



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



**International Treaty
on Plant Genetic Resources
for Food and Agriculture**

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

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

Rome, Italy, 12–14 July 2023

UPDATE BY THE CO-CHAIRS ON CONSULTATIVE PROCESS

I. INTRODUCTION

1. At its Ninth Session, the Governing Body decided that the process to enhance the functioning of the Multilateral System will be supported by robust regional or interregional consultations and by virtual meetings and/or consultations (including hybrid meetings) as well as by physical meetings which are held in a transparent manner, while decisions would be made at physical meetings.¹
2. The Governing Body requested the Co-Chairs to allow space and facilitate interactions and consultations for building understanding throughout the process; and structure the process so to accord early attention to the key issues such as Digital Sequence Information / Genetic Sequence Data (DSI/GSD), payment rates, and other relevant aspects.
3. This document briefly describes the consultative process undertaken by the Co-Chairs since the Ninth Session of the Governing Body.

II. BACKGROUND

4. In the 2018-2019 biennium, informal interactions and trust-building measures took place among members of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System (Working Group). Informal physical meetings were held in Addis Ababa, Ethiopia (August 2018, March 2019), Rome, Italy (July 2018, May 2019) and San José, Costa Rica (January 2019). One informal meeting had been held in 2017, in Prangins, Switzerland.
5. Progress made during the series of informal consultations organised during that biennium was encouraging. Participants worked in a constructive spirit and with a willingness to find solutions and reach compromise on various elements of the package of measures. Summaries of these informal meetings prepared by the Co-Chairs are available on the website of the International Treaty.²
6. These informal consultations played a crucial role in achieving the significant progress that the Working Group made in the 2018-2019 biennium.
7. During the last biennium, the Governing Body encouraged informal consultations among Contracting Parties and especially national consultations amongst sectors and relevant stakeholders. The Governments of Switzerland and India co-facilitated informal consultations in 2021 and 2022. The aim of these consultations was to take stock of previous progress made and identify possible next

¹ [Resolution 3/2022](#), para. 3.

² For example, [IT/OWG-EFMLS-8/18/4](#), *Enhancing the Functioning of the Multilateral System: Note by the Co-Chairs*; [IT/OWG-EFMLS-9/19/4](#), *Enhancing the Functioning of the Multilateral System: Note by the Co-Chairs*.

steps that could be discussed by the Governing Body, at its Ninth Session, in relation to the process for the enhancement of the functioning of the Multilateral System.

8. Summaries and main outcomes of these consultations are provided in the documents, 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*, and 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*.

9. The Co-Chairs are of the opinion that these informal consultations were critical in informing the deliberations of the Governing Body at its Ninth Session that ultimately led to the re-establishment of the Working Group, which has now been tasked with a clear mandate towards the finalization of the process to enhance the functioning of the Multilateral System.

10. Building on these positive experiences in the previous phase of the process to enhance the functioning of the Multilateral System, the Co-Chairs held, in the first half of 2023, a series of informal online consultations and a physical informal meeting. The Co-Chairs are of the view that these informal consultations and meetings are instrumental in re-building trust and in fostering mutual understanding among Contracting Parties and other relevant stakeholders that are actively involved in the process, as requested in Resolution 3/2022.

III. ONLINE CONSULTATIONS WITH REGIONS AND STAKEHOLDER GROUPS

11. In March 2023, the Co-chairs held online meetings with all Regions:

- 14 March, the Latin America and Caribbean Region (in English and Spanish);
- 15 March, the Asia and the South West Pacific Regions;
- 16 March, the Near East Region;
- 16 March, the North America and the European Regions; and
- 21 March, with the Africa Region (in English and French).

12. The meetings were informal, informational and preparatory, and all spokespersons of the Regions were invited to participate, together with other representatives of Contracting Parties and stakeholders of the respective Regions.

13. The meetings allowed participants to share their expectations in relation to next steps in the process and to informally discuss with the Co-Chairs and among themselves some of the key elements that will be considered going forward in the process. During these informal meetings, participants emphasized that the Governing Body identified key issues that should be accorded early attention, including digital sequence information/genetic sequence data (DSI/GSD) and payment rates as well as consideration of how to address benefit-sharing. They also considered the shared aims identified in Resolution 3/2022 and the general objectives of the International Treaty to be important aspects for the process.

14. Participants also briefly discussed the possible relevance of developments in other fora, including the fifteenth meeting of the Conference of the Parties (COP-15) to the Convention on Biological Diversity and the fifth meeting of the Intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (BBNJ).

15. In particular, participants considered the need to assess the possible relevance of the adoption of the Kunming-Montreal Global Biodiversity Framework and of a decision on digital sequence information by COP-15. In relation to COP-15, participants recognized that the outcomes on DSI may provide further impetus to find a solution on DSI/GSD that addresses the specific circumstances under the International Treaty while aligning with solutions that may be arrived at in other fora.

16. In this context, some participants also drew the attention of the Co-Chairs to the importance of considering the relationship between the International Treaty and the Convention on Biological Diversity.

17. Following these informal online consultations with Regions, the Co-Chairs also held informal meetings with all stakeholder groups, in April 2023, with the same purpose and agenda:

- 11 April, the CGIAR;
- 12 April, the seed industry; and
- On 4 April with farmers' organizations and civil society organizations (with ad hoc interpretation into French and English).

IV. INFORMAL MEETING ON DSI/GSD, PAYMENT RATES, AND OTHER RELEVANT MATTERS

18. With the generous support of the Government of Switzerland, the Secretary and the Co-Chairs organized a physical informal meeting from 30 May to 1 June 2023 in Prangins, Switzerland.

19. The purpose of the meeting was to provide a platform for participants to informally exchange views on how to address issues of DSI/ GSD and initial thoughts on possible approaches to payment rates, as part of the package of measures to enhance the functioning of the Multilateral Systems.

20. This is in line with the request of the Governing Body to allow space and facilitate interactions and consultations for building mutual understanding throughout the process, and to structure the process so as to accord early attention to the key issues such as digital sequence information / genetic sequence data (DSI/GSD), payment rates, and other relevant aspects.³

21. The agenda of the meeting included ample space for participants to informally interact on both procedural and substantive matters.

22. Regarding DSI/GSD, participants shared their views on its use and possible implications for the objectives and operations of the Multilateral System, the developments in other fora, and possible suggestions for the Co-Chairs to structure the discussions by the Working Group.

23. Participants also informally discussed developments in their respective countries since the Eighth Session of the Governing Body, possible payment structure and payment rates in an enhanced Multilateral System, and other matters that could support the process to enhance the functioning of the Multilateral System.

24. Regarding procedural matters, participants shared their views on potential modes of working to support progress with the package of measures to enhance the Multilateral System.

25. The Meridian Institute provided facilitation support to the meeting and to the preparatory process with a number of interviews around key questions identified by the Co-Chairs.

26. The outcomes of the process facilitated by the Meridian Institute are reported to the Working Group in the information document, IT/OWG-EFMLS-10/23/3/Inf.1, *Informal meeting on DSI/GSD, payment rates and other relevant aspects of the MLS enhancement: Facilitator's summary to the Co-Chairs*.

27. The Co-Chairs will provide a detailed oral report to the Working Group.

V. CONCLUSIONS AND GUIDANCE SOUGHT

28. The Co-Chairs thank all participants for their engagement and constructive contributions during these various meetings and consultations.

³ [Resolution 3/2022](#), para. 10.

29. The Co-Chairs consider opportunities for transparent and inclusive informal interactions and consultations as a useful element that can complement the formal process, as recognized by the Governing Body in Resolution 3/2022.

30. The informal meetings held in the first half of 2023 informed the preparation of the tenth meeting of the Working Group and of the draft Co-Chairs' proposal contained in the document, IT/OWG-EFMLS-10/23/4. The Co-Chairs will encourage further consultations and regional and inter-regional interactions after the meeting of the Working Group and in preparation for the Tenth Session of the Governing Body.

31. The Working Group is invited to consider these efforts and discuss the outcomes and their possible relevance for the discussions under agenda item 4.