



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



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

Item 6 of the Provisional Agenda

SEVENTH SESSION OF THE GOVERNING BODY

Kigali, Rwanda, 30 October – 3 November 2017

Report of the Secretary

I. INTRODUCTION

1. This document provides a summary of intersessional processes and activities that the Secretary *ad interim* has overseen since his appointment in October 2016, as well as policy and operational developments of relevance to the preparation of the Seventh Session. It also contains an update on information and communication activities undertaken at the request of the Bureau of this Seventh Session of the Governing Body, as well as other recent developments that are not specifically covered in documents under the relevant agenda items.¹

2. The Document also provides an overview of issues and trends in the finances of the International Treaty during the biennium, while the details of the current state of the finances are provided in the document, IT/GB-7/17/27, *Financial Report on Progress of the Work Programme and Budget for the 2016-2017 Biennium*. The description of the overall approach and the proposal for the Work Programme and Budget for the next biennium are contained in the documents, IT/GB-7/17/28, *Draft Work Programme and Budget for the 2018-2019 Biennium*, and IT/GB-7/17/28 Add.1, *Draft Work Programme and Budget for the 2018-19 Biennium: Donor-supported activities under the Special Fund for Agreed Purposes*.

II. MEMBERSHIP OF THE INTERNATIONAL TREATY

3. Since the Sixth Session of the Governing Body, the Secretariat has continued its efforts to increase the membership of the International Treaty, by encouraging and providing information to

¹ Any further development occurring after the issuance of this document will be presented to the Governing Body during the session.

This document can be accessed using the Quick Response Code on this page; an FAO initiative to minimize its environmental impact and promote greener communications. Other documents can be consulted at <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/888771/>



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non-Contracting Parties on the importance of ratifying or acceding to it. As a result, over the past months, several additional countries have joined the International Treaty, which entered into force in 2016 for Guyana on 30 March, for Chile on 13 April, for Tuvalu on 6 June 2016, for Argentina on 15 August, and for Bolivia on 4 December 2016. Malta, and the United States of America became Contracting Parties on 20 February and 14 March 2017, respectively.² Antigua and Barbuda became a Contracting Party on 29 May 2017. A number of other non-Contracting Parties are well advanced in the process of joining the Treaty.

4. The Secretariat is also working closely with the country offices of FAO in non-Contracting Parties to highlight the crucial role of the Treaty within ongoing FAO cooperation programmes.

III. UPDATE ON INTERSESSIONAL MEETINGS, MAJOR PROCESSES AND RELEVANT ACTIVITIES

5. The Secretary, in response to requests from Contracting Parties, gave priority to servicing the *Ad Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-sharing (Working Group). This also included the organization and provision of support to the consultations of the four “Friends of the Co-chairs” groups – on ‘User and Crop Categories’, ‘Termination Clause’, ‘Access Mechanisms and Payment Rates’, and ‘Scope of the Multilateral System’, as well as the meetings of the Standing Group of Legal Experts.

6. There has been significant progress in the discussions in the Working Group. The outcomes of its work will form the basis of what is one of the most important and complex issues put before the Governing Body for consideration during this Session.

7. At its Sixth Session in 2015, the Governing Body requested the Working Group, *inter alia*, to consider genetic information associated with the material accessed from the Multilateral System. At its sixth meeting, the Working Group recognized the importance of this emerging issue for the field of plant genetic resources for food and agriculture. This will require further study and awareness raising focusing on the objectives of the International Treaty as well as its implications for the on-going negotiations of the enhancement of functioning of the Multilateral System. Following these indications the Secretary has organized a special information event on genomics information preceding the Seventh Session of the Governing Body, where the findings of a preliminary scoping study conducted by a team of independent experts, will be presented. The purpose of the special event is to raise awareness on the technologies revolving around genomics information and possible broad policy implications of relevance to the Treaty. Genomics information has also been discussed in the context of the Programme of Work on the Global Information System (GLIS), by the Scientific Advisory Committee. During the session, the Governing Body will consider the respective working documents reporting on considerations and recommendations made by the Working Group and the Scientific Advisory Committee.

8. The Secretary has continued to support the daily operations of the Multilateral System of Access and Benefit-sharing. As of 20 September 2017, the Data Store contains approximately 59 089 reported SMTAs, transferring more than 4.18 million accessions. According to these records, more than 6 077 individual recipients have already received material from the Multilateral System, and Easy-SMTA reached 1 592 users (organizations and individuals). Notwithstanding the current discussion on the enhancement of the functioning of the Multilateral System, the Secretary considers it of utmost importance to continue maintaining the Multilateral System as an ongoing operational

² It is to be noted that ratification by the United States of America was accompanied by the following declaration “*The United States of America understands that Article 12.3d shall not be construed in a manner that diminishes the availability or exercise of intellectual property rights under national laws*”.

mechanism, both at the level of its legal framework (SMTA operations, Article 15 Agreements, policy guidance by the Governing Body, mutual supportiveness with the Nagoya Protocol) and of its technical infrastructure. The need to guarantee essential maintenance functions for the Multilateral System, is reflected in the *Draft Work Programme and Budget for the 2018-2019 Biennium*.

9. The Secretary has particularly emphasized the support to collections held under Article 15 of the Treaty, by following the guidance received by the Governing Body at its Sixth Session on the coconut collections in Papua New Guinea and Ivory Coast, and by addressing developments with the collection hosted by the Tropical Agricultural Research and Higher Education Center (CATIE). Document, IT/GB-7/17/24, *Reports from Institutions that have Concluded Agreements with the Governing Body under Article 15 of the International Treaty*, contains information on the initiatives that the Secretary has taken in the exercise of his responsibilities under the agreements concluded under Article 15 of the Treaty.

10. Furthermore, the Secretary wishes to report that, thanks to the outstanding and timely cooperation by the Government of Costa Rica and with the joint financial support of the Secretariat and the Global Crop Diversity Trust, the Expert Task Force for CATIE that is referred to in the working document, is holding a meeting on 4-5 October. In consultation with the Government of Costa Rica, which has committed to providing short-term support to the Centre so that the collection could continue to be available to the global community, the immediate focus of the Task Force is on determining options for the orderly maintenance of the collection in accordance with the terms and conditions of the International Treaty. Based on the outcomes of the Task Force meeting, the Governing Body will receive a further update in-session.

11. During the biennium, there has been also considerable progress in updating the Funding Strategy. The *Ad Hoc* Advisory Committee on the Funding Strategy was reconvened during the biennium and held two meetings during the biennium. The Secretary supported the work of the Co-Chairs of the Committee during these two meetings and also enabled the liaison between the Committee and the Working Group, including by holding one of their meetings back-to-back in March 2017 and organizing a special event on the Funding Strategy at that time. The update of the Funding Strategy provides for the first time for a programmatic approach that intends to build synergies and linkages between different funding mechanisms. There is a large potential to increase support the Treaty implementation through a more diversified, sustainable and dynamic Funding Strategy. The updating process will need to be concluded next biennium and will still require liaison with the intergovernmental group [process] dealing with the enhancement of the Multilateral System, should it be reconvened by the Governing Body.

12. The Secretary has also given priority to implementation of the Programme of Work on the GLIS, by organizing the first meeting of the Scientific Advisory Committee at the end of November 2016, in Rome. As a follow-up to the advice provided by this Committee, the Secretary has directly consulted with the Information Technology Division (CIO) of FAO to obtain the most appropriate support for implementation of the GLIS Portal, and the provision of support to developing countries. The second meeting of the Scientific Advisory Committee took place in Rome in mid-June 2017 to review and approve, among other matters, the Guidelines for the optimal use of Digital Object Identifiers as permanent unique identifiers for Plant Genetic Resources for Food and Agriculture (PGRFA).

13. With generous support from the Government of Germany, the Secretary, in January 2017, launched the implementation of a three-year project involving a package of activities on capacity strengthening for developing countries, focused on the Global Information System, particularly in the Near East and the Africa Regions.

14. With regard to the DivSeek Initiative, and following guidance received from the Bureau, on 19 December 2016, the Secretary submitted a letter to the DivSeek Joint Facilitation Unit notifying them of the International Treaty's withdrawal in the DivSeek partnership. He also invited the

Chairperson of DivSeek to commence discussions on the scope and terms for a possible Memorandum of Understanding which would form the basis of any future relationship. Additionally, and following an invitation made by the Governing Body at its last Session, DivSeek submitted a report on its activities in relation to the Treaty objectives, as contained in the document, IT/GB-7/17/15, *Synthesis Report on the DivSeek Initiative*.

15. The Secretary oversaw the organization of the third meeting of the *Ad hoc* Technical Committee on Sustainable Use, which took place in Vienna, Austria, on 24 and 25 October 2016, back-to-back with the Fourth Meeting of the Platform for the co-development and transfer of technologies. The meeting was hosted by the Austrian Agency for Health and Food Safety (AGES), with financial support from the Governments of Italy, Norway and Switzerland.

16. On 26 October 2016, the Secretary participated in the Symposium on possible interrelations between the International Treaty and the International Union for the Protection of New Varieties of Plants (UPOV). In accordance with Resolution 5/2015, the meeting was jointly organized with the UPOV Secretariat. A report of the event is made available to the Governing Body in the document, IT/GB-7/17/Inf. 14, *Proceedings of the Symposium on Possible Interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture and the International Convention for the Protection of New Varieties of Plants*.

17. The Secretary oversaw preparations for the second meeting of the Compliance Committee, which was held in Rome on 21 and 22 February 2017. Despite the early publication of the Online Reporting System (ORS) on compliance, and the issuance of two notifications to the National Focal Points of the Treaty, as of 9 December 2016, only 12 Contracting Parties had submitted their reports in accordance with Section V of the Compliance Procedures.

18. The Compliance Committee considered the synthesis report on submissions received from Contracting Parties, and has submitted its final report for the consideration of the Governing Body at this Session, in the document, IT/GB-7/17/18, *Report of the Compliance Committee*.

19. In relation to Farmers' Rights, a number of international consultations, workshops and dialogues were convened, during the biennium, by Contracting Parties and other stakeholders, including the Global Consultation on Farmers' Rights (27 – 30 September 2016, Bali, Indonesia), the Stakeholders' Consultation for Africa (27 – 29 June 2016, Harare, Zimbabwe), the Small Group Informal Stakeholders' Consultation on Farmers' Rights (28 May 2016, Geneva, Switzerland). The Secretariat also conducted an online survey on the implementation of Farmers' Rights from 1 June to 15 August 2016. Further details can be found in the document IT/GB-7/17/17, *Report on Implementation of Article 9, Farmers' Rights*. The Secretary is pleased to report that the contents of the Educational Module on Farmers' Rights, referred to in Resolution 5/2015 of the Governing Body, has been completed and published.

20. A large number of meetings were held under the International Treaty during the biennium, for which the Secretariat produced and published over 180 meeting documents (120 for 18 formal meetings), comprising about 50 Working documents; 46 Information documents; 12 Reports; 12 other documents, as well as numerous documents for the meetings of the Friends of the Co-Chairs of the Working Group and the Standing Group of Legal Experts. For the current session of the Governing Body, around 54 documents are submitted to the Governing Body for consideration, 32 of them are working documents that are translated in FAO's official languages.

IV. UPDATE ON INFORMATION AND COMMUNICATION

21. During 2016, with the guidance of the Bureau of this Seventh Session, the Secretary undertook a number of communications and awareness-raising activities. These activities were

undertaken with the support of the Technical Officers of the Secretariat. The International Treaty is the only Biodiversity-related Convention without a dedicated communication officer and defined communication strategy. To address this gap in recent months, the Secretariat has worked in close collaboration with FAO's Office of Corporate Communication (OCC) and engaged the support of an external communications consultant on an *ad hoc* basis.

22. In 2016, the website of the Treaty was migrated and is now hosted within the broader FAO platform.³ The site uses FAO's corporate template and complies with the internal communications policy. It was launched on 12 September 2016 and is fully available in Arabic, English, French and Spanish. Most of the content is also available in Chinese and Russian; the Secretariat is continuing its work to enable full navigation in these languages.

23. All documents produced by the Secretariat since 2007 have now been placed in the FAO Corporate Document Repository, including 200 publications and more than 750 meeting documents.

24. The website features a new country profile section and improved access to information on projects funded by the Benefit-sharing Fund. In 2016, the Secretariat added a collection of 85 videos to the FAO YouTube Channel,⁴ and expect to benefit from existing social media capacity through FAO's communications.

25. The Secretariat organized a number of technical briefings and side events on the occasion of several large international meetings. These included the European Seed Association General Assembly in Rome, in October 2016, the Marrakech Climate Change Conference in November 2016, the United Nations Biodiversity Conference in Cancun in December 2016, and the Sixteenth Session of the Commission on Genetic Resources for Food and Agriculture, held in Rome from 30 January to 3 February 2017. Additional information on these events can be found in the document IT/GB-7 Bureau 2/17/4, *Partnerships and collaborations*. The Secretariat also organized in May 2016 and 2017 events to observe the International Day for Biological Diversity in Geneva and Rome respectively.

26. To increase the visibility of the Benefit-sharing Fund, the Secretariat published a 13-page information booklet on the *Benefit-sharing Fund – Crop Diversity for Food Security*.⁵ It explains the importance and impact of the activities funded in the context of climate change, and in relation to the work of other international instruments. In 2016, the Secretariat also published an updated Case for Support and Call for Funding brochure which communicates the urgency and importance of the Treaty's mission and the BSF's full range of funding priorities, including in the context of the SDGs and Paris Accord on Climate Change.⁶ This included an updated map published by the Secretariat that presents a country overview of Fund coverage across the three funding cycles. The Treaty Secretariat is also finalizing the *Report on the Execution of the Second Project Cycle of the Benefit-sharing Fund*, which offers an overview of the impacts of the project portfolio and contains the latest updated figures received in December 2016.

27. The Secretariat is soon to finalize and publish online a series of nine thematic fact sheets on key Treaty mechanisms and focus areas, containing updated figures and key messages. The fact sheets are intended for a general audience.

28. In preparing for sessions of the Governing Body, the Secretariat updates the communications themes, redefines key messages and develops new communications products and services, in collaboration with FAO's Office of Corporate Communication and the support of experienced consultants.

³ <http://www.fao.org/plant-treaty/en/>

⁴ <https://www.youtube.com/playlist?list=PLzp5NgJ2-dK4fcaD4jZc4JxXcdfQsPyhz4>

⁵ Available at: <http://www.fao.org/3/a-bb146e.pdf>.

⁶ Available at: <http://www.fao.org/3/a-bq618e.pdf>.

29. In recognition of the critical importance of communication and the major shortcoming of dedicated resources in the Secretariat, the Bureau requested the Secretary to produce a communication strategy for the Governing Body and make provision for the position of a communication officer in the proposal for the Work Programme and Budget of the Governing Body during this Session.

V. FINANCIAL UPDATE

30. The Secretary has prepared the document, IT/GB-7/17/27, *Financial Report on Progress of the Work Programme and Budget for the 2016-2017 Biennium*. It provides an overview of the status of the Treaty's finances at period-end, together with information that may be pertinent when considering future needs resulting from growth of the Treaty. The Secretary is committed to increasing transparency and accountability in the use of resources within the framework of the Financial Rules of the Treaty and the financial system of FAO. In the spirit of increased transparency and accountability, the document contains significantly more details than previous reports.

31. The document covers the following subjects:

- a. Funding of the Core Administrative Budget, from both the FAO contribution and voluntary contributions from Contracting Parties;
- b. Receipt of contributions from Contracting Parties;
- c. Treaty core revenue;
- d. Expenditures under the Core Administrative Budget;
- e. The Working Capital Reserve;
- f. The Third Party Beneficiary Operational Reserve.

32. The provisional sum made available to the Treaty from FAO for the 2016-17 budget was revised down to US\$1.95 million from the \$2 million originally envisaged. In accordance with Financial Rule 8.2, the Secretariat publishes the certified financial statement of expenditures online.⁷ These statements contain detailed information on the status of the Special Fund for Agreed Purposes, including a comparative analysis with previous years.

33. The Secretariat also publishes the state of contributions to the Core Administrative Budget and the amounts received on the Treaty's website. As of 31 December 2016, Contracting Parties had contributed \$2.52 million, including contributions to the Working Capital Reserve and Third Party Beneficiary Operational Reserve. This figure represents approximately 48 percent of the contributions expected from Contracting Parties. Since the Audited Accounts of FAO for 2016 will be published later in 2017, the figures contained in the statements should be considered as provisional, and subject to final adjustment.

34. In October 2016, the Secretary informed Contracting Parties of the significant depletion of resources in the Special Fund to Support the Participation of Developing Countries in Treaty meetings, and called for contributions. It was a difficult effort to mobilize resources to provide travel support to developing countries for this Session of the Governing Body. In the absence of further contributions, it

⁷Available at <http://www.fao.org/plant-treaty/countries/status-of-contributions/en/>.

is now evident that the Fund will not be able to provide travel support to ensure the participation of developing countries in the subsidiary bodies of the Governing Body in the coming biennium.

35. Throughout the biennium, the Secretary has updated the Bureau on the progress of resource mobilisation efforts for the Fourth Call for Proposals of the Benefit-sharing Fund, and the lessons learned in efforts to reach the envisaged funding target. At the time of writing, the sum of \$5.5 million is anticipated to be available for the launch of the Fourth Call. Key lessons reported to the Bureau in March 2017 included changes in global funding trends, the need to evolve and adapt to the current donor landscape and to focus more effort on collaborating and coordinating to raise awareness of PGRFA more broadly across the sector. It is considered that resource mobilization efforts would benefit greatly from a longer-term and broader Treaty communication strategy, which gives greater visibility and credibility to the Treaty, its Benefit-sharing fund and its unique value-addition to the sector.

VI. RELEVANT ISSUES AND OUTCOMES FROM OTHER FAO BODIES

36. Further to the decisions of the FAO Council at its 155th Session on the Enhanced Technical Capacity and Consolidation of Programme Management Arrangements in 2016-17,⁸ the Director-General established the new Climate, Biodiversity Land and Water Department. These changes reflect the strategic importance of FAO's support to climate change resilience, adaption and mitigation, and to biodiversity.

37. The new department now hosts both the Secretariat of the International Treaty, which was transferred from the Agriculture and Consumer Protection Department, and the Secretariat of the Commission on Genetic Resources for Food and Agriculture (CGRFA). It is expected that the hosting of the International Treaty and the CGRFA Secretariats in the same department will generate programmatic complementarities and increase collaboration and synergies. The new department is headed by Mr René Castro, who has already established an excellent working relationship with the staff of the Treaty Secretariat, and pledged his full support for its activities and mandate.

VII. GUIDANCE SOUGHT

38. The Governing Body is invited to note these developments and to provide any guidance it considers appropriate on the range of relevant issues raised in this document.

⁸Available at <http://www.fao.org/3/a-mr901e.pdf>.