



**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**

**Informal Consultation Co-facilitated by India and Switzerland: Enhancing  
the Functioning of the Multilateral System – Co-facilitators' Report**

**Note by the Secretary**

*At its Eighth Session, the Governing Body encouraged informal consultations among Contracting Parties (IT/GB-8/19/Report, para. 33).*

*This document contains the report of an informal consultation co-facilitated by India and Switzerland and held in a hybrid manner on 15–16 July 2022. Participants from all FAO Regions, as well as representatives of some key stakeholder groups, participated in the meeting. The report was prepared by the two co-facilitators and is presented as received by the Secretary.*

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

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*Appendix 1*

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**Informal Consultation: Enhancing the Functioning of the Multilateral System**

Convened by the Swiss Federal Office for Agriculture

Co-facilitated by India and Switzerland

14-15 July 2022  
Geneva, Switzerland

This report was prepared by the two co-facilitators, Mr. Sunil Archak and Mr. François Pythoud, to summarize the rich discussions and reflect emerging shared views, as they understood them. The informal consultation was held under Chatham House Rules, so that this report is under the sole responsibility of the co-facilitators and should not be seen as seeking to represent any consensus among participants on any issue or represent the views of any individual participant, Contracting Party or Region.

**I. BACKGROUND**

At GB-8, Contracting Parties could not agree 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. While there was no formal intersessional process during the biennium, Contracting Parties encouraged informal consultations among Contracting Parties.

A set of informal consultations was initiated by Switzerland beginning of 2021. The idea was to identify next steps that could be deliberated upon by the Ninth Session of the Governing Body (GB-9) to conclude the process to enhance the functioning of the Multilateral System and arrive to a positive outcome in a stipulated time.

Switzerland organized the first two virtual informal consultations in January and December 2021. The first informal consultation outcome was the *Non-paper. Enhancement of the Multilateral System: Taking stock of progress made so far*, which was shared with participants ahead of this informal consultation for information. The second one identified possible elements to prepare and facilitate discussions at GB-9 and recommended to organize, if possible, an additional informal consultation in presence to further discuss those elements.

This informal consultation was convened by Switzerland with the support of the Secretariat of the International Treaty. It 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.

**II. PROGRAMME**

The following items were suggested and actively discussed by all participants:

- a) Why should we enhance the functioning of the Multilateral System of Access and Benefit-sharing? Our shared aims;

- b) Outcomes of the work of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System: reflections on progress made;
- c) Options on the way forward and possible next steps.

### III. MAIN OUTCOMES

Everyone at the meeting shared the view that a fully functional, user- friendly and simple Multilateral System is central for the functioning and success of the International Treaty. 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 further steps.

In order to build consensus it would be useful and preferable for GB-9 to take stock and to develop a new mandate and revised terms of reference for an intersessional group and to discuss how to organize the process forward.

Participants shared a common view that it would be useful for GB-9 to build upon the aims of the previous mandate and to consequently decide on the common aims that would be shared by all Contracting Parties for achieving the enhancement of the Multilateral System. The common aim may take into account elements like:

- Enhance the primary role that the Multilateral System plays for addressing food and nutrition security, climate change and sustainable agriculture;
- 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.

Regarding the design of the future process, while there is a range of views on the matter, the Co-facilitators strongly believe that consensus is possible at GB-9 around these elements:

- GB-9 should develop a new mandate and revised terms of reference for an intersessional group to finalize the enhancement of the functioning of the Multilateral System.
- A future process should build upon what has already been achieved both in terms of structure and content, integrate new ideas if relevant and address, in a balanced manner all three blocks of the package of measures developed by the previous Working Group (revised SMTA; expansion of Annex I; implementation measures through a GB Resolution). In particular, the report of the ninth meeting of the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit Sharing (June 2019) should be taken into account as an input to any future process.
- It is imperative that any future process accords early attention to the key issues such as Digital sequence information (DSI) and payment rates. Regarding DSI, participants discussed its relation with the Treaty's scope; its possible implication to benefit-sharing under the International Treaty; its relation to the other two objectives of the International Treaty; and possible interaction and collaboration with the Convention on Biological Diversity.

- Regarding the process itself, a strong preference would be for GB-9 to:
  - appoint the two Co-chairs of the intersessional group, who will also guide the preparatory steps for a formal process, including to prepare a Co-chairs' proposal taking into account what has been achieved so far;
  - allow space for building common understanding prior to the start of the formal process; and
  - to establish a clear and definite timeline for the process.
- The informal consultation discussed lessons learnt from the previous process and consequently identified several possible parameters for a further 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 meeting and/or consultations (including hybrid meetings).

Participants underscored the links with other work areas of the International Treaty especially with the work on compliance and the Funding Strategy. The work of the Compliance Committee would be relevant, for example, when it comes to Contracting Parties making material contained in the Multilateral System available. The support from the Standing Committee on the Funding Strategy will be relevant, for example, when it comes to 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).

Participants also stressed the need to adequately reflect the specificities of the International Treaty in both the discussions on the post-2020 Global Biodiversity Framework and on DSI at the Convention on Biological Diversity.

Various participants in the meeting requested the Secretary to provide a comprehensive historical overview of the previous process to enhance the functioning of the Multilateral System, with hyperlinks to relevant reports and background papers.

#### **IV. NEXT STEPS**

The co-facilitators' report on this informal consultation will be made available to the Ninth Session of the Governing Body as an information document, and it was noted that the Secretary will be providing a report to the Governing Body on the range of informal consultations that may have taken place since the Eighth Session and the main considerations arising from them.

Participants emphasized that this issue should be addressed in the regional consultations preceding the GB-9 session to make sure that all Contracting Parties are fully informed in advance of GB-9.

Sunil Archak  
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16 July 2022