



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

Item 9.2 of the Provisional Agenda

NINTH SESSION OF THE GOVERNING BODY

New Delhi, India, 19–24 September 2022

Reports from Informal Consultations on the Enhancement of the Multilateral System

Executive Summary

At its Eighth Session, the Governing Body did not agree on a formal intersessional process on the enhancement of the Multilateral System during this biennium. It took note of the need to take stock and to assess the next steps on further work on the enhancement of the Multilateral System. The Governing Body encouraged informal consultations among Contracting Parties and especially national consultations amongst sectors and relevant stakeholders (IT/GB-8/19/Report, para. 32-33).

This document summarizes the informal consultations the Secretary was informed about, as well as the main considerations arising from them. The reports on such informal consultations are contained in the information documents provided for this agenda item.

Guidance Sought

The Governing Body is invited to consider the summary provided in this document and the reports contained in the information documents prepared for this agenda item and to give any further guidance on the measures it considers necessary for the enhancement of the functioning of the Multilateral System and any related processes and timelines.

FAO-ITPGRFA documents can be consulted at: www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/

I. INTRODUCTION

1. The Governing Body, at its Eighth Session, could not reach consensus on measures to enhance the functioning of the Multilateral System. It took note of the need to take stock and to assess the next steps on further work on the Enhancement of the Multilateral System.
2. The Governing Body encouraged informal consultations among Contracting Parties and especially national consultations amongst sectors and relevant stakeholders.¹
3. Throughout the biennium, the Bureau of the Ninth Session of the Governing Body considered developments on informal consultations in the different Regions. It agreed on the value of sharing information on informal consultations across Regions and among Contracting Parties, noting that it would only be appropriate for those conducting such informal consultations to make such information available.
4. This document provides a summary of informal consultations the Secretary was informed about. The reports on all informal consultations, as provided by the respective conveners or facilitators, are given in the information documents provided for this agenda item.

II. SUMMARY OF INFORMAL CONSULTATIONS

5. The government of Switzerland convened three informal consultations in 2021 and 2022, to take stock of previous progress made and identify possible next steps that could be deliberated upon by the Ninth Session of the Governing Body (GB-9) in order to conclude the process to enhance the functioning of the Multilateral System and arrive to a positive outcome within a stipulated time. All the meetings were held under Chatham House Rules.
6. *Hybrid informal consultation:* the most recent informal consultation was held in a hybrid manner, with 23 participants physically present at the United Nations Office in Geneva, Switzerland, and 32 participants connected remotely. Participants from all FAO Regions, as well as representatives of some key stakeholder groups, participated in the meeting. The meeting was facilitated by Mr. François Pythoud (Switzerland) and Mr. Sunil Archak (India). A summary of this consultation is provided in document IT/GB-9/22/09.2/Inf.1, *Informal Consultation co-facilitated by India and Switzerland: Enhancing the Functioning of the Multilateral System – co-facilitators report*.
7. The purpose of the meeting was to discuss: (1) shared aims for enhancing the functioning of the Multilateral System; (2) progress made so far to enhance the functioning of the System, (3) options on the way forward and possible next steps.
8. Participants shared the view that a fully functional, user-friendly and simple Multilateral System was central for the functioning and success of the International Treaty.
9. Participants had a shared understanding that without a formal process it would not be possible to achieve the enhancement of the functioning of the Multilateral System and that it would be important for GB-9 to discuss the possible further steps.
10. Participants also had a fruitful discussion on shared aims to enhance the Multilateral System and the summary report of the consultations contains elements that the co-facilitators have identified regarding the design of a future process, and where consensus is possible at GB-9. Elements from the summary report have been used in preparing section III of this document.
11. *Virtual informal consultations:* The first two informal consultations were held virtually, in January and December 2021. A *Non-paper. Enhancement of the Multilateral System: Taking stock of progress made so far* was prepared by Switzerland following from and based on the discussions during the first informal consultation. The second informal consultation identified possible elements to prepare and facilitate discussions at the Ninth Session of the Governing Body

¹ IT/GB-8/19/Report, paras. 30-35.

and recommended to organize, if possible, an additional informal consultation in presence to further discuss those elements.

12. At the second informal consultation convened by Switzerland, participants expressed their overall willingness to consider restarting the discussions on the enhancement of the Multilateral System and recognized the need for having a discussion on this matter at the Ninth Session of the Governing Body. Participants also strongly recognized the need for building trust among Contracting Parties and with stakeholders, in order to improve common understanding of the proposals and their impacts. Digital sequence information was identified as a major outstanding issue, among others. A summary of these consultations, which includes the non-paper referred in the previous paragraph, is provided in document IT/GB-9/22/09.2/Inf.2, *Enhancing the Functioning of the Multilateral System – reports from two virtual informal consultations organized by the Government of Switzerland*.

13. Following the second informal consultation, Switzerland revised the non-paper and made it available to participants of the third informal consultation, for information.

III. GUIDANCE SOUGHT

14. The Governing Body is invited to consider this document and the reports contained in the information documents prepared for this agenda item and to give any further guidance on the measures it considers necessary for the enhancement of the functioning of the Multilateral System and any related processes and timelines.

15. The Governing Body may wish to take stock of progress made so far and decide on next steps, including the nature and design of a process forward.

16. Should the Governing Body agree on a further formal process and in order to facilitate discussions at the Session, indicative text elements are provided in the *Appendix* to this document as a possible starting point and without prejudice to any other approach the Governing Body may wish to adopt. Such elements derive from the report prepared by the two co-facilitators of the recent hybrid *Informal Consultation: Enhancing the Functioning of the Multilateral System*. Elements from previous Resolutions on measures to enhance the functioning of the Multilateral System on Access and Benefit-sharing could also be taken into account and adapted as appropriate.

*Appendix***POSSIBLE ELEMENTS FOR A DRAFT RESOLUTION **/2022***{POSSIBLE PREAMBULAR TEXT ELEMENTS}***THE GOVERNING BODY,**

Recalling Resolution 2/2006, by which it adopted the Standard Material Transfer Agreement and previous Resolutions regarding measures to enhance the functioning of the Multilateral System on Access and Benefit-sharing;

Recalling that the Governing Body, at its Eighth Session, could not reach consensus on measures to enhance the functioning of the Multilateral System but took note of the need to take stock and to assess the next steps on further work on the Enhancement of the Multilateral System.

Recalling further that the Governing *encouraged* informal consultations;

Thanking the Government of Switzerland for having convened informal consultations and the co-facilitators for providing a summary report of the hybrid informal consultation;

{POSSIBLE DECISION TEXT ELEMENTS}

Emphasizes that a fully functional, user-friendly and simple Multilateral System is central for the functioning and success of the International Treaty;

Having taken stock of progress made so far to achieve the enhancement of the functioning of the Multilateral System, **notes** that while a range of views exist among Parties on the matter, Parties commit to working together towards adopting a package of measures to enhance the functioning of the Multilateral System through the process established in the present Resolution, with the following shared aims:

- Increase the benefits that arise from the Multilateral System for all Contracting Parties and users, both monetary and non-monetary;
- Increase user-based income to the Benefit-sharing Fund in a sustainable and predictable long-term manner
- Expand the crops and plant genetic diversity available through the Multilateral System, as well as improve the availability of current Annex 1 crops conserved by Contracting Parties.
- Make the Multilateral System more dynamic to take into account developments and emerging issues in science, innovation, plant breeding and global policy environment;
- Create legal certainty and administrative simplicity for everyone participating in the System;

{The elements above were listed in the co-facilitators report of the hybrid informal consultation and are provided below as examples}

In order to achieve the shared aims for an enhanced Multilateral System, **decides** to establish ...

an intersessional group *{title}* to finalize *{within a specified timeline, e.g., by GB-11}* the enhancement of the functioning of the Multilateral System with new mandate and revised terms of reference, and that builds upon lessons learnt from the previous process, namely for it to be:

- Inclusive, by being regionally balanced and including all stakeholder groups;
- Open-ended, so any Contracting Party may attend;

- Supported by robust regional consultations; and,
- Explore the potential of virtual meetings and/or consultations (including hybrid meetings);

{The elements above have been derived from the co-facilitators report of the hybrid informal consultation}

Agrees that the process should build upon previous progress and achievements both in terms of structure and content and integrate new ideas, if relevant, and address, in a balanced manner, all three blocks of the package of measures developed previously (revised SMTA; expansion of Annex I; implementation measures through a Resolution of the Governing Body).

Decides to appoint to appoint the two Co-chairs of the intersessional group as follows [...] and **requests** them to:

- allow space and facilitate informal interactions for building common understanding prior to the start of the formal negotiations;
- guide the preparatory steps for a formal process, including to prepare a Co-chairs' proposal taking into account what has been achieved so far;
- structure the formal process so as accord early attention to the key issues such as Digital sequence information (DSI) and payment rates;
- consult, from time to time, with the Bureau; and
- report to *{GB-10}* on progress and for any further guidance.

Underscores the necessity to liaise closely with the Standing Committee on the Funding Strategy and Resource Mobilization with regard to the implementation of the Funding Strategy, including its agenda on non-monetary benefit-sharing and policy guidance on the use of the Benefit-sharing Fund (target, priorities, increasing flow of funds other than user-based income) and with Compliance Committee with regard to Contracting Parties making available material contained in the Multilateral System.

[...]