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**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**

**DEVELOPMENTS IN OTHER RELEVANT FORA**

**I. INTRODUCTION**

1. In Resolution 14/2022, the Governing Body reaffirmed the importance of maintaining and further strengthening cooperation with relevant international organizations, institutions, and partners in order to advance the objectives and implementation of the International Treaty. In the same Resolution, the Governing Body also reaffirmed the need to continue the efforts necessary to ensure that the International Treaty's objectives and role in the conservation and sustainable use of PGRFA are recognized and supported by relevant international institutions, organizations and processes.
2. The Governing Body also requested the Secretary, through Resolution 16/2022, to continue monitoring developments in all relevant international fora with regard to Digital Sequence Information / Genomic Sequence Data and to report to the Governing Body at its Tenth Session for consideration of the implications of those developments for the objectives and the functioning of the International Treaty.
3. Since the last Session of the Governing Body, a number of developments have taken place of direct relevance to the implementation of the International Treaty and, in particular, to the ongoing process for the enhancement of the Multilateral System. Such developments include deliberations and decision at the Convention on Biological Diversity, the United Nations Convention of the Law of the Sea and the World Health Organisation.
4. This document provides a brief summary of major developments in these fora that are particularly relevant for the ongoing process to enhance the functioning of the Multilateral System.

**II. THE CONVENTION ON BIOLOGICAL DIVERSITY**

5. The second part of the fifteenth meeting of the Conference of the Parties (COP-15) to the Convention on Biological Diversity (CBD) was held from 7 to 19 December 2022 in Montreal, Canada, adopting 34 decisions.
6. A number of decisions adopted by COP-15 are relevant to the International Treaty and its implementation in particular in relation to issues being discussed in the context of the process to enhance the functioning of the Multilateral System.

7. Of particular significance, COP-15 adopted the “Kunming-Montreal Global Biodiversity Framework” (GBF),<sup>1</sup> comprising four goals and 23 targets, to be achieved by 2030, and a corresponding monitoring framework.<sup>2</sup> The GBF recognizes that its Vision, Mission, Goals and Targets have to be acted upon, implemented, reported and evaluated in accordance with relevant international obligations. The GBF clearly stipulates that it should not be interpreted as an agreement to modify the rights and obligations of any Party under the Convention or any other international agreement.

8. Furthermore, the GBF recognises, as one of its guiding principles, that enhanced collaboration, cooperation and synergies between the Convention on Biological Diversity and its Protocols, other biodiversity-related conventions, other relevant multilateral agreements and international organizations and processes, in line with their respective mandates, including at the global, regional, subregional and national levels, would contribute to and promote its implementation in a more efficient and effective manner.

9. In addition to the GBF, COP-15 approved a series of related decisions on its implementation, including planning, monitoring, reporting and review; resource mobilization; helping nations to build their capacity to meet the obligations; and digital sequence information on genetic resources.

10. Through Decision 15/13, paragraph 3, the COP invited “the governing bodies of other biodiversity-related conventions and relevant multilateral environmental agreements, as well as international organizations and other relevant programmes, to formally endorse the Kunming-Montreal Global Biodiversity Framework through their own governance processes, as appropriate, in order to support its operationalization and contribute to the transparency and monitoring of progress in its implementation ...”.

11. Furthermore, in paragraph 4 of the same Decision, the COP invited “the governing bodies of biodiversity-related conventions and relevant multilateral environmental agreements, as well as international organizations and other relevant programmes, to contribute to the implementation and monitoring of the Kunming-Montreal Global Biodiversity Framework, in particular by further strengthening cooperation at the global level within their respective mandates and enhancing synergies among themselves, to encourage mutually supportive decisions, to coordinate their own strategies with the Kunming-Montreal Global Biodiversity Framework and to propose key issues for thematic discussions facilitated by the Liaison Group of Biodiversity-related Conventions, taking into account, where appropriate, the conclusions of the Bern II workshop included in document CBD/SBI/3/10”.

12. As indicated above, COP adopted 23 action-oriented targets and 4 goals. The targets are classified as follows: reducing threats to biodiversity (targets 1-8), meeting people’s needs through sustainable use and benefit-sharing (targets 9-13), and tools and solutions for implementation and mainstreaming (targets 14-23). The following targets and goals are those most directly relevant to the Multilateral System and its implementation.

13. COP-15 introduced a goal (Goal C) and a target (Target 13) within the GBF, which recognises that the monetary and non-monetary benefits from the utilization of genetic resources need to be increased. Indicators for monetary and non-monetary benefit-sharing will be developed for consideration by COP-16. The related process is being monitored by the Secretariat given that relevant work is being conducted by the Standing Committee on the Funding Strategy and Resource Mobilization.

#### Goal C

The monetary and non-monetary benefits from the utilization of genetic resources and digital sequence information on genetic resources, and of traditional knowledge associated with genetic resources, as applicable, are shared fairly and equitably, including, as appropriate with indigenous peoples and local communities, and substantially increased by 2050, while ensuring traditional knowledge associated with genetic resources is appropriately protected, thereby contributing to the conservation and sustainable use of biodiversity, in accordance with internationally agreed access and benefit-sharing instruments.

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<sup>1</sup> [Decision 15/4](#). *Kunming-Montreal Global Biodiversity Framework*.

<sup>2</sup> [Decision 15/5](#). *Monitoring framework for the Kunming-Montreal Global Biodiversity Framework*.

## TARGET 13

Take effective legal, policy, administrative and capacity-building measures at all levels, as appropriate, to ensure the fair and equitable sharing of benefits that arise from the utilization of genetic resources and from digital sequence information on genetic resources, as well as traditional knowledge associated with genetic resources, and facilitating appropriate access to genetic resources, and by 2030, facilitating a significant increase of the benefits shared, in accordance with applicable international access and benefit-sharing instruments.

14. Goal C is directly linked to Target 13, as it relates to means of ensuring increased benefit-sharing: to take effective legal, policy, administrative and capacity-building measures on access and benefit-sharing at all levels. Those measures aim at ensuring the fair and equitable sharing of benefits from the utilization of genetic resources, digital sequence information and associated traditional knowledge and facilitate appropriate access to genetic resources, in accordance with applicable international access and benefit-sharing instruments.

15. In relation to Target 13, the monitoring framework contains headline indicators on the monetary and non-monetary benefits with an associated complimentary indicator that makes direct reference to the total number of transfers of crop material from the Multilateral System of the International Treaty received in a country.

16. COP-15 adopted a decision related to policy development for digital sequence information on genetic resources.<sup>3</sup> In this decision, COP-15 recognized “that digital sequence information on genetic resources is under consideration in other United Nations bodies and instruments” and “that any solution for the fair and equitable sharing of benefits from the use of digital sequence information on genetic resources should be mutually supportive of and adaptable to other instruments and fora while recognizing that other fora may develop specialized approaches”. The term Digital Sequence Information has not been defined within the GBF or in any COP-15 Decisions.

17. In this regard, COP-15 agreed to develop a solution for the sharing of benefits that should:

- Be effective, efficient, feasible, and practical;
- Generate more benefits than costs;
- Provide certainty and legal clarity for providers and users;
- Not hinder research and innovation, and be consistent with open access to data;
- Not be incompatible with international legal obligations;
- Be mutually supportive of other access and benefit-sharing instruments; and
- Take into account the rights of indigenous peoples and local communities.

18. COP-15 also decided to establish, as part of the post-2020 global biodiversity framework, a multilateral mechanism for benefit-sharing from the use of digital sequence information on genetic resources, including a multilateral fund for the equitable sharing of benefits between providers and users of digital sequence information, to be finalized at COP-16, in Türkiye, in 2024.

19. COP-15 decided to establish an ad hoc open-ended working group on benefit-sharing from the use of digital sequence information on genetic resources to undertake further development of the multilateral mechanism.

20. Furthermore, COP-15 requested the “Executive Secretary, subject to the availability of resources, to: (a) Compile lessons learned from other international funding mechanisms, such as the Benefit-sharing Fund of the International Treaty on Plant Genetic Resources for Food and Agriculture...”

21. The analysis of the outcomes of COP-15 is one of the items included in the Governing Body’s MYPoW for its Tenth Session. The Bureau of the Tenth Session is facilitating the preparation of a comprehensive analysis of all COP-15 outcomes and the implications for the objectives and the work of the International Treaty.

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<sup>3</sup> [Decision 15/9](#). *Digital sequence information on genetic resources*.

### III. THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA

22. The General Assembly of the United Nations had decided in December 2017 to convene an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the Preparatory Committee and to elaborate the text of 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.
23. At its resumed fifth session, held in New York, USA, from 20 February to 3 March 2023, the intergovernmental conference finalized the text of the draft agreement, 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.
24. The draft Agreement includes section II on marine genetic resources, including the fair and equitable sharing of benefits.
25. Several provisions in the draft Agreement relate to “digital sequence information on marine genetic resources of areas beyond national jurisdiction.” The term Digital Sequence Information has not been defined within the draft Agreement.
26. Article 11, within section II, focuses on the fair and equitable sharing of benefits, both non-monetary and monetary, arising from activities with respect to marine genetic resources and digital sequence information on marine genetic resources of areas beyond national jurisdiction. The draft Agreement also makes provision for a financial mechanism that includes a special fund to which monetary benefit-sharing payments shall be made (Article 52). Several modalities for contributions or payments are listed in Article 11, including initial State Party contributions or other modalities that may be developed, such as milestone payments; payments or contributions related to the commercialization of products, including payment of a percentage of the revenue from sales of products; tiered fee paid on a periodic basis, based on a diversified set of indicators measuring aggregate level of activities by a State Party; or other.
27. The draft Agreement contains a specific provision that refers to the relationship between the agreement and the Convention and relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies. In this regard, the draft Agreement provides that the “Agreement shall be interpreted and applied in a manner that does not undermine relevant legal instruments and frameworks and relevant global, regional, subregional and sectoral bodies and that promotes coherence and coordination with those instruments, frameworks and bodies” (Article 4). Under article 11, reference is made to recognizing that modalities for benefit-sharing developed once the agreement enters into force “should be mutually supportive of and adaptable to other access and benefit-sharing instruments.”
28. The advanced, unedited, draft Agreement 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 is available on the website of the United Nations.<sup>4</sup> The intergovernmental conference that has developed the international legally binding instrument will meet on 19 and 20 June 2023 to finalize the process and prepare its Report for submission to the UN General Assembly.

### IV. WHO PANDEMICS TREATY NEGOTIATIONS

29. In December 2021, Member States of the World Health Organization (WHO) decided, at a special session of the World Health Assembly, to establish an intergovernmental negotiating body

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<sup>4</sup> Draft agreement 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 (advanced, unedited), [www.un.org/bbnj/sites/www.un.org.bbnj/files/draft\\_agreement\\_advanced\\_unedited\\_for\\_posting\\_v1.pdf](http://www.un.org/bbnj/sites/www.un.org.bbnj/files/draft_agreement_advanced_unedited_for_posting_v1.pdf).

(INB), representing all regions of the world, to draft and negotiate a WHO convention, agreement, or other international instrument on pandemic prevention, preparedness and response.

30. This instrument would be different from the existing WHO pandemic influenza preparedness framework (PIP framework), some aspects of which were mentioned by members of the Working Group in the earlier phase of the process to enhance the functioning of the Multilateral System as a possible example to consider.

31. To date, the INB has held five meetings. At its fourth meeting, held from 27 February to 3 March 2023, it agreed to the WHO zero draft CA+ as the basis for “first reading” and commencing negotiations, on the understanding that nothing is agreed until everything is agreed. The INB proceeded in a drafting group, holding a “first reading”, going through the draft article-by-article, and then commenced a textual discussion and proposed edits to the zero draft.<sup>5</sup>

32. At its fifth meeting (April 2023), the INB further considered the zero draft CA+ and agreed on a process forward.<sup>6</sup>

33. The zero draft CA+ provides for the establishment of a WHO Pathogen Access and Benefit-sharing System, covering all pathogens with pandemic potential, including their genomic sequences, as well as access to benefits arising therefrom (article 10). It also provides that facilitated access is provided pursuant to a Standard Material Transfer Agreement.

34. The draft instrument contains a definition of “genomic sequences” (article 1).

35. The zero draft CA+ can be accessed at the website of WHO.<sup>7</sup>

## V. GUIDANCE SOUGHT

36. The developments described above are important as they provide impetus for the Working Group to draw on them in view of discussing how these developments can inform the work of the Working Group on the package of measures to enhance the functioning of the Multilateral System

37. In this context, the Working Group is invited to note these developments and to consider the potential relevance and implications of those developments for the enhancement of the functioning of the Multilateral System.

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<sup>5</sup> A/INB/4/6, [apps.who.int/gb/inb/pdf\\_files/inb4/A\\_INB4\\_6-en.pdf](https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_6-en.pdf).

<sup>6</sup> A/INB/5/3 Rev.1, *Progress report of the Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (INB) to the Seventy-sixth World Health Assembly*, [apps.who.int/gb/inb/pdf\\_files/inb5/A\\_INB5\\_3Rev1-en.pdf](https://apps.who.int/gb/inb/pdf_files/inb5/A_INB5_3Rev1-en.pdf).

<sup>7</sup> Zero draft of the WHO CA+ for the consideration of the Intergovernmental Negotiating Body at its fourth meeting. WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (“WHO CA+”), [apps.who.int/gb/inb/pdf\\_files/inb4/A\\_INB4\\_3-en.pdf](https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf).