



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



Update on the International Treaty on PGRFA

MAJOR OUTCOMES OF THE FIFTH SESSION OF THE GOVERNING BODY

MUSCAT, OMAN, 24-28 SEPTEMBER 2013

Kent Nnadozie

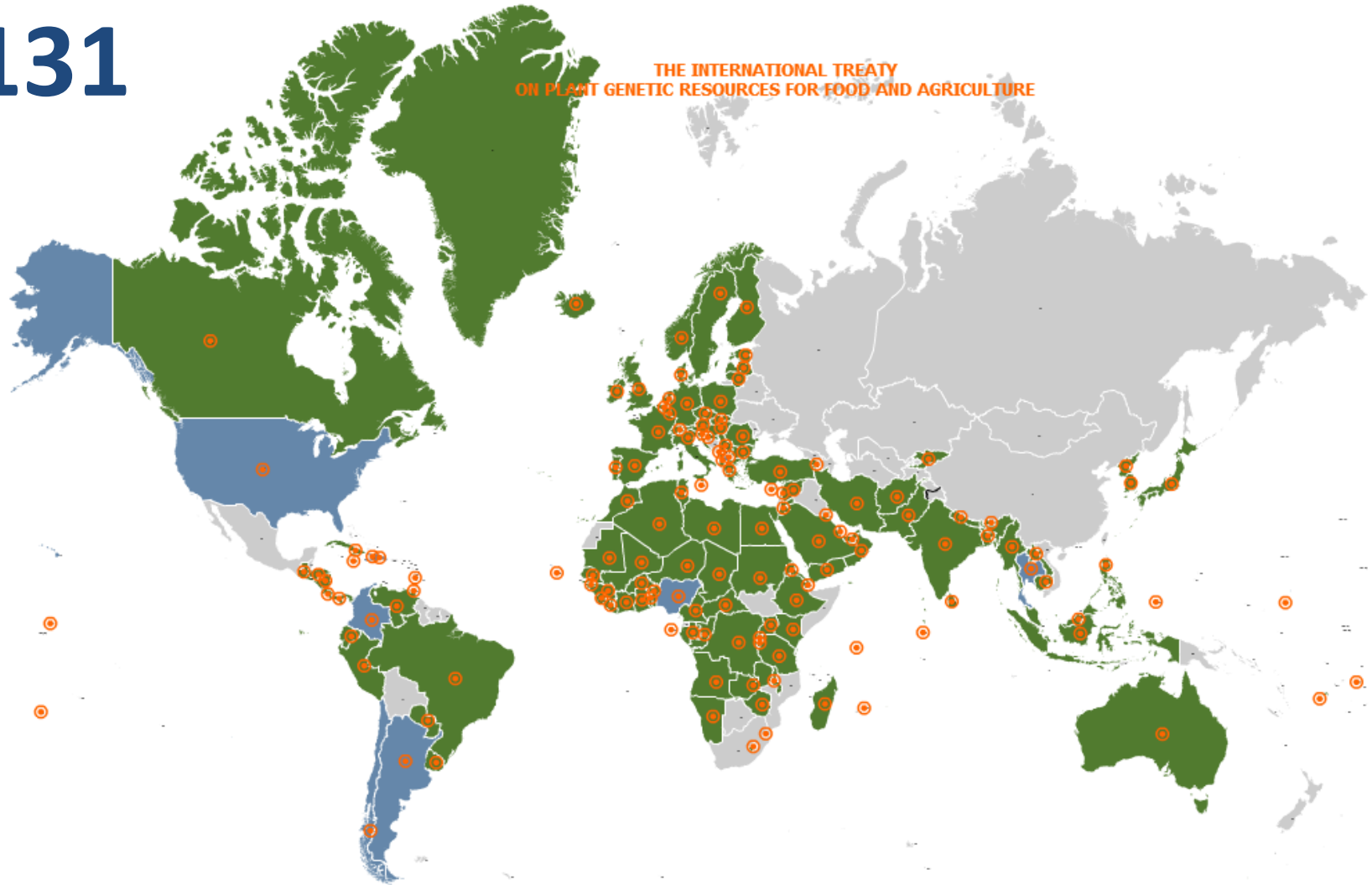
Cotonou, 10 March 2014

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Membership: + Japan & Sri Lanka

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Overview

- 1. Major Outcomes of the 5th Session of Governing Body (GB5) and the Muscat Ministerial Conference**
- 2. Major Intersessional Processes**
- 3. Upcoming Events: 2014**
- 4. Treaty/Nagoya Protocol interface**
- 5. Main Follow-Up Actions**

Major Outcomes: GB5

1. Working Group to enhance the functioning of the Multilateral System (MLS)

- Increase user-based payments and contributions to the Benefit-Sharing Fund (BSF)
- Enhance the functioning of the MLS
- ≥ 2 meetings over the current biennium
- consultation with stakeholder groups, incl. civil society, seed industry, farmers organizations, CGIAR
- regional representation – Resolution 2013/2

Working Group -TORs

1. To develop a range of measures for consideration and decision by GB6
2. Strategic preliminary studies - Secretariat
3. On the basis of the studies :
 - (a) **Review** the functioning of the Multilateral System and the SMTA, in particular, the benefit-sharing provisions of the SMTA;
 - (b) Analyse the **options to enhance** the functioning of the Multilateral System;
 - (c) **consult with relevant Stakeholder Groups**; and
 - (d) Draft and prepare for consideration and decision of the Governing Body the **range of measures** that it proposes.

Working Group Foundations:

innovative approaches for user-based benefit-sharing
from the Ad Hoc Committee on the Funding Strategy

1. Revisiting Article 6.11 of the SMTA.
2. Revisiting Article 6.7 of the SMTA.
3. Promoting regular seed sales-based contributions by Contracting Parties
4. Expanding the coverage of the Multilateral System.
5. Novel ways to attract use-based voluntary funding through seed trait licensing
6. Upfront payments on access, to be discounted against payments due on the commercialization of a product.

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Major Outcomes: GB5 (contd.)

2. Farmers' Rights

3. Article 17

4. Sustainable Use

5. Approval to Launch 3rd Call for BSF Project Proposals



Global Information System (Article 17)

Contracting Parties shall cooperate to develop and strengthen a global information system to facilitate the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture.

[...]

3rd Call for Project Proposals - BSF

- At its Fifth Session, the Governing Body decided to launch the Third Call for Proposals of the Benefit-sharing Fund as soon as possible.
 - The major contribution announced by Norway at the Governing Body meeting was received by FAO in December 2013.
 - The Committee on the Funding Strategy gave advice on the design and structure of the Call for Proposals.
 - The Bureau has approved the Call for Proposals which is being sent out now.
- Funding available is the largest so far for the BSF: 15.7 USD million available, most will be directed to grants**

3rd Call for Project Proposals – BSF (contd.)

- The thematic focus: support farmers to help farmers adapt to climate change through PGRFA management.
- Two windows:
 1. Immediate Action Projects: again focusing on on-farm management and achieving direct impact on farmers' livelihoods;
 2. Co-development and transfer of technologies: a new window focusing on enabling non-monetary benefit-sharing to research institutions in developing Contracting Parties. Technology transfer is a priority of the BSF and had so far not receive adequate attention in terms of funding and activity.
- The Third Call for Proposals aims at strengthening cooperation between Contracting Parties and its stakeholders to enhance the non-monetary benefit-sharing mechanisms of the Treaty, including **technology transfer, information sharing and capacity building**.



Phases of the Project Cycle

Call for proposals

- Applicants to send pre-proposals **through national focal points of the International Treaty or Permanent Representatives to FAO.**

Screening of pre-proposals

- By Panel of Experts, according to eligibility and additional screening criteria.
- Secretariat invites applicants that fulfill the criteria to submit full project proposals.

Appraisal and approval of full proposals

- Based on an assessment of project proposals according to the appraisal criteria, the Panel of Experts recommends projects for approval to the Bureau.

Project portfolio under implementation, monitoring & evaluation

- Initial disbursement upon signature of agreement, subsequent conditional on reports.
- Independent evaluation of portfolio after termination of implementing period.

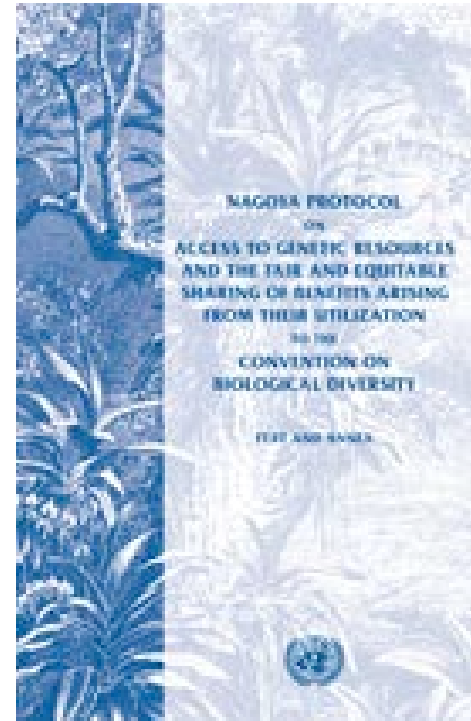
Cooperation with the CBD

In adopting the Nagoya Protocol, the Conference of Parties, *inter alia*, recognized:

- the International Treaty as one of the complementary instruments that constitute the International Regime;
- that the objectives of the International Treaty are the conservation and sustainable use of PGRFA and the fair and equitable sharing of the benefits arising out of their use, in harmony with the CBD, for sustainable agriculture and food security.

Decision X/1, Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization.

Relevant Provisions of the Nagoya Protocol



PREAMBLE

Recognizing the interdependence of all countries with regard to genetic resources for food and agriculture as well as their special nature and importance for achieving food security worldwide and for sustainable development of agriculture in the context of poverty alleviation and climate change and acknowledging the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture and the FAO Commission on Genetic Resources for Food and Agriculture in this regard,

Acknowledging ongoing work in other international forums relating to access and benefit-sharing,

PREAMBLE

Recalling the Multilateral System of Access and Benefit-sharing established under the International Treaty on Plant Genetic Resources for Food and Agriculture developed in harmony with the Convention,

Recognizing that international instruments related to access and benefit-sharing should be mutually supportive with a view to achieving the objectives of the Convention.

RELATIONSHIP WITH INTERNATIONAL AGREEMENTS AND INSTRUMENTS (Art.4)

3. This Protocol shall be implemented in a mutually supportive manner with other international instruments relevant to this Protocol. Due regard should be paid to useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of and do not run counter to the objectives of the Convention and this Protocol.
4. This Protocol is the instrument for the implementation of the access and benefit-sharing provisions of the Convention. Where a specialized international access and benefit-sharing instrument applies that is consistent with, and does not run counter to the objectives of the Convention and this Protocol, this Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource covered by and for the purpose of the specialized instrument.

Cooperation with the CBD

- The Governing Body of the International Treaty has repeatedly emphasized the necessity for close cooperation and coordination between the two bodies, underlining the need to promote coherence and mutual supportiveness between the two bodies

Cooperation with CBD, Resolution 5/2013

R5/2013, Part I, the Governing Body:

- ***Looks forward*** to the entry into force of the Nagoya Protocol and its full implementation, in harmony with the Treaty;
- Again, ***calls on*** Contracting Parties to ensure that any legislative, administrative or policy measures taken for the implementation of both the Treaty and the Convention on Biological Diversity or its Nagoya Protocol, are consistent and mutually supportive;
- ***Requests*** the NFPs of the Treaty to enhance their collaboration and coordination with their counterpart NFPs for the CBD on all relevant processes, in particular in the review and updating of their NBSAPs;
- ***Welcomes*** the efforts to bring together stakeholders and experts involved in the implementation of the Treaty, the Convention, and the Nagoya Protocol, and ***requests*** the Secretary to continue facilitating such interaction.

Key Policy Challenges

- What are the mandates & the links between the respective agreements?
- What legal principles/doctrines form the basis of the Agreements?
- What is the nature of the obligations?
- Establishing a common understanding of concepts and vocabulary;
- Operational issues:
 - implementation, coordination & reporting;
 - Mutual acceptance/supportiveness of instruments.

Key legal issues/Practical areas for Consideration

- Legal space for implementation of the Treaty
- PIC
- MAT
- Permits by NCA
- Information and CHM
- International Certificate
- Disclosure of origin of material
- Reporting

Concluding thoughts

- Concept of the international ABS regime is broader than the Nagoya Protocol or the Treaty individually;
- Successful implementation will require mutual supportiveness of different instruments;
- Protocol is a unique opportunity to continue the dialogue between environment and agriculture on ABS for PGRFA, based on clarity of respective legal obligations, development of concrete interfaces between the two processes and institutional collaboration to structure those interfaces.



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Thank you!

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