



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



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

Item 17.3 of the Provisional Agenda

NINTH SESSION OF THE GOVERNING BODY

New Delhi, India, 19–24 September 2022

Review of Subsidiary Bodies and Intersessional Processes

Executive Summary

At its Eighth Session, the Governing Body requested the Bureau of the Ninth Session to review subsidiary bodies and intersessional processes and provide recommendations to the Governing Body, including on coordination among subsidiary bodies and avoiding duplication of efforts.

This document provides general information on the nature and the work of subsidiary bodies and intersessional processes in the biennium 2020-2021 and presents the updated analysis for the review of subsidiary bodies and intersessional processes.

Guidance Sought

The Governing Body is invited to give further guidance regarding the review of subsidiary bodies and intersessional processes, including by taking into account the experience of the last biennium with the work of such bodies and processes, which was carried out predominantly in virtual modality.

FAO-ITPGRFA documents can be consulted at: www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1259571/%20

I. INTRODUCTION

1. At its Eighth Session, the Governing Body considered a Reference Note on Subsidiary Bodies and Intersessional Processes.¹ It requested the Bureau of the Ninth Session to review subsidiary bodies and intersessional processes with a view to providing recommendations to the Governing Body, including on coordination among subsidiary bodies and avoiding duplication of efforts.²

2. With the support of the Secretary, the Bureau of the Ninth Session considered the review based on the Reference Note and the updated analysis of subsidiary bodies and intersessional processes.

3. This document provides general information on the nature and work of subsidiary bodies and intersessional processes, which were undertaken predominantly in virtual modality during the biennium 2020-2021, and contains updated elements for the review of subsidiary bodies and intersessional processes by the Governing Body.

II. THE OPERATION OF SUBSIDIARY BODIES AND INTERSESSIONAL PROCESSES IN THE BIENNIUM 2020-2021

4. At its Eighth Session, the Governing Body established or reconvened the following subsidiary bodies:

- the Scientific Advisory Committee on Article 17;
- the Ad hoc Technical Expert Group on Farmers' Rights;
- the Ad hoc Technical Committee on Conservation and Sustainable Use;
- the Standing Committee on the Funding Strategy and Resource Mobilization;
- the Compliance Committee, and
- the Bureau.

5. The three latter committees are permanent subsidiary bodies (i.e., not ad hoc). The table in the *Appendix* of this document contains the terms of reference, inclusive of ad hoc tasks, the composition of the subsidiary bodies and the number of meetings planned and held.³

6. Following the outbreak of the COVID-19 pandemic, all meetings, including those convened in 2022, took place in virtual modality. The Secretary organized a total of 18 on-line meetings of subsidiary bodies, including a resumed meeting and an informal expert stakeholder meeting. As at the time of publication, the Secretary had also facilitated 16 virtual meetings of the Bureau. In addition, a Special Session of the Governing Body, with Special Procedures catering for the virtual modality of the Session, took place.⁴

7. The Secretary, jointly with the Global Crop Diversity Trust, also organized 3 webinars on emerging themes during the pandemic, namely on: the impact of COVID-19 on the implementation of the International Treaty; the genetic diversity of fruits and vegetables; cryopreservation. Although such webinars do not qualify as subsidiary body meetings or intersessional processes, they contributed to further advocating the importance of the International Treaty and strengthening partnerships on implementation.

8. The Secretary adapted the preparations of subsidiary body meetings to the on-line modality, in various ways: by convening a briefing on implementation (for the Scientific Advisory Committee on Article 17) and a preparatory meeting (for the Ad hoc Technical Committee on Conservation and Sustainable Use); by facilitating a preparatory meeting of one Region (before the resumed Fourth

¹ Document, IT/GB-8/19/16.2/Inf.1, *Reference Note on Subsidiary Bodies and Intersessional Processes*.

² Resolution 13/2019, paragraph 8

³ The Secretariat publishes updated information on subsidiary bodies at: www.fao.org/plant-treaty/overview/governing-body/committees/en/

⁴ The *Special Procedures for the First Special Session of the Governing Body* are contained in the Appendix of document, IT/GB-Sp1/21/1.2, *Annotated Provisional Agenda*

Meeting of the Ad hoc Technical Expert Group on Farmers' Rights); by conducting an online survey (for the Toolbox on Sustainable Use).

9. The Secretary strengthened the practice of conducting consultations in writing with subsidiary bodies – before, in between or after meetings – e.g., on the review of the Programme of Work on the Global Information System; the draft Capacity Development Strategy; the Draft Food Industry Engagement Strategy.

10. The Secretary simplified the meeting documentation to the extent possible, so to facilitate on-line discussions by members, and strengthened desk support before, during and after the on-line meetings.

11. The experience gained in the biennium may prove useful to the review of subsidiary bodies and intersessional processes (see paragraph 20 below).

III. ELEMENTS FOR THE REVIEW

12. The contents of this section of the document are drawn from the previous Reference Note and integrated on the basis of the comments received from the Bureau members.

13. The review of subsidiary bodies should be oriented towards promoting coordination and non-duplication among subsidiary body functions, as indicated by the Governing Body.

14. Coordination and non-duplication may be achieved through more systematic collaboration and regular interaction among subsidiary bodies. The Governing Body occasionally required joint consideration of certain, specific subjects by two subsidiary bodies. In the intersessional period between the Seventh and the Eighth Session of the Governing Body, the *Ad hoc* Committee on the Funding Strategy and the Open-Ended Working Group on the Enhancement of the Functioning of the Multilateral System coordinated and exchanged information on certain funding targets of the Benefit-sharing Fund. Another, more recent example is the collaboration that the Governing Body has requested between the Standing Committee on the Funding Strategy and the Compliance Committee on the integration of information related to the implementation, monitoring and review of the overall Funding Strategy, in existing compliance reporting formats.⁵

15. A number of complementary, strategic value propositions for the review are:

- promoting the holistic implementation of the International Treaty, i.e. considering: which key parts of the Treaty need inter-sessional work; which aspects of the Treaty are priority to ensure its effective implementation; which aspects of the Treaty have received limited attention to date and thus need attention;
- enhancing effectiveness and efficiency of subsidiary body processes for the review to achieve substantive results and improvements;
- promoting certainty, consistency and competency in membership and transparency regarding participation (e.g. by regulating participation in certain subsidiary bodies based on a determined rationale and with criteria for participation);
- enhancing engagement by members in the work of the respective subsidiary body;
- improving the predictability and efficiency of costs, and administrative implications;
- maintaining flexibility, so to allow the Governing Body to design membership and modalities of operation depending on the substantive mandates of the different subsidiary bodies.

16. The Governing Body may consider implementing a range of potential practical and relatively basic measures, such as:

- the holding of concurrent meetings;
- the development of mechanisms or practices to facilitate consultations among different subsidiary body members;

⁵ Resolution 3/2019, Annex 1, paragraph 43.

- the development of tools to facilitate the communication of information from national focal points or regional Vice-Chairs to subsidiary body members;
- the commissioning of studies and background papers to enhance the scientific integrity of the work of subsidiary bodies, with the possible peer review of the studies and background papers to be kept distinct from the deliberations of the experts in the subsidiary bodies.

17. While recognizing the need for flexibility to provide for the specific needs and circumstance of each subsidiary body, additional measures may include:

- determining different categories of subsidiary bodies (standing review of implementation vs. ad hoc negotiations vs. ad hoc or standing expert advice; or inter-governmental with decision making power vs. expert with advisory role) and allocating mandates accordingly;
- streamlining membership and appointment criteria for each category of subsidiary body (e.g. x number of members per region plus x number of additional experts, plus the level and nature of participation of observers);
- requiring the nomination of alternates, in case of the absence or the inability of any member to attend meetings, to ensure inclusive representation and reduce the risk of not reaching quorum; and
- requiring that the mandate of each subsidiary body be accompanied by specific performance indicators to ensure efficiency, effectiveness and timely results.

18. A possible approach for the review may be to set up a process for establishing subsidiary bodies with:

- criteria to ensure that the work proposed for a subsidiary body is not or cannot be done by an existing body;
- criteria to determine the category of the body (ad hoc technical, ad hoc working group, etc.) based on its mandate;
- criteria to determine membership;
- mechanisms to ensure collaboration with other bodies;
- criteria for the subsidiary body to request/establish informal meetings/groups (such as informal consultations, friends of the co-chairs).

19. The process of review may be one-off, gradual and continuous. At this Ninth Session, the Governing Body may consider some initial measures for coordination and non-duplication of efforts in establishing or reconvening subsidiary bodies and intersessional processes, while the matter is kept under review and consideration by the Bureau of the Tenth Session in the next biennium.

20. In this perspective, the Secretary underscores that the experience gained in the last biennium may prove useful to the review of subsidiary bodies and intersessional processes. Feedback from the constituency on the advantages and limitations of on-line preparatory processes and virtual meetings may contribute to the review in terms of improved coordination and non-duplication as well as efficiency and transparency.

21. Should the Governing Body deem it expedient, the Secretary may gather feedback from the constituency on the advantages and limitations of on-line preparatory processes and virtual meetings, through an on-line survey and, under the guidance of the Bureau, present results and further analysis to the Governing Body at its Tenth Session.

IV. GUIDANCE SOUGHT

22. The Governing Body is invited to provide guidance on the review of subsidiary bodies and intersessional processes, taking into account the updated elements for the review and, as it deems appropriate, the experience of the last biennium with the operation of such bodies and processes in virtual modality.

APPENDIX**SUBSIDIARY BODIES IN THE BIENNIUM 2020–2021**

| Subsidiary Body | Mandate | Meetings (planned, held) | Composition |
|---|--|--------------------------------|---|
| Scientific Advisory Committee on Article 17 | <ul style="list-style-type: none"> - To advise the Secretary on: general recommendations on GLIS development; new areas of work; selection of pilot activities and, upon the request of the Secretary, other initiatives and actions; - To review the GLIS Programme of Work; - To consider scientific and technical issues related to digital sequence information, related to GLIS implementation. | At least 1 (1) | <ul style="list-style-type: none"> - Up to two scientific experts from each FAO region, nominated by the respective Bureau member; - Ten additional scientific and technical experts invited by the Secretary, including experts suggested by the regions and relevant stakeholders, considering the required range of technical expertise and regional balance as appropriate. <p>Members of the Committee designated by the regions, elect two Co-Chairs.</p> |
| Ad hoc Technical Expert Group on Farmers' Rights | <ul style="list-style-type: none"> - To produce an inventory of national measures, best practices and lessons learned from the realization of Farmers' Rights; - Based on the inventory, to develop options for encouraging, guiding and promoting the realization of Farmers' Rights. | Up to 2 (2) | <ul style="list-style-type: none"> - Up to five members designated by each FAO region; - Up to five representatives of farmer organizations, particularly from the centers of origin and crop diversity; - Up to three other stakeholders, including the seed sector, designated by the Bureau. <p>Bureau appoints two Co-Chairs, separate from the regional distribution.</p> |
| Ad hoc Technical Committee on Conservation and Sustainable Use | <ul style="list-style-type: none"> - To review the compilation and summaries provided by the Secretary and identify examples and opportunities to support and assist Contracting Parties and stakeholders in promoting, enhancing and further developing the conservation and sustainable use of PGRFA - To review the Toolbox for Sustainable Use, assess the relevance and effectiveness of the Toolbox, and prepare concrete recommendations on how it can be monitored, evaluated and improved - To advise on a future Joint Programme on Biodiversity in Agriculture for Sustainable Use of PGRFA. | Up to 2 (2) | <ul style="list-style-type: none"> - Up to three members for each FAO region; - Seven technical experts designated by the Bureau, upon proposal by the FAO Regions and relevant stakeholders, in particular farmers' organizations, taking into account the required range of technical expertise, and regional and gender balance. <p>Members of the Committee designated by FAO regions elect two Co-Chairs.</p> |

| Subsidiary Body | Mandate | Meetings Planned (<i>held</i>) | Composition |
|---|--|--|--|
| Standing Committee on the Funding Strategy and Resource Mobilization (Funding Committee) | <ul style="list-style-type: none"> - To make recommendations on how to improve the Funding Strategy - To provide draft guidance and develop cooperation for implementation - To provide expert input, including through independent reviews and assessments on implementation - To provide guidance and decisions on the operations of the BSF - To monitor and review the implementation of non-monetary benefit-sharing measures - To prepare periodic overviews of finance flows to areas of Treaty implementation - To provide a forum for communication and exchange of information on finance for agrobiodiversity and climate change - To consider options on how to address data gaps for obtaining an achievable target for the overall Funding Strategy. | Up to 2 (5) | <ul style="list-style-type: none"> - Up to three representatives from each FAO region - Co-Chairs may invite observers on the basis of expertise and relevance - Silent observers may attend unless the Committee decides otherwise - Global Crop Diversity Trust as observer <p>Members of the Committee designated by the regions elect two Co-Chairs.</p> |
| Compliance Committee | <ul style="list-style-type: none"> - To promote compliance and address issues of non-compliance in accordance with the Compliance Procedures - To review compliance with the International Treaty and in particular the articles that specify binding obligations, and present conclusions and suggestions to the Governing Body at its Ninth Session - To integrate information related to the implementation, monitoring and review of the Funding Strategy into the existing reporting format. | 1 (1) | <ul style="list-style-type: none"> - Two members per FAO region, elected by the Governing Body with four-year staggered terms. <p>Committee elects the Chair and Vice-Chair.</p> |
| Bureau of the Governing Body | <ul style="list-style-type: none"> - General preparation of Governing Body Sessions - Ad hoc tasks, i.e. <ul style="list-style-type: none"> • appointments of members and Co-Chairs of subsidiary bodies • selection and appointment of members to the Executive Board of the Global Crop Diversity Trust • procedures for the appointment and renewal of the Secretary • review of subsidiary bodies and intersessional processes • engagement in the preparation of the post-2020 process and inputs relevant to the eighth replenishment of the GEF Trust Fund • development of terms of reference for the budget committee. | Usually 2 (16 <i>teleconferences</i>) | One Chairperson and one Vice-Chairperson per FAO region other than the region of the Chairperson |