



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Item 16 of the Draft Provisional Agenda
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
THIRD SESSION OF THE GOVERNING BODY
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PROGRESS REPORT ON PARTNERSHIPS, SYNERGIES AND COOPERATION WITH OTHER ORGANIZATIONS

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I. INTRODUCTION

1. Article 19.3(g) of the Treaty provides that the Governing Body shall “*establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Treaty, including their participation in the funding strategy.*”
2. At its First Session, the Governing Body “noted that cooperation with other international organizations was of particular importance for the Treaty, in many aspects of its work¹”. At its Second Session, with regard to the cooperation with other relevant international institutions, the Governing Body:

“requested the Secretary to participate in relevant meetings of the World Intellectual Property Organization, the International Union for the Protection of New Varieties of Plants and the World Trade Organization. It also requested the Secretary to report on relevant activities undertaken by international organizations, and consult with relevant private sector interests to identify potential areas for collaboration with the Treaty, in regard to plant genetic resources²”.

It further called for “continued collaboration with the Convention on Biological Diversity, especially in regard to the conservation and sustainable use of agricultural biological diversity, and access and benefit sharing³”.

3. The Governing Body also “recognized the importance of collaboration between the Secretary of the Treaty and ... the International Agricultural Research Centres in the implementation of the Treaty and expressed appreciation for the joint programme set up by FAO and Bioversity International to provide technical assistance to facilitate developing country implementation of the Treaty, and in particular, to initiate the Multilateral System⁴”.
4. At that session, the Governing Body recalling Article 18.4 (a), on the Funding Strategy:

“acknowledged the important role of the Global Crop Diversity Trust in assisting the implementation of the Treaty, and stressed the need for mobilization of funds from other international mechanisms, including the Common Fund for Commodities and the Global Environmental Facility.”

5. Regarding the agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, the Governing Body:

welcome the proposal by the South Pacific Community Genebank and the International Cocoa Gene Banks, to enter into agreement under Article 15.5 of the Treaty, and requested the Director- General of FAO to enter into agreements with these genebanks on behalf of the Governing Body, and would welcome further

¹ IT/GB-1/06/Report, paragraph 45.

² IT/GB-2/07/Report, paragraph 87.

³ IT/GB-2/07/Report, paragraph 85.

⁴ IT/GB-2/07/Report, paragraph 84.

*agreements with other relevant institutions*⁵.

6. This document aims at providing an overview of the different partnerships the Treaty has established through its Secretariat and the mechanisms and frameworks through which it has facilitated and maintained them.
7. The document is divided into six different sections:
 - Section II provides a summary of the cooperation activities undertaken during the intersessional period with other treaties and intergovernmental bodies, e.g. towards strengthening the collaboration with the Convention on Biological Diversity, especially in regard to the conservation and sustainable use of agricultural biological diversity, and access and benefit sharing. It includes the participation and correspondence of the Secretariat in relation to process at the World Intellectual Property Organization, the International Union for the Protection of New Varieties of Plants, the World Trade Organization, the World Health Organization and the United Nations Framework Convention on Climate Change;
 - Section III describes the cooperation and partnership activities with organizations under Article 15 of the International Treaty, i.e. with the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international organizations;
 - Section IV reports on activities undertaken during the intersessional period in cooperation and partnership with technical units, institutions and entities;
 - Section V describes the cooperation with civil society and other entities;
 - Section VI reports on the mechanisms and frameworks established by the Secretariat to facilitate cooperation.
8. The document finally includes, in Section VII, elements of a draft decision of the Governing Body on cooperation with other organizations. The Governing Body may want to give further guidance for the on-going development of cooperation and the consolidation of the mechanisms to foster it.
9. Several other working documents of the current session of the Governing Body relate to cooperation and partnerships of specific significance or depth, including:
 - the report on the activities developed by the Global Crop Diversity Trust in assisting the implementation of the Treaty is dealt in document *Report from the Global crop Diversity Trust*.⁶
 - the relationship between the Governing Body and the Commission on Genetic Resources for Food and Agriculture (CGRFA) is dealt with in the document *Joint report by the Secretary of the Governing Body and the Secretary of the Commission on Genetic Resources for Food and Agriculture on matters concerning the relationship between the Governing Body and the Commission*.⁷

⁵ IT/GB-2/07/Report, paragraph 88.

⁶ IT/GB-3/09/10

⁷ IT/GB-3/09/17

Since those collaborations and partnerships are addressed in the dedicated working documents, they are not addressed by the current document.

II. COOPERATION WITH TREATY BODIES AND OTHER INTERGOVERNMENTAL BODIES

A. CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

10. Article 19.3g of the Treaty calls for the establishment and maintaining of cooperation between the Governing Body of the Treaty and the Convention on Biological Diversity (CBD).
11. Article 20.5 of the Treaty states that “the Secretary shall cooperate with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of this Treaty”.
12. Accordingly, the Terms of Reference establish that the Secretary:
 - “(e) Cooperates with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of the Treaty;*
 - “(f) Coordinates work related to the International Treaty with relevant FAO departments, and with other relevant organizations, and submits periodic reports to regular sessions of the Governing Body.”*
13. In this context, the Secretary of the Treaty participated in the 5th and 6th meetings of the Open-Ended Working Group on Access and Benefit-sharing of the Convention on Biological Diversity and in the 12th and 13th meetings of the Subsidiary Body for Scientific, Technological and Technical Advice (SBSTTA) of the Convention.
14. Discussions covered the interfaces between the work of the Treaty and the Convention on Biological Diversity on Access and Benefit-sharing and possible areas of cooperation with the CBD Secretariat. Several suggestions for next steps in cooperation with the Convention have emerged from the meetings and a reception for the Bureau of the Governing Body and the Bureau of the SBSTTA of the Convention on Biological Diversity which was held on the margins of the Xth meeting of the SBSTTA and the First meeting of the Bureau of the Third Session of the Governing Body of the Treaty.
15. In addition, the Secretariat participated in the Ninth Session of the Conference of Parties of the Convention on Biological Diversity (COP-9) held in Bonn, Germany, from 19 to 30 May 2008. The Treaty is referenced in the draft International Regime on Access and Benefit-sharing being negotiated in the CBD, which may have significant implications for the operation of the Multilateral System in the future. The Secretariat of the Treaty informed Contracting Parties of the CBD of the progress made by the Treaty in its start-up phase. It also participated in several other side-events organized during the COP at the invitation of the organizers.
16. Key decisions of the COP of relevance to the Treaty included: Decision IX/1 In-depth review

of the programme of work on agricultural biodiversity; Decision IX/2 Agricultural biodiversity: biofuels and biodiversity; Decision IX/12 Access and Benefit-sharing; Decision IX/16 Biodiversity and climate change; and Decision IX/27 Cooperation among multilateral environmental agreements and other organizations. The Secretariat was also invited to provide the *Ad Hoc* Working Group negotiating the International Regime on Access and Benefit-sharing with the experiences of the Treaty in the implementation of the Multilateral System.

17. Furthermore, the Secretary participated at the meeting of the Group of Legal and Technical Experts on Concepts, Terms, Working Definitions and Sectoral Approaches in the context of the International Regime on Access and Benefit-sharing held in Windhoek, Namibia, from 2 to 5 December 2008 and the meeting of the Group of Technical and Legal Experts on Compliance in the context of the International Regime on Access and Benefit-sharing held in Tokyo, Japan from the 27 to 30 of January 2009. During discussions some participants made general references to the Treaty. The Multilateral System, for example was compared to a possible ABS certification scheme under the international regime, which the experts considered as a possible tool to ensure compliance.
18. In the same context, the participants of the Group of Technical and Legal Experts on Concepts, Terms, Working Definitions and Sectoral Approaches referred to the possible establishment of a list of experts by the Governing Body for the purpose of the Standard Material Transfer Agreement dispute settlement as an example of available *ad hoc* expertise.
19. Additionally, the Secretariat of the Treaty provided the Secretariat of the CBD with relevant inputs for the development of the access and benefit-sharing web page. The Secretariat recommended the inclusion of e.g. information on the Treaty, the Multilateral System and the Standard Material Transfer Agreement.
20. At the invitation of the Secretariat of the Liaison Group of Biodiversity-related Conventions, the Secretary of the Treaty attended, back-to-back with the COP-9 of the CBD, a meeting of the Liaison Group. The Conventions welcomed the Treaty and undertook to explore collaboration and synergies in the work of the other Conventions.
21. The Secretariat participated also in a meeting in October 2008 of the Inter-agency Task Force on Access and Benefit Sharing established at the initiative of the Secretariat of the Convention on Biological Diversity with the purpose of i) promoting coordination among relevant international organizations regarding the implementation of relevant decisions adopted by the Conference of the Parties to the Convention on Biological Diversity related to access to genetic resources and benefit-sharing; ii) providing support to the Secretariat of the Convention in assisting Parties to negotiate and implement an international regime on access and benefit-sharing; and, iii) initiating action towards its implementation. Outcomes of this first meeting include the establishment of terms of reference for the Task Force.

B. WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

22. The Secretary attended the 12th and 13th Sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore held in Switzerland from the 15 to 19 February 2008 and from the 13 to 17 October 2008, respectively.
23. Substantive Treaty-related issues that were covered included the development of guide contractual practices for access and benefit-sharing contracts, disclosure requirements for genetic resources in patent applications, the legal protection of traditional knowledge, and patent information systems as sources of information on new inventions utilizing genetic resources.
24. During the 12th session, the Secretary highlighted that the Treaty was the only international binding access and benefit-sharing system which regulated daily transfers on genetic material in more than 116 countries. He also informed the developments in the implementation of the International Treaty since the Second Governing Body. That concerned both pillars of the Treaty, namely the Multilateral System of Access and Benefit-sharing, with its Standard Material Transfer Agreement, and the Funding Strategy of the Treaty.
25. Outcomes of the participation of the meeting were the formal recognition by the WIPO Committee of the Standard Material Transfer Agreement of the Treaty as the only multilaterally agreed and globally accepted standard material transfer agreement for genetic resources today and the rapid progress the Treaty has made in the implementation of the Multilateral System.

C. THE INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS (UPOV)

West and Central Asia Regional Workshop on Plant Variety Protection

26. At the invitation of UPOV, the Secretariat of the Treaty participated in the UPOV West and Central Asian Regional Workshop on Plant Variety Protection under the UPOV Convention, held in Cholpon-Ata, Kyrgyzstan, from the 11 to 14 September 2007.
27. During the workshop, the Secretariat provided participants with a general presentation on the Treaty and recent developments in its implementation. Outcomes and follow-up actions included the provision of further information to governments throughout the West and Central Asian Region regarding the Treaty and the possibilities and advantages for countries to become a Contracting Party to the Treaty.

UPOV 44th session of the Technical Committee and 25th Extraordinary session of the Council

28. The Secretary attended the Council and Technical Committee sessions held in Switzerland from the 7 to 9 April 2008.
29. During the session, the Secretary observed the discussions on technical issues currently being addressed under the UPOV Convention and held discussions with the Secretary General and Vice Secretary General of UPOV on recent developments of and possible collaboration between the Treaty and the Convention.

D. WORLD HEALTH ORGANIZATION (WHO)

30. The WHO Secretariat approached the Secretariat through the Legal Office of FAO requesting information on the experiences, functioning and practical operation of the Multilateral System of the Treaty, in light of recent work of their own on virus-sharing and benefit-sharing arise from the use of those resources. Those experiences and lessons may assist members of the WHO in addressing the problems and challenges related to the sharing of samples of, as well as the benefits arising from research on, avian flu viruses, which are also of common global concern.
31. At their request, the Secretary provided WHO with information on the Treaty as well as with experiences and lessons learned in the operation of the Multilateral System and Standard Material Transfer Agreement during a visit of the WHO Secretariat to Rome and a follow-up visit and participation of the Secretary of the Treaty in the Intergovernmental Meeting on Pandemic Influenza Preparedness: Sharing Viruses and Access to Vaccines and other Benefits held in Geneva. The Secretariat of WHO considered the Treaty to be highly relevant to their work and commended its implementation as the only existing functioning multilateral system of access and benefit-sharing.
32. The WHO Secretariat invited the Secretariat of the Treaty to join a Scientific Research Group to identify relevant experiences and good practices and to provide advice on the overall direction of a possible international legal framework on influenza virus samples and globally adequate vaccine supply.
33. Within this context, the Secretary of the Treaty has participated at teleconferences with the Secretariat of WHO and provided additional information on the negotiation process of the Treaty, especially on the Multilateral System.

E. WORLD TRADE ORGANIZATION (WTO)

34. The Treaty Secretariat has also monitored developments in the Council for Trade-related Aspects of Intellectual Property Rights (TRIPS Council) of the World Trade Organization relevant to the Treaty, in particular discussions on the possible introduction of disclosure requirements in patent applications of the origin or source of genetic resources utilized in the invention claimed by that application.

F. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC)

35. The Secretary received in January 2009 an invitation from the Secretariat of the UNFCCC to collaborate with the Nairobi Work Programme on Impacts, Vulnerability and Adaptation to Climate Change, particularly the section on agriculture and food security. This initiated first contacts between the two Secretariats and correspondence on possibilities of collaboration is currently ongoing.
36. As regards cooperation with intergovernmental bodies and secretariats of other treaty bodies, the experience and conclusions from the 2008-09 biennium have been that they are fundamental for,
- recognition of the Treaty in other multilateral arenas as a new instrument that plays an important role regarding plant genetic resources for food and agriculture;
 - the establishment of the Treaty as a model or reference point for other sectors in order to achieve coherent policies at a global level;
 - global policy coherence in genetic resources policy and the policy environment of the Treaty;
 - the political momentum of the Treaty within the field of international genetic resources policy making.

III. COOPERATION AND PARTNERSHIPS WITH ORGANIZATIONS UNDER ARTICLE 15 OF THE INTERNATIONAL TREATY

A. INTERNATIONAL AGRICULTURAL RESEARCH CENTRES OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH

37. The Treaty recognizes, in Article 15,

the importance to this Treaty of the ex situ collections of plant genetic resources for food and agriculture held in trust by the International Agricultural Research Centres (IARCs) of the Consultative Group on International Agricultural Research (CGIAR).

38. The IARCs will continue to have a major role to play, in consultation with the Governing Body, in supporting the implementation of the Treaty, in particular its Multilateral System of Access and Benefit Sharing. At its Second Session, the Governing Body “recognized the importance of collaboration between the Secretary of the Treaty and the International Agricultural Research Centers in the implementation of the Treaty. It expressed appreciation for the joint programme set up by FAO and Bioversity International to provide technical assistance to facilitate developing country implementation of the Treaty, and in particular, to initiate the Multilateral System”⁸. Progress on the Joint Program is described in Section VI.
39. The Secretariat participated at the 22nd and 23rd meetings of the Genetic Resources Policy

⁸ IT/GB-2/07/Report, paragraph 84.

Committee of the CGIAR, held in Nairobi, Kenya from the 12 to 14 November 2007 and Aleppo, Syria, from the 18 to 20 March 2008, respectively.

40. Furthermore, the Secretary participated at the meeting for managing CGIAR Center Plant Breeding Programmes under the International Treaty held in Rome in November 2007 and in the System Wide Genetic Resources Program meeting held in Rome in November 2008.

B. FAO/INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) JOINT DIVISION

41. The Agreement under Article 15 to include the Mutant Germplasm Repository of the FAO/IAEA Joint Division was concluded on 18 July 2007. At the request of the Joint Division, the Secretary participated in the First National Coordinators Meeting on “Mutation Induction and Supportive Breeding and Biotechnologies for Improving Crop Productivity” (Project RAS/5/048), operated by the Joint Division, which contained a component on the implementation of the Treaty. Issues covered included assistance with Standard Material Transfer Agreement operations to the Mutant Germplasm Repository of the Joint Division; the preparation of a Memorandum of Understanding among the participating countries of the ARASIA Project which would address the implementation of the Treaty, inter alia; and general awareness raising and information on the Treaty.
42. As a follow-up, the Treaty Secretariat participated in the Second Coordinators meeting on “Mutation Induction and Supportive Breeding and Biotechnologies for Improving Crop Productivity in ARASIA Members States”, organized by the IAEA, Damascus, Syria, 11-15 November 2007. Substantive issues covered included the completion of the Memorandum of Understanding among the participant countries of the ARASIA Project and practical information technology support to those countries for Standard Material Transfer Agreement operations. Outcomes included the successful conclusion of the Memorandum of Understanding, which includes several references to the implementation of the Treaty and the application of the SMTA in participating countries.
43. As a further follow-up, the Treaty Secretariat paid a special visit to the Joint Division in order to discuss issues related to information technology support for Standard Material Transfer Agreement operations at the Mutant Germplasm Collection.

C. POTENTIAL ADDITIONAL AGREEMENT UNDER ARTICLE 15

44. The Governing Body, at its Second Session,

"welcomed the proposal by the South Pacific Community Genebank and the International Cocoa Gene Banks, to enter into agreement under Article 15.5 of the Treaty, and requested the Director-General of FAO to enter into agreements with these genebanks on behalf of the Governing Body, and would welcome further agreements with other relevant institutions." ⁹

⁹ IT/GB-2/07/Report, paragraph 88.

45. The Secretariat is in the process of finalizing these agreements with both the International Cocoa Gene Banks (ICG) and the South Pacific Community (SPC) Genebank. Draft agreements, based on pre-existing models and adapted *mutatis mutandis* to the two institutions, have been sent for their review and for signature by the relevant authorities/persons, after which the agreements will be signed by the Director-General of FAO on behalf of the Governing Body.
46. As regards partnerships with organizations under Article 15, ongoing, in-depth cooperation with the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other organisations under Article 15 plays a central role in the running of the MLS. This has been identified as a high priority by the Governing Body and, therefore, been given due attention in the framework of cooperation of the Secretariat.

IV. TECHNICAL COOPERATION AND PARTNERSHIPS

A. INTERNAL COOPERATION

47. During the last intersessional period, extensive efforts were made in establishing cross-cutting collaboration across the organisation. Those efforts were directed to different substantive areas of the work of the Treaty and concentrated on primary partners in the organisation, namely the Plant Production and Protection Division (AGP), the CGRFA¹⁰ and the Legal Office.
48. Outcomes of this collaboration included :
- participation of the Treaty in the preparation of the World Seed Congress, to be held in Rome in September 2009;
 - launching of the Joint Programme (see section VI);
 - identifying possible case studies highlighting best practices on the implementation of the different provisions of Article 6.2;
 - participation to the first and the second Global Initiative on Plant Breeding task forces (September 2007 and January 2008);
 - establishment of a cooperation programme with the Global Initiative on Plant breeding on Support to Sustainable Use of Plant Genetic Resources for Food and Agriculture in the context of the International Treaty (see below, section VII.B);
 - commenting on the chapter on ABS of the Second State of the World Report on PGRFA;
 - participation of the Treaty in “Estado y Tendencias de la Conservación y la Utilización de los Recursos Fitogenéticos para la Alimentación y la Agricultura en América Latina y el Caribe” (State and Trends of the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture in Latin America and the Caribbean) organised by AGP in Cartagena (Colombia) from 2 to 6 March 2009;
 - participation of the Treaty in the “International Conference on Plant Breeding and Seed System for Food Security” organised by AGP in Dacca (Bangladesh) from 10 to 12 March 2009;

¹⁰

Collaboration with the CGRFA is dealt with separately in document IT/GB-3/09/17.

- participation of the Treaty in the regional workshop “Status and trends of PGRFA conservation and use in the Near and North Africa Region” organised by AGP in Aleppo (Syria) from 29 November to 1 December 2008;
- assistance to members at the First and Second Meeting of the *Ad Hoc* Third Party Beneficiary Committee and at the Second Technical Consultation on Information Technology for the Multilateral System and the Standard Material Transfer Agreement;
- inclusion of references of the Treaty within documents and brochures explaining the scope and main elements of the Treaty.

49. In addition to those primary collaborations, the Secretariat has established cross-cutting partnerships and collaborations with other FAO partners in order to identify and develop possible areas of collaboration:

- the Right to Food Unit;
- Globally Important Agricultural Heritage Systems;
- the Gender and Natural Resources Management Officer;
- the Focal Point on Indigenous Issues;
- The Focal Point on Civil Society Organisations and Non-Governmental Organisations;
- The Priority Areas Interdepartmental Activities on Biodiversity;
- the Department of Economic and Social Affairs;
- the Technical Cooperation Department;
- the Programme, Budget and Evaluation Unit;
- the Secretariat of the International Plant Protection Convention;
- the Secretariat of the Science Council of the CGIAR;
- the Office for Coordination and Decentralization (OCD);
- the Liaison Office in Geneva.

50. In order to reach out to all relevant sectors and units in the Organization across departmental and other distinctions, with whom potential collaboration might lead to further synergies for Treaty implementation, the Secretariat organized several In-house briefings to update colleagues in the Organization on the latest status and progress with the implementation of the Treaty.

B. TECHNICAL COOPERATION ACTIVITIES WITH OTHER INTER-GOVERNMENTAL AGENCIES AND INTERNATIONAL ORGANIZATION

The United Nations Commission on International Trade Law (UNCITRAL)

51. The United Nations Commission on International Trade Law (UNCITRAL) was requested to give information, advice and practical experience about alternative dispute resolution practice

to the members of the Third Party Beneficiary Committee when developing the procedures for the operation of the Third Party Beneficiary. The inputs received from UNCITRAL were considered useful by the Members of the Committee when developing the mentioned procedures.

52. At the invitation of the Secretariat, UNCITRAL provided also legal inputs to the Second Technical Consultation on Information Technology Support for the Implementation of the Multilateral System of Access and Benefit-Sharing which has been felt as key to designing stable information technology support for the Multilateral System. The Consultation expressed its thanks to UNCITRAL for making available its expertise and requested UNCITRAL and the Secretariat of the International Treaty to continue their collaboration in order to analyze the legal aspects of SMTA operations in the digital environment.

World Intellectual Property Organization (WIPO)

53. Following consideration of the Enola bean case, the CGRFA had requested WIPO to ‘cooperate with FAO in preparing a study on how intellectual property rights may affect the availability and use of material from the International Network and the International Treaty’. In 2004, WIPO submitted a preliminary report to the Interim Committee of the International Treaty at its Second Meeting and in 2006 to the Governing Body of the Treaty at its First Session.
54. As regards the interfaces between the operation of the Multilateral System and intellectual property information systems, the Secretary of the Treaty attend the Symposium on Public Policy and Patent Landscaping in the Life Science, held on 7 and 8 April 2008, on which WIPO and FAO cooperated, pursuant to a request of the Commission on Genetic Resources for Food and Agriculture.
55. At the peer review and symposium, the Secretary provided updates on the Treaty implementation and the development of the information technology support tools of the Treaty. Outcomes of the peer review and symposium were the finalization of the draft patent landscapes and the identification of further deliverables from the joint project, such as an online patent landscape of the rice genome which would be provided to the Treaty as an outcome of the project.
56. Informal consultations were held with the Arbitration and Mediation Centre of WIPO, which gave information, advice and practical experience about alternative dispute resolution practice to the members of the Third Party Beneficiary Committee when considering the procedures for the operation of the Third Party Beneficiary. The inputs given were considered useful by the Members of the Committee and the Committee expressed its gratitude for having at its disposal Mr. Eric Wilbers, Director of the Mediation and Arbitration Centre, and Mr. Nuno Pires de Carvalho, Director of the Division for Public Policies and Development, who had agreed to attend or advise the *Ad Hoc* Third Party Beneficiary Committee as experts and resource persons.

United Nations University - Institute of Advanced Studies (UNU-IAS)

57. Following a letter from the Director of the UNU-IAS, a visit to UNU-IAS has been arranged in order to discuss possible collaboration, especially in the field of training on the International Treaty. The UNU-IAS had collaborated extensively with the Treaty Secretariat

in the past and is keen to continue working with the Treaty on these issues.

58. The Secretariat of the Treaty also participated in a workshop on “Sectoral Linkages and Lessons Learnt on Access and Benefit Sharing (ABS): Moving the ABS Agenda Forward”, which was organized by the United Nations University-Institute of Advanced Studies (UNU-IAS) in collaboration with the Japan Bioindustry Association (JBA) and took place in Tokyo, Japan, on 28 November 2008. The workshop aimed at gathering experiences from different international instruments on the effective implementation of ABS measures within their sectors of interest, and the Secretariat presented the experiences from the Treaty on providing access and sharing benefits through the Multilateral System.

Global Crop Diversity Trust (GCDDT)

59. The Governing Body at its Second Session agreed that the Secretary of the Treaty closely collaborate with the Executive Secretary of the Global Crop Diversity Trust, to learn from the Trust’s experience for the further development of the operational procedures for the Funding Strategy. Consequently, the Secretariat of the Treaty met frequently with the Secretariat of the Global Crop Diversity Trust to learn from its experience with the management of small scale projects, the development of Application Forms, the disbursement, monitoring, evaluation and reporting procedures for funded projects, and the information systems and databases. For information regarding the procedures followed for the implementation of the Operational Procedures for the use of resources under the direct control of the Governing Body please see document IT/GB-3/09/8 “Report of actions taken by the Secretariat on the implementation of the Funding Strategy”.

United Nations Information and Computing Center - UNICC

60. Following the holding of the Consultation on Information Technology Support for the Implementation of the Multilateral System of Access and Benefit-sharing (ITC) and as suggested by the conclusions of the ITC, the Secretariat approached UNICC for the hosting and migration of the PID server and the data store established by the Secretariat for SMTA operations.
61. In conclusion, technical cooperation with international institutions and entities is a fundamental element of the strategy of the Secretariat to facilitate the implementation of the Treaty. The strategy aims at avoiding that the Treaty Secretariat needs to undertake work which can be outsourced to, or undertaken by, other relevant international institutions. This cooperation allows the Treaty to obtain specific support and inputs based on unique technical experiences of those organizations and it avoids overlap, duplication and additional costs. It is also a means of increasing cost-effectiveness of Treaty implementation and reducing the resource needs of the Secretariat. At the same time, the maintenance of such partnerships itself constitutes a major workload and ongoing effort for the Secretariat and needs to be recognized as such. The experience of the 2008-09 biennium has shown that one of the major underestimated workload burdens and expenditures was the establishment and maintenance of partnerships.

V. COOPERATION WITH CIVIL SOCIETY AND OTHER ENTITIES

62. At the invitation of the European Seed Association Annual Meeting (Brussels, Belgium, 16 October 2007), the Secretariat participated in the 2007 Annual Meeting and briefed the Association on the rapid progress of the Treaty.
63. At the invitation of the International Seed Federation (ISF), the Secretariat presented an update on recent development on the Treaty in the Annual Conference of the ISF in Prague in

May 2008. The Secretariat is also collaborating with the International Seed Federation in the context of the Organizing Committee for the World Seed Conference 2009, in which both ISF and the Secretariat are participating.

64. Following the interest of the private sector to participate in the Multilateral System, further consultations have followed, in particular with the French Association for Seeds and Seedlings (GNIS), which expressed possible interest to include material held by seed companies in the Multilateral System. On 24 March 2009, a letter from PRO-MAÏS, a private maize-breeders' association for maize study and improvement in France, and the French National Institute of Agronomic Research (INRA), informed the Secretary that they were including in the Multilateral System a collection of 500 accessions (see document IT/GB-3/09/12).
65. The Secretariat also attended and participated in the meeting of the Biodiversity and International Development Group organized by CropLife International in Geneva, Switzerland, on 28 October 2008, and briefed it on the latest developments under the Treaty, especially the implementation of the Multilateral System.
66. The Treaty Secretariat attended a meeting of the European Cooperative Programme for Plant Genetic Resources (ECPGR) held in Sarajevo from 2 to 5 September 2008, which discussed aspects of the inclusion of material in the Multilateral System and information technology support systems that can be used to facilitate and simplify such inclusion of material, and interim arrangements for Standard Material Transfer Agreement operations in Europe.
67. As requested during the intersessional period (2007-2009), the Secretariat contacted the Common Fund for Commodities (CFC) to explore possibilities of working together on the Funding Strategy. The Secretariat received a positive response, including a letter which indicates the willingness of the CFC to consider entering into a Memorandum of Understanding with the Treaty. As a next step, the Secretariat would have a meeting with the CFC Secretariat, as requested by the CFC Secretariat, with a view to developing practical collaboration and a possible draft Memorandum of Understanding.
68. As foreseen in Resolution 2006/1, the Secretariat pursued international mechanisms, funds and bodies relevant to the Funding Strategy and promoted the Treaty and its Funding Strategy with prospective donors and other relevant organizations. The Secretariat has contacted and communicates on an ongoing basis with several foundations and private donors, involving the presentation of the Treaty, its accomplishments and challenges. Some foundations have shown interest in the work and importance of the Treaty, and assess the Funding Strategy of the Treaty to have a high potential for effective and successful resource mobilization.
69. The Secretariat gave a presentation on the International Treaty at a Conference on "Tropical Products, Trade, Natural Resources Management and Poverty", held in Salvador de Bahia, Brazil, from the 3 to 5 December 2007.
70. Additionally, during the intersessional period the Secretariat of the Treaty undertook collaboration work with the United Nations University, the NGO Rete Semi Rurali and the Fridjof Nansen Institute (FNI) the University of Bremen, University of Geneva and the University of Louvain towards the implementation of the Treaty.
71. In accordance with the Treaty's recognition of the roles that a wide range of stakeholders could play in its implementation, the Treaty Secretariat applies a general principle of inclusiveness to collaborations and partnerships, within the limit of its capacity and availability of funds.

VI. MECHANISMS FOR FACILITATION OF COOPERATION

A. MEETINGS AND EVENTS ORGANIZED BY THE SECRETARIAT

1. Coordination Mechanism for Capacity Building

72. In relation to capacity building activities, as decided by the Governing Body of the Treaty¹¹, the Secretariat has established the Coordination Mechanism for Capacity Building for the national and regional implementation of the Treaty.
73. It organized the first meeting of the Coordination Mechanism for Capacity Building in Bonn, Germany, on 16 May 2008, with the overall goal to ensure that capacity is built in a coherent, coordinated, equitable and regionally balanced way in order to reflect the actual needs of Contracting Parties and stakeholders as well as follow the guidance of the Governing Body. The meeting laid the foundations for a platform of providers of capacity building to serve organizations and institutions involved in capacity building activities for the implementation of the Treaty as a central point for information exchange and coordination on capacity building initiatives. The meeting identified possible next steps that are reflected in the report of the meeting IT/CBCM-1/08/REPORT. Unfortunately, because of lack of resources, the Secretariat has not been able to follow up on those recommendations and has decided to hold on the second meeting of the CBCM, initially planned the first quarter of 2009.

2. Second Technical Consultation on Information Technology Support for the Implementation of the Multilateral System of Access and Benefit-sharing

74. In relation to activities of the Multilateral System, the Secretariat worked with potential providers and recipients of material from the Multilateral System (MLS), in order to better identify user needs for information technology modules aimed at simplifying and automating the use of the Standard Material Transfer Agreement, and to develop and test prototypes.
75. The Second Technical Consultation follows from the results of the First Technical Information Technology Consultation organized by the Interim Treaty Secretariat in Rome, on 13 and 14 February 2007.
76. The second Consultation took place in Rome, Italy, from 5 to 6 December 2008. Contracting Parties representatives, experts and stakeholders participated from all the regions, including providers and recipients from the public and private sectors and government agencies, as well as international institutions holding material in the MLS. The Secretariat of the Treaty also invited legal experts with experience in international contracts in the digital environment. A wide range of managers of the most important existing information systems on plant genetic resources for food and agriculture contributed actively to the technical consultation.
77. The Consultations facilitated a wide range of discussions on ongoing initiatives for information technology (IT) support to the operation of the MLS and the Standard Material Transfer Agreement (SMTA).
78. The Consultations welcomed a number of initiatives for the development of IT support tools for MLS and SMTA operations which have been undertaken by various stakeholders and commended the work of the Secretariat of the International Treaty on the ongoing development of IT support modules. The work of the Secretariat on the development of those modules had benefited from inputs and peer review by Contracting Parties and the private sector.

¹¹ IT/GB-2/07/Report, Appendix F, section B.

79. The Consultations, by consensus, reached a number of substantive observations and conclusions on partnerships, next steps and questions for further consideration (see document IT/TCIT-2/08/REPORT on the Treaty's Website). In particular, the Consultation foresees the establishment of three Focus Groups: *Focus group on existing IT support tools for MLS information in relation to Article 17; Focus group on legal issues; and Focus group on use cases for IT tools to support SMTA operations.*
80. In particular, the participants of the Consultation from international, regional and national genebank networks recommended the Secretariat to develop a vision paper to take stock of existing information systems on PGRFA, and outline a process for the development of the Global Information System foreseen in Article 17 of the Treaty. The Secretariat was asked to convene an informal focus group as a forum to review the paper and develop strategies for making visible the PGRFA brought into the MLS by Contracting Parties, International Institutions, and natural and legal persons, within the Global Information System. Furthermore, it was envisaged that the focus group would develop strategies to assist small Providers of PGRFA into the Global Information System and identify the need for capacity-building, and explore ways of providing it.
81. In continuation of the work on information technology developed by Bioversity International for the Treaty Secretariat and demonstrated at the Second Session of the Governing Body as a prototype, the secretariat had initiated a specific collaboration with IRRI to fully deploy the Information technology modules and make them fully operational.
82. In addition to that, a collaboration agreement with the CGDT and Bioversity International has been concluded for the development of the Global Information on Germplasm (GIG) project which aims to make information about germplasm collections around the world readily available, through the development of a global system for accessing and managing accession-level data in support of conservation and use, by linking up national, regional and international genebank databases. The project will be based on the information technology modules already developed by the Treaty Secretariat in collaboration with Bioversity International. It has been presented¹² and discussed in December 2008 at the Second IT consultation which “*welcomed the processes under way to provide global information on germplasm accessions (...) and welcomed the initiation of the GIGA project and the collaborative approach between the ITS [secretariat of the International Treaty] and project partners*”¹³.
83. The Secretariat has also collaborated with the International Cooperation Centre of Agricultural Research for Development (CIRAD) for the establishment of a stand-alone software specifically dedicated to off-line small users of plant genetic resources in order to help them to generate SMTAs and to manage their exchange locally.

3. *Brainstorming workshop on the fund-raising strategy for the Treaty*

84. In cooperation with the FAO Liaison Office in Geneva, the Secretariat further organized the “Brainstorming workshop – How to design a successful fund-raising strategy for the Treaty?”, which was held on 11 March 2009 at the Palais des Nations, Geneva, Switzerland. The brainstorming workshop aimed at gathering the experiences and views from knowledgeable experts on resource mobilization and brought together experts from the Global Fund to Fight AIDS, Tuberculosis and Malaria; the World Heritage Centre; the Global Crop Diversity Trust; the Norwegian Government; the European Seed Association; and the Community Counselling Service – CCS.
85. It was thereby possible to gather the experiences from other successful international financial

¹² IT/GB3/TCIT2/08/Inf.2

¹³ IT/TCIT-2/08/REPORT

mechanisms; to gain a better understanding of the donors' perspective in terms of what characterizes a compelling case for support and which requirements have to be fulfilled to gain donor confidence and interest; and to learn from professional fundraisers about the characteristics of successful fundraising strategies.¹⁴

4. *The Cartagena International Seminar*

86. In cooperation with the Spanish Agency for International Cooperation for Development (AECID) and the Ministry of Environment and Rural and Marine Affairs of Spain, the Secretariat organized the "International Seminar on the Implementation of the International Treaty on Plant Genetic Resources for Food and Agriculture in Latin America and the Caribbean", which took place from 28 July to 1 August 2008 in Cartagena de Indias, Colombia. The seminar brought together participants from more than eighteen countries from within the region and provided week-long training and discussion on the implementation of the Treaty at the national and regional level.

B. JOINT PROJECTS AND PROGRAMMES

1. Joint Capacity Building Programme

87. Thanks to the initial support of the Swedish International Development Cooperation Agency (SIDA) with a contribution of 1 million of USD dollars, the Joint Capacity Building Programme has been launched.
88. Even though FAO and Bioversity International are the implementation partners of the Joint Programme, the Secretary retains oversight of the project implementation and ensures that the implementation work is in accordance with the guidance of the Governing Body on implementation of the ITPGRFA. Based on available funding, assistance is provided on request to developing countries, which at the end of the project would have new draft laws, regulations and administrative practices to implement the Multilateral System.
89. An important element of the project is capacity-building among government officials, politicians, farmers and other stakeholders. In that regard, a number of sub-regional workshop were held in partnership with well recognized sub-regional organizations, such as :
- the Southern African Development Community (SADC) Plant Genetic Resources Center;
 - the Association for Strengthening Agricultural Research in Eastern and Central Africa (ASARECA);
 - the Arab League and in particular, the Arab Organization for Agricultural Development (AOAD);
 - the Regional Co-operation in Southeast Asia for Plant Genetic Resources.
90. Workshops also took place at the national level and, as a result, work plans for national assistance are under discussion with national authorities based on an initial road map of administrative arrangements for the implementation of the Treaty.

¹⁴ See IT/GB-3/09/8.

2. *Other Projects and Programmes*

91. The Secretariat has initiated discussions with the Global Initiative on Plant Breeding lead by the AGP Division to launch a project on Support to Sustainable Use of Plant Genetic Resources for Food and Agriculture in the context of the International Treaty.
92. The Secretariat has also started a project with Embrapa which would seek to document practical experiences and lessons learned for the further implementation of the Article 13.2(b) on Access to and transfer of technology, as a means to effectively meet the main goals of conservation, sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits derived from their use for sustainable agriculture and food security.
93. The Secretariat pursued a strategy of collaboration and partnership to enhance the functioning of the Treaty and achieve a better recognition of its values and innovative solutions, while not having to do the work itself. It should however be noted that establishment and maintenance of such collaboration and partnerships involves, in most of the cases, institutional and programming complexities which require dedicated time and mechanisms. Those mechanisms should make collaborations and partnerships fully instrumental to the implementation of the Treaty while linking them to the guidance of the Governing Body.

VII. POSSIBLE ELEMENTS OF A DRAFT DECISION

94. During the intersessional period, the Secretariat attended and participated to meetings and events as foreseen in the Treaty itself and upon request from international organizations, other international entities and national governments.
95. The time and effort expended in attending such meetings and strengthening the collaboration and partnership with these and other organizations is highly relevant towards the further implementation of the Treaty.
96. In the light of the above, the Governing Body may wish to adopt a decision along the following lines:

The Governing Body,

- i) **Recognizing** the importance of the cooperation between the Secretary of the Treaty and other organizations in accordance with the Treaty and the guidance of the Governing Body;
- ii) **Welcoming** the strategy of technical cooperation with relevant international institutions and entities which the Secretariat of the Treaty has employed to facilitate the implementation of the Treaty and **recognizing** that the maintenance of such partnerships constitutes a major workload and expenditure of effort by the Secretariat;
- iii) **Acknowledging** the ongoing fruitful collaboration between the Treaty and, in particular, the Convention on Biological Diversity, the International Union for the Protection of New Varieties of Plants, the United Nations Framework Convention on Climate Change, the World Health Organization, the World Intellectual Property Organization, and the World

Trade Organization;

- iv) **Recalling** the invitation made by the eight Conference of the Parties of the Convention on Biological Diversity to the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture to join the Liaison Group of Biodiversity-related Conventions;
- v) **Stressing** the need to exchange information and coordinate capacity building initiatives for implementation of the Treaty by relevant organizations and institutions;
- vi) **Welcoming** the progress made within the joint capacity building programme for developing countries set up by FAO and Bioversity International to provide technical assistance with implementation of the Treaty and in particular its Multilateral System of Access and benefit-sharing by developing countries;
- vii) **Recognizing** the need to expand the duration of the joint capacity building programme to the full biennium 2009-2010 and the number of countries that receive assistance;
 - 1. **Requests** the Secretary to continue enhancing the collaboration with other international organizations, especially the Convention on Biological Diversity in regard to the conservation and sustainable use of agricultural biological diversity, access to plant genetic resources and benefit-sharing;
 - 2. **Requests** the Secretary to continue participating in relevant meetings of the World Property Intellectual Organization, the International Union for the Protection of New Varieties of Plants and the World Health Organization;
 - 3. **Requests** the Secretary to continue overseeing the joint capacity building programme for developing countries set up by FAO and Bioversity International to provide technical assistance with implementation of the Treaty and in particular its Multilateral System of Access and benefit-sharing as well as **invites** additional funding for its expansion;
 - 4. **Requests** the Secretary to convene, in accordance with the terms of references appended to this decision, the second and third meetings of the Capacity Building Coordination Mechanism to exchange information and coordinate capacity building initiatives for implementation of the Treaty by relevant organizations and institutions as well as indicate areas where further guidance from the Governing Body may be required based on experiences and lessons learned;
 - 5. **Requests** the Secretary to facilitate cooperation for the development and strengthening of a global information system for the exchange of information, based on existing information systems, on scientific, technical and environmental matters related to plant genetic resources for food and agriculture as envisaged in Article 17 of the Treaty and in accordance with the Conclusions of the Second Technical Consultation on Information Technology Support for the

Implementation of the Multilateral System;

6. **Requests** the Secretariat to foster cooperation with other organizations and strengthen existing cooperative arrangements with a view to developing synergies and reducing inefficiencies in a manner consistent with their respective mandates, governance arrangements and agreed programs, based on available resources;

7. **Requests** the Secretary to report to the Governing Body at its next session on relevant activities undertaken by the Secretary to maintain, strengthen and extend the partnerships, synergies and cooperation with other organizations.

Appendix: Terms of Reference for the Second and Third Meetings of the Capacity Building Coordination Mechanism

Background

The Capacity Building Coordination Mechanism (CBCM) is a platform of providers of capacity building. This platform serves organizations and institutions involved in capacity building activities for the implementation of the Treaty as a central point for information exchange and coordination on capacity building initiatives.

The platform includes the actual providers of capacity building for the implementation of the Treaty, i.e. staff from international and regional organizations, non-governmental organizations, bilateral development aid agencies, private foundations as well as other stakeholders in capacity building for implementation of the Treaty.

Scope and objectives of the CBCM meetings

Based on information gathered by the Secretariat on on-going capacity building initiatives of relevance to Treaty implementation and Contracting Parties' needs and priorities for capacity building, the CBCM shall:

1. facilitate the channelling of capacity building needs and priorities, as expressed by developing countries that are Contracting Parties to the Treaty, to capacity building providers;
2. conduct a stocktaking of past and ongoing capacity building projects and programmes undertaken by national, regional and international organizations and institutions;
3. identify gaps in the geographic and thematic coverage of capacity building initiatives;
4. identify best practices and refine appropriate methodologies for the coordination of capacity building activities for Treaty implementation;
5. report to the next session of the Governing Body on its activities and indicate areas where guidance from the Governing Body may be required.