

In response to the Notification dated 26 February 2014 wherein the Secretary to the International Treaty on Plant Genetic Resources for Food and Agriculture (Treaty) invited submissions from stakeholder groups "to assist the Working Group to develop, innovative user-based approaches to realizing monetary benefit-sharing, within the context of the use of the Standard Material Transfer Agreement, and other innovative approaches that can contribute to an adequate and sustainable flow of resources to the Benefit-sharing Fund", the International Seed Federation (ISF) sought input from representatives of the global seed industry. The purpose of our solicitation was to provide some basic considerations that reflect the views of ISF-member respondents, which could help the *Ad Hoc* Working Group in its deliberations. Responses were distilled to present those points where there was general agreement. We hope that these views from seed industry representatives around the world will advance the work of the *Ad Hoc* Working Group.

While the ISF cannot require its members to participate in any future funding mechanism or the Multilateral System (MLS), we remind the Secretary and members of the *Ad Hoc* Working Group of ISF's public commitment to the Treaty as the preferred international regime over access and benefits sharing with regard to plant genetic resources for food and agriculture.

Overall, there is wide recognition of the importance of the Treaty to the global seed industry as well as commitment to support and further develop the Treaty. As such, some seed companies may be ready to commit financially to support the funding mechanism. As such, ISF members are willing to increase their involvement in shaping the future of the financing mechanism of the Treaty, which should provide sustainable, long-term income to the Treaty's benefit-sharing fund. Members are also ready and committed to provide input for additional measures to further enhance the MLS.

From the input the ISF has received, the funding mechanism should be based on the following principles:

- Simplicity with minimal administrative burden (no Track & Trace);
- Inclusive and avoid free-riding;
- Predictable and result in legal certainty for all users;
- Proportional in that it provides a level playing field to all users, be they public or private;
- A differentiated approach when providing material that will be available without restrictions for research and breeding.

Importantly, the mechanism will be functional only once simple changes are made to the SMTA that will ensure long-term, sustainable funding for the Treaty. Other important factors affecting the long-term functionality of the mechanism are:

- A better recognition by Contracting Parties of the value of in-kind benefits-sharing activity provided by the seed sector;
- Contracting Parties fulfilling their obligations to include material under their control into the MLS;
- Extension of Annex I to include all plant genetic resources for food and agriculture;
- Priority given to projects financed through the funding mechanism with clear links to ex-situ conservation; and
- Transparency and possible involvement of the seed sector in decision-making concerning funding of projects.



04/2014

Brussels, Belgium

ESA_14.0220

ESA is the voice of the European seed industry, representing those active in research, breeding, production and marketing of seeds of agricultural and ornamental plant species. It represents more than 30 national seed associations and more than 60 direct company members.

ESA's mission is to work for fair and proportionate regulation of the European seed industry, freedom of choice for customers in supplying seeds as a result of innovative, diverse technologies and production methods and for effective protection of intellectual property rights relating to plants and seed.

European Seed Association

Rue du Luxembourg 23/15

B 1000 Brussels

Tel. 0032-2-7432860

[Email](#)

BASIC CONSIDERATIONS



OF

the European seed sector to enhance the functioning of the Multilateral System of Access and Benefit Sharing of the International Treaty on Plant Genetic Resources for Food and Agriculture

1. Background

Plant breeding is the science of improving plant genetic resources for agricultural production to the benefit of society. In the process of plant breeding each year thousands of genetic resources – primarily commercial varieties but also other material - are screened in observation and disease trials to single out the resources with interesting characteristics in order to create new plant varieties which are themselves genetic resources. A lot of work needs to be done before all desired characteristics are combined into a modern variety that can be offered to consumers. This is done during a complex and time consuming process of crossing, backcrossing and selection. The development cycle of a new variety on average takes 10 years and may take even longer when wild types or landraces are used.

So, the ancestry of every single plant variety is very complex combining thousands of different genetic resources from different sources and regions. In addition, it is important to underline that there is a strong interdependence between plant breeders across the world to develop new plant varieties, which are, for instance, resistant to diseases, better adapted to local climatic conditions, providing higher yields etc. Therefore a continuous flow of plant genetic resources between countries and continents and easy and speedy access to the totality of the plant gene pool worldwide is indispensable.

Plant breeding therefore requires a specific access and benefit-sharing (hereinafter: 'ABS') regime which understands its functioning and is adapted to its specificities. The International Treaty on Plant Genetic Resources for Food and Agriculture (hereinafter: the 'Treaty') recognizes these specificities and is therefore the preferred ABS system of the European seed sector.

2. Basic considerations & principles of a future system

The European seed sector is ready to participate in and provide input to the discussions to enhance the functioning of the Multilateral System of the Treaty. It has to be noted however that in the discussions around the improvement of the Treaty the expectations of the different stakeholders vary on a large scale. Resolution 2/2013 adopted at the fifth session of the Governing Body sets out some expectation in general terms. For the sake of transparency and more constructive discussions the European seed sector is of the opinion that the expectations of stakeholders participating in the discussions should become much clearer.





The working group established by the Governing Body to enhance the Multilateral System of the Treaty has two objectives:

- a) Increase user-based payments and contributions to the Benefit-Sharing Fund in a sustainable and predictable long-term manner, and
- b) Enhance the functioning of the Multilateral System by additional measures.

To make the system work it is important that both targets are going to results in solutions in a balanced manner. With regard to the work to be done by the working group, the European seed sector is:

- committed to support and further develop the Treaty;
- ready and committed to take financial engagement to support the Treaty;
- committed to be proactively involved in and propose solutions for shaping the future financing mechanism of the Treaty which should provide sustainable, long-term income to the Treaty's Benefit Sharing Fund;
- ready and committed to provide input for additional measures to further enhance the Multilateral System.

As concerns the future financing mechanism of the Treaty the European seed sector is of the view that all Parties and stakeholders should take their responsibility to contribute to the system. With regard to the financial mechanism for recipients of material from the Multilateral System the European seed sector believes that the mechanism should be based on the following principles:

- solidarity: creating a mechanism which is as inclusive as possible, avoiding free-riding to the extent possible;
- simplicity;
- minimum administrative burden (no "track & trace" obligation);
- predictability: providing for high legal certainty for users;
- proportionality: providing a level playing field within the industry to the extent possible;
- differentiated approach to material available without restrictions for breeding, research and training and material which is not.

This mechanism can only become functional if:

- the Treaty gives better recognition to the value of in-kind benefit-sharing activities undertaken by the seed sector;
- it results in the fulfillment by Contracting Parties of their obligations by bringing more material under the Multilateral System;
- it results in the extension of Annex I of the Treaty to all plant genetic resources for food and agriculture;
- it promotes that that projects financed from the Benefit Sharing Fund can also have a link to *ex situ* conservation;
- it allows more transparency and possibilities for involvement for the seed sector in the decision-making concerning the projects on which money from the Benefit Sharing Fund is spent.