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



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

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**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**

**REPORT**

**ITEM 1. OPENING OF THE MEETING**

1. The tenth meeting of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System (Working Group) was opened by the Co-Chairs, Mr. Sunil Archak (India) and Mr. Michael Ryan (Australia). The Co-Chairs emphasized the importance of a fully functional Multilateral System for the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty), noted the crucial role of the task that lies ahead for the Working Group, and explained that they prepared the Co-Chairs' Proposal with a view to facilitating the work of the Working Group. They then explained how they intended to conduct this meeting and the importance of receiving feedback from the Working Group on the Co-Chairs' Proposal, as this will help them finalize the Co-Chairs checkpoint report to be submitted to the Tenth Session of the Governing Body.

2. Mr. Kent Nnadozie, Secretary of the International Treaty, welcomed participants to FAO headquarters and expressed his hope that the meeting would be held in the same positive and constructive mood as the informal consultations during the first half of 2023. He recalled that the Working Group had not met since 2019 and that the Governing Body at its Ninth Session, in India, decided to re-establish the Working Group with a clear mandate. He reminded the Working Group of all the efforts and the time that were invested in the previous phase of the process, which the Working Group is now tasked to build upon to finalize the enhancement process by the Eleventh Session of the Governing Body. He emphasized that the effective implementation of the International Treaty, including its Multilateral System, is crucial for achieving its objectives, for the benefit of humanity.

**ITEM 2. ADOPTION OF THE AGENDA AND ORGANIZATION OF  
WORK**

3. The Working Group adopted its Agenda, as provided in *Appendix 1*. The list of participants of the meeting is contained in *Appendix 2*.

4. At the invitation of the Co-Chairs, most of the regional groups and one stakeholder group representative present in the meeting made opening statements, expressing their expectations from and hopes for the meeting and ensuing process. Working Group members welcomed the opportunity to provide advice to the Co-Chairs on process and substance to inform further development of the Co-Chairs' Proposal and the

checkpoint report to the Tenth Session of the Governing Body on progress and for any further guidance regarding continuation of the process.

### **ITEM 3. UPDATE BY THE CO-CHAIRS ON CONSULTATIVE PROCESS**

5. The Co-Chairs introduced the document, IT/OWG-EFMLS-10/23/3, *Update by the Co-Chairs on Consultative Process*, recalling that the Governing Body had requested them to allow space and facilitate interactions and consultations for building mutual understanding throughout the process. Additionally, the Co-Chairs gave a summary and the main takeaways of the series of online informal consultations held in the course of the year, and a physical informal meeting held in Prangins, Switzerland, hosted by the Government of Switzerland, from 30 May 2023 to 1 June 2023.

6. A representative of the Meridian Institute, which facilitated the informal meeting in Prangins, Switzerland, made a brief presentation on the meeting, referring to their summary of the discussions contained in the 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*.

7. The Working Group thanked the Co-Chairs for their efforts to hold online informal consultations with regions and stakeholders, as well as the meeting in Prangins, Switzerland, both in a transparent and inclusive manner. They also thanked the Meridian Institute for the facilitation of the informal meeting.

8. The Working Group shared the view that possibilities for informal interactions and consultations, at national, regional and international levels, would be a useful element that could complement the formal process.

9. The Working Group noted the importance of capacity-building for accessing and using DSI/GSD and thanked the Secretariat and Co-Chairs for making relevant information available.

### **ITEM 4. CO-CHAIRS' PROPOSAL ON ENHANCING THE FUNCTIONING OF THE MULTILATERAL SYSTEM**

10. The Co-Chairs introduced their proposal as contained in the document, IT/OWG-EFMLS-10/23/4, *Co-Chairs' Proposal on Enhancing the Functioning of the Multilateral System*.

11. The Working Group welcomed the Co-Chairs' Proposal as a good and sound foundation for further work. It then went through all the elements of the Co-Chairs' Proposal, which identified three hotspots for further work: DSI/GSD, amendment to the coverage of the Multilateral System, and payment structure and rates. The Working Group made observations, provided suggestions and encouraged the Co-Chairs to use them when preparing their checkpoint report for the Tenth Session of the Governing Body.

12. Particularly, the Working Group agreed that the "June 2019 draft package",<sup>1</sup> which contains a revised SMTA, a proposal for an expansion of Annex I, and a draft Resolution with implementing provisions, should serve as the starting point, complemented with additional ideas and revisions, as needed. The Working Group requested the Co-Chairs to further clarify in the checkpoint report how they intend to use the "June 2019 draft package."

13. The Working Group recalled that it was re-established by the Governing Body to finalize the enhancement of the functioning of the Multilateral System by its Eleventh Session. In their proposal, the Co-Chairs outlined a proposal on how to structure the timeline and deliverables for the next biennium. The Co-Chairs emphasized that the outlined process requires a strong commitment of all, and that a strong message needs to be sent to the Governing Body in this regard.

14. The Working Group emphasized that the process should be outcome-oriented, transparent, inclusive, targeted and lead to clear, simple and realistic outcomes. It welcomed the efforts of the Co-Chairs to bring clarity on how the process would be structured during next biennium and the efforts to take into consideration the international calendar of relevant processes. It welcomed efforts to plan meetings of the Working Group back-to-back with other relevant meetings. Given the importance of synergies with other

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<sup>1</sup> Contained in: [IT/OWG-EFMLS-9/19/Interim Report](#).

intersessional bodies of the Governing Body, further effort could be made to improve the timeline by taking into account other Treaty meetings during the biennium.

15. The Working Group emphasized the importance of having sufficient time to develop a full draft package of measures for consideration by the Governing Body, at its Eleventh Session, and noted that the timeline for the Working Group would contain up to four meetings. The Working Group emphasized that the timeline should be ambitious allowing the Working Group to consider a full draft package of measures, at its twelfth meeting.

16. The Working Group recalled that the Governing Body requested the Co-Chairs to facilitate interactions and consultations for building mutual understanding. The Working Group recommended that in revising the timeline, the focus would be on formal meetings of the Working Group. The convening of Friends of the Co-Chairs groups, informal meetings or expert groups remains a tool that would be used on a needs basis as the negotiation process advances, with clearly articulated terms of reference agreed by the Working Group, as appropriate. It will be important to have an inclusive and transparent approach to the convening of these groups and the Working Group recommended use of virtual meetings as practical.

17. The Working Group emphasized the importance of regular regional consultations during the next biennium to support the negotiation process and to keep Contracting Parties that may not be able to participate in the Working Group informed and involved. The Co-Chairs informed the Working Group that they stand ready to participate virtually in any regional consultation process, when possible and as needed.

18. The Working Group discussed the possibility of convening of a High-Level Segment on the margins of the Eleventh Session of the Governing Body and there was no consensus on this matter. The convening of such a meeting would need to take into account different factors and would need to be coordinated with the host country and the Bureau.

19. The Working Group provided a number of suggestions to the Co-Chairs on the need for further compilation of information and background analysis that may support decision-making during the next biennium.

20. The Working Group emphasized that it would be necessary for the Governing Body to make adequate budgetary provisions, including for interpretation, to carry out the work foreseen to conclude the process successfully.

21. On digital sequence information/genetic sequence data (DSI/GSD), the Working Group agreed that it will be one of the key “hotspots” for the negotiations. It recognized that the international policy landscape had changed since the Ninth Session of the Governing Body, in particular the agreement in other relevant fora that benefits arising from the use of DSI/GSD on genetic resources within their respective scopes and mandates should be shared fairly and equitably. A useful starting point could be to discuss how the “June 2019 draft package” deals with DSI/GSD and what gaps remain, including those which may be included in relation to the Resolution to adopt the package of measures for the enhancement. In this regard, the Working Group discussed that the subscription option may already provide for a solution to monetary benefit-sharing from the use of DSI/GSD, but that DSI/GSD in relation to a single access option, if agreed, will require further work. A range of views were expressed regarding the need for a definition of DSI/GSD.

22. On the expansion of Annex I of the International Treaty, the Working Group expressed broad support, in principle, for the expansion while underscoring the interlinkage of all measures within the package, in particular with the aim of increasing user-based income to the Benefit-sharing Fund in a sustainable and predictable long-term manner. It emphasized its continued support and strong willingness to design the possible mechanisms for a wide expansion, possibly to the full scope of the International Treaty, while ensuring flexibility in the implementation of any expansion. Although some concerns were raised about some of its elements, the Working Group agreed to use the draft text for an expansion of Annex I of the International Treaty comprised in the “June 2019 draft package” as a starting point for further discussion, along with potential alternatives. Further information on the operations of the Multilateral System and possible trends and changes since 2019 could provide support for the negotiation of this hotspot.

23. On the revised structure for monetary benefit-sharing payments in the SMTA, the Working Group strongly supported the subscription option, while emphasizing that exemptions and thresholds will be critical to its attractiveness and effectiveness. A range of views were expressed on the single access option.

24. On the review of other provisions of the SMTA, the Working Group agreed to start this work from the revised SMTA contained in the “June 2019 draft package”.

## **ITEM 5. DEVELOPMENTS IN OTHER RELEVANT FORA, INCLUDING OUTCOMES OF COP-15 OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

25. The Working Group considered the document, IT/OWG-EFMLS-10/23/5, *Developments in other Relevant Fora*. A representative of the Secretariat of the Convention on Biological Diversity (CBD) gave a brief update on the developments at the CBD, in particular the relevant outcomes of the fifteenth meeting of the Conference of the Parties to the CBD and the related upcoming processes.

26. The Working Group took note that important developments in other relevant forums of the United Nations have taken place since the Ninth Session of the Governing Body. It recommended that the Secretariat continues to monitor these developments, especially in regard to DSI/GSD. It emphasized the need for continued strong collaboration between the Secretariats of the International Treaty and the CBD, as well as the importance of coordination within Contracting Parties. In particular, these interactions should aim to ensure that the special nature of plant genetic resources for food and agriculture are considered in CBD processes and any specific solutions the International Treaty provides are taken into account, with a view to increase global food security and sustainable agriculture.

## **ITEM 6. PREPARATIONS FOR THE TENTH SESSION OF THE GOVERNING BODY**

27. The Working Group provided inputs and suggestions to the Co-Chairs on the draft timeline given in the Annex to the Co-Chairs’ Proposal in the document, IT/OWG-EFMLS-10/23/4.

28. The Working Group advised the Co-Chairs to include the following elements in their suggestions for a draft Resolution for the Tenth Session of the Governing Body on progress and for any further guidance, regarding the continuation of the process:

- Acknowledging the progress made so far, with a note of thanks to the Co-Chairs for their efforts on informal consultations;
- Thanking the Government of Switzerland for the financial support provided to hold a physical informal meeting in Prangins, Switzerland, which was a further trust-building measure and produced input for the meeting of the Working Group;
- Suggesting that the Governing Body endorse the intention of the Working Group to use the “June 2019 draft package” as a starting point for its further work, with the three components (revised SMTA, expansion of Annex I, Resolution);
- Identifying DSI/GSD, expansion of Annex I, and structure and rates for monetary benefit-sharing payments, as requiring early attention;
- Inviting all Contracting Parties and Regions to ensure their commitment to re-start negotiations on the package of measures to enhance the functioning of the Multilateral System;
- Making adequate budgetary provisions, including for interpretation, to carry out the work foreseen to conclude the process successfully;
- Confirming the Eleventh Session of the Governing Body as the target milestone to adopt an enhanced Multilateral System.

## **ITEM 7. OTHER MATTERS**

29. The Working Group thanked the Governments of the Netherlands, Norway and Switzerland for providing the financial resources for this meeting. The Working Group did not discuss any other matters.

## **ITEM 8. ADOPTION OF THE REPORT**

30. The Working Group adopted this Report of its tenth meeting.

*Appendix 1***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****AGENDA**

1. Opening of the meeting
2. Adoption of the agenda and organization of work
3. Update by the Co-Chairs on consultative process
4. Co-chairs' proposal on enhancing the functioning of the Multilateral System<sup>2</sup>
5. Developments in other relevant fora, including outcomes of COP-15 of the Convention on Biological Diversity<sup>3</sup>
6. Preparations for the Tenth Session of the Governing Body
7. Other matters
8. Adoption of the Report

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<sup>2</sup> The Working Group agreed to discuss agenda item 5 before agenda item 4.

<sup>3</sup> The Working Group agreed to discuss agenda item 5 before agenda item 4.

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