



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



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

Item 13 of the Provisional Agenda

SEVENTH SESSION OF THE GOVERNING BODY

Kigali, Rwanda, 30 October – 3 November 2017

Synthesis Report on the DivSeek Initiative

Executive Summary

This document provides an update on the status of the relationship between the International Treaty and the DivSeek Initiative. It also contains the report received from DivSeek stakeholders on the implications of the technologies underlying the DivSeek initiative for the objectives of the International Treaty, as requested by the Governing Body in Resolution 3/2015.

Guidance Sought

The Governing Body is invited to consider this update, note the Report and provide guidance on future collaboration and relationship with the DivSeek Initiative.

*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/](http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/888771/)*



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I. INTRODUCTION

1. DivSeek is an Initiative open to institutions from all relevant sectors that connects mainly public and academic organizations with the goal “*to cross-link, support and add value to individual activities that harness the power of crop diversity for food and nutritional security and societal and economic benefits by enabling breeders and researchers to mobilize genetic variation in order to accelerate crop improvement*”.¹
2. According to its charter, the DivSeek Initiative is governed by an Assembly of partners that meets, usually, once a year. Its governance structure also includes a Steering Committee of eight members from academic and research institutions plus a chairperson.
3. By Resolution 8/2015, on policy guidance to the Global Crop Diversity Trust, the Governing Body recognized that DivSeek contributes to the Global Information System of the International Treaty and, while encouraging synergies, emphasized the Governing Body’s mandate and standard-setting capacity.²
4. During the 2014-15 biennium, the Secretariat and the Global Crop Diversity Trust participated in the activities of DivSeek, temporarily, through a Joint Facilitation Unit (JFU), established to deal with its daily operations, with inputs from the CGIAR Consortium and the Global Plant Council.
5. By Resolution 3/2015, the Governing Body also “*Note[d] that the Secretariat participate[d] in the Joint Facilitation Unit of the DivSeek initiative, with the view to enabling synergies with the Global Information System in full respect of the provisions of the Treaty, and request[ed] the Secretary to continue doing it*”³.
6. The Governing Body “*further request[ed] the Secretary to invite DivSeek stakeholders to report on the implications for the objectives of the Treaty of the technologies underlying the DivSeek initiative and to compile a synthesis report on this for consideration by the Governing Body at its Seventh Session*”.
7. This document provides an updates on the status of the relationship with the Divseek Initiative and contains the report received from the DivSeek Stakeholders and invites the Governing Body to provide guidance as necessary.

II. RELATIONSHIP WITH DIVSEEK

8. During discussions in December 2015 to design a new institutional framework for the DivSeek Initiative, the Steering Committee considered changes to the Joint Facilitation Unit. In March 2016, the Chairperson of DivSeek informed the Secretary of the International Treaty of the proposal of the Steering Committee to transfer the functions of the Joint Facilitation Unit (JFU) to an interim Executive Team Leader.
9. The Bureau of the Seventh Session took note of the proposal for the dissolution of the DivSeek Joint Facilitation Unit. The Bureau recognized possible mutual benefits for the International Treaty and DivSeek, particularly in the context of the implementation of the Global Information System. The Bureau was of the view that if the JFU was dissolved, the International Treaty should not continue participating in the initiative as a full partner but could engage in the development of terms of

¹ The Initiative lists 68 partners on its website on June 2017, mainly research institutions, universities and other national and international bodies and institutions.

² See <http://www.fao.org/3/a-bl147e.pdf>

³ See <http://www.fao.org/3/a-bl140e.pdf>

a partnership, including through a Memorandum of Understanding, to be considered by the Governing Body at its Seventh Session. The Bureau indicated that it would welcome DivSeek recognising the work of the International Treaty.

10. After consultation with the Bureau and other FAO offices, the Secretary sent a letter to the Chairperson of DivSeek indicating potential areas of collaboration should the JFU would be dissolved.

11. At its annual meeting, held in July 2016, in Saskatoon, Canada, the Partners Assembly modified the DivSeek Charter and decided to dissolve the JFU and to create a Coordination Unit. Subsequently, the Secretary communicated to the Chairperson the withdrawal from the Initiative as a full partner, but wished to retain an observer status pending the conclusion of new terms of relationship.

12. In September 2016, the Chairperson of DivSeek invited the Treaty “*to explore future interactions*” and synergies for the achievement of common objectives. The DivSeek Chairperson also welcomed the setting up of a process to establish a Memorandum or other terms of relationship.

13. Following further guidance received from the Bureau, the Secretary initiated discussions for the definition of the scope and the terms for the preparation of a memorandum of understanding.

14. The Scientific Advisory Committee for the Global Information System was also invited to consider the DivSeek report at its second meeting 13-14 June 2017. The Committee supported the development of a Memorandum of Understanding, and noted that it may also be desirable to develop equivalent Memoranda with other organizations managing existing systems holding PGRFA-related information.

15. At the time of preparation of this document, the scope and terms of a possible Memorandum of Understanding are still under discussion, while the initiative is still exploring options for a hosting arrangement or a legal entity that would give it the legal persona to operate.

III. REPORT FROM THE DIVSEEK INITIATIVE

16. In December 2016, the Secretary of the International Treaty communicated to the Steering Committee of DivSeek, the invitation to report to the Seventh Session of the Governing Body contained in Resolution 3/2015.

17. In March 2017, the Secretary received the report and circulated it to the national focal points of the Treaty and through a notification posted on the website of the International Treaty.⁴ The report is contained in the Appendix to this document.

18. In submitting the report, the Chairperson of DivSeek informed the Secretary that the text draws on the discussions at the meeting, “Plant genetic resources and the Sustainable Development Goals: needs, rights and opportunities”, held on 28 November – 2 December 2016, at the Rockefeller Bellagio Conference Center, Lake Como, Italy. It also draws on inputs sought from DivSeek Partners and stakeholders following the DivSeek roundtable held on the 13 January 2017, in San Diego, USA.

19. The report by DivSeek stakeholders noted that the technologies underlying DivSeek have the potential to bring major benefits to all the objectives of the International Treaty, i.e. the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising out of their use. It also noted that this potential could be realised only if

⁴ Notification “NCP GB7-019 DivSeek Report”, available at: <http://www.fao.org/3/a-br590e.pdf>

the technologies are integrated with the many other components of sustainable agriculture, and if the non-monetary benefits are appropriately directed.

20. The report also noted that knowledge acquired from the study of PGRFA is transferable between samples of PGRFA. Such knowledge acquired from the study of a PGRFA sample accessed from the MLS can be applied to develop products that do not incorporate material accessed from the MLS. Such products would not trigger the obligations listed under SMTA article 6.7. DivSeek notes that this applies to all forms of knowledge acquired from the study of PGRFA, not only to knowledge acquired through the technologies underlying DivSeek.

IV. GUIDANCE SOUGHT

21. The Governing Body is invited to:

- ***Consider*** the information contained in this document on the relationship with the DivSeek Initiative;
- ***Note*** the Report of the DivSeek Initiative; and
- ***Provide*** any further guidance it considers appropriate regarding the future relationship with the DivSeek Initiative.

*Appendix***The implications for the objectives of the Treaty of the technologies underlying the DivSeek initiative**

A report by DivSeek stakeholders to the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty)⁵

A. Summary and conclusions

1. The technologies underlying DivSeek⁶ have the potential to bring major benefits for the objectives of the Treaty. They have the power to transform our ability to better conserve Plant Genetic Resources for Food and Agriculture (PGRFA) and our ability to more sustainably use PGRFA. They can bring major enhancements to the fair and equitable sharing of benefits. In addition, by participating in the use of Digital Object Identifiers (DOIs) for Plant Genetic Resources (PGR), the information systems developed by DivSeek partners can contribute to the Global Information System, a key supporting component of the Treaty.

B. Background to DivSeek

2. DivSeek is a research community-driven effort that aims to apply digital data and information to unlock the potential of crop diversity around the globe for food and nutritional security, and to work with other stakeholders to contribute positively to the social and economic well-being of individuals, communities, and societies. The mission of DivSeek is to bridge the information requirements of genebank curators, plant breeders, farmers and upstream biological researchers to facilitate the use of plant genetic resources for accelerated crop improvement, thus contributing to the global effort to enhance farmers' ability to provide food and agricultural products for a growing human population.

3. DivSeek aims to collaboratively establish a worldwide community of practice that defines standards regarding the acquisition, storage, retrieval and analysis of digital data related to plant genetic resources. These data may comprise digital data from various disciplines. At this stage, the types of data and information envisioned would include DNA sequence and methylation, phenotypic characterization and variety identification, agronomic /ecological adaptation and value for cultivation and use (phenotypic information is used here in its broadest sense, including biochemical, physiological and anatomical as well as morphological information, gene expression and transcriptomics, metabolomics, proteomics, and phenomics). The scope of digital data may evolve as DivSeek gains momentum. DivSeek will assist the community to integrate and cross-reference data from diverse projects and disciplines, make information broadly available, and make data access more user-friendly.

⁵ This report is being submitted in response to an invitation issued by the Secretary of the Treaty "to report on the implications for the objectives of the Treaty of the technologies underlying the DivSeek initiative," in compliance with resolution 3/2015 para 6 of the Governing Body of the Treaty. The first draft of the report draws heavily on the discussions at the meeting "Plant genetic resources and the Sustainable Development Goals: needs, rights and opportunities", funded by the Rockefeller Foundation 28 November – 2 December 2016, which brought together a small number of participants with very divergent perspectives and expertise, including stakeholders with no direct association with DivSeek. Further inputs were sought from DivSeek Partners and other participants at and after the DivSeek roundtable meeting in San Diego California 13 January 2017. Numerous partners provided input over several iterations, resulting in extensive revisions. The report was finalised by members of the DivSeek Steering Committee in consultation

⁶ The technologies referred to here are those used by DivSeek partners and the wider research community to organize and disseminate digital data and information about PGRFA in a user-friendly way.

4. As a community of practice, DivSeek does not sequence genomes, manage germplasm collections, construct databases or store any data. Rather, these activities are undertaken by DivSeek partners who independently acquire project funding. Under the umbrella of DivSeek, partners form Working Groups to bring together a broad range of expertise and experience via the projects in which they are involved. The Working Groups are the primary mechanism by which DivSeek partners actively advance the mission and aims of DivSeek. The goal of the Working Groups is to increase the efficiency and impact of projects undertaken by DivSeek partners, limit redundancy of effort, enhance the potential for data integration and interoperability, and ensure appropriate association of digital data with plant germplasm.

C. The objectives of the Treaty

5. The Treaty has three objectives as defined in Article 1.1:

- 1) the conservation of PGRFA;
- 2) the sustainable use of PGRFA;
- 3) the fair and equitable sharing of the benefits arising out of [the use of PGRFA], in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security.

6. This report considers the implications of the technologies underlying DivSeek for these objectives, as elaborated in relevant articles of the Treaty, namely:

- 1) Article 5 defines the obligations of Contracting Parties to promote, subject to national legislation, an integrated approach to the exploration, conservation, and sustainable use of PGRFA. Article 5.1 calls for six specific activities in this area, and article 5.2 calls for steps to minimize or eliminate threats to PGRFA.
- 2) Article 6 defines the obligations of Contracting Parties to develop and maintain appropriate measures that promote the sustainable use of PGRFA, including seven suggested measures outlined in article 6.2.
- 3) Article 13 defines the provisions for benefit-sharing in the Multilateral System of the Treaty, through five modalities specified in Articles 13.1 and 13.2. Article 13.3 specifies that benefits “should flow primarily, directly and indirectly, to farmers in all countries, especially in developing countries, and countries with economies in transition, who conserve and sustainably utilize PGRFA.”

D. Implications for the conservation of PGRFA

7. One major challenge for safeguarding the diversity of PGRFA is to quantify that diversity. As conventionally defined and measured, diversity is comprised of three dimensions: (1) the number of entities (species, varieties, etc.) (2) the evenness of their representation and (3) the distinctness between entities. Modern varieties, particularly those protected by plant breeders’ rights, are typically subjected to “DUS” tests to demonstrate that they are Distinct from all other varieties, genetically Uniform within and between samples, genetically stable from generation to generation, and that they are named uniquely. Hence one modern cultivar corresponds to one genetic entity (within limits determined by the breeding and propagating system of the species), and the cultivar name thus serves as the basis for assessing all components of diversity.

8. Traditional varieties, on the other hand, are by their very nature genetically variable within and between samples and from year to year. This is an essential element of their adaptability. Moreover, there is generally no regulatory system governing the names of traditional varieties. Thus, the same genetic entity can be assigned different names (synonyms) by different communities, and different genetic entities can be assigned the same name (homonyms), making it difficult to measure the diversity of traditional varieties, based on such local names. Many attempts have been made to design meaningful indicators but, to date, it has been difficult to quantify diversity in any reliable way without further knowledge of the genetic makeup of these materials. If we cannot quantify the diversity existing in situ and the diversity conserved ex situ, we cannot quantify gaps or risks to

conservation or set priorities objectively. This information gap is something DivSeek is keen to address.

9. The technologies utilized by DivSeek partners and the wider research community make it possible, for the first time, to quantify genetic diversity objectively and fully in terms of DNA sequence diversity. We can identify the genes in a crop gene pool, in all their variants and organization. This will transform our ability to conserve PGRFA rationally, efficiently and effectively, both in situ and ex situ. Member countries and local and indigenous communities will be able to use these analyses and information to quantify more accurately and holistically the diversity they hold in situ, identify diversity that is most at risk and identify which diversity is unique to the country, community, or farmer. Such information will enable stakeholders to partner on developing conservation priorities. Monitoring in situ populations at the gene level also allows the study of how populations respond to change of temperature, water, fertilizer, nutrients, management etc. It will facilitate better dynamic conservation of genetic diversity responding to climate change. Genebanks will be better able to quantify success in conserving diversity ex situ, objectively identify gaps and unnecessary duplication, and design cost-effective strategies for conservation. By facilitating the use of this information, DivSeek hopes to bring a quantum leap forward in the ability of the Treaty to address its objective of conserving PGRFA.

E. Implications for the sustainable use of PGRFA

10. One component of sustainable use is to develop improved varieties (including farmer-bred varieties) to address hunger and malnutrition, and adapt agriculture to climate change. This includes broadening the genetic base used in breeding, combining the yield potential of exotic varieties with local varieties adapted to specific environments, as specified in Treaty Article 6. The technologies underlying DivSeek will enable us to develop improved varieties much more rapidly and effectively.

11. However, developing improved varieties will lead to sustainable use only if appropriately deployed in farming systems that are economically, socially and environmentally sustainable. The goal is not only to produce more and better food but also to ensure that improved agricultural productivity also improves the livelihoods of the poorest farmers and that sufficient volumes of nutritious food reach the poor, hungry, malnourished and needy, through systems that are resilient and adaptable, meeting market needs and responding to emerging challenges and opportunities.

12. Thus the technologies underlying DivSeek have the potential to greatly enhance the sustainable use of PGRFA, but only if integrated with the many other components of sustainable agriculture.

F. Implications for the fair and equitable sharing of the benefits arising out of the use of PGRFA

1. Facilitated access to PGRFA is itself recognized as a major benefit (Article 13.1).

13. As discussed above, the technologies underlying DivSeek will enable DivSeek partners to contribute to increasing the rate of crop improvement, by helping to identify the genotypes that underpin desirable crop traits. Provided this work is integrated with the broader programme of work on sustainable use, the benefits to farmers in developing countries will be enhanced.

2. Information on PGRFA in the Multilateral System is to be made available through the Global Information (GLIS) System of the Treaty, as provided for in Article 13.2a.

14. DivSeek is based on and underpinned by the sharing of information on PGRFA and thus directly enhances benefit-sharing through this mechanism. In addition, at the DivSeek Assembly in

June 2015, DivSeek partners agreed in principle to promote the system of Digital Object Identifiers (DOIs) being developed within the 6-year programme of work on the GLIS adopted by the Governing Body at its sixth session (GB6 resolution 3/2015). DivSeek's positive contribution to this benefit-sharing mechanism could be enhanced by formalizing the role of DivSeek as contributing to the Treaty's GLIS in a form of a collaborative agreement.

3. Access to and transfer of technology. Contracting Parties undertake to provide and/or facilitate access to technologies for the conservation, characterization and use of PGRFA which are under the multilateral system, as provided for in Article 13.2b.

15. The technologies underlying DivSeek present new opportunities for access to and transfer of technology. Such activities are undertaken by DivSeek partners as appropriate to their own missions and mandates and in accordance with their funding situation and relationship to the Treaty. There could be an opportunity to promote such technology transfer at the level of the whole DivSeek community.

4. Capacity building, as provided for in Article 13.2c.

16. Similarly, the technologies underlying DivSeek present new opportunities for capacity building. Such activities are undertaken by DivSeek partners as appropriate to their own missions and mandates and in accordance with their funding situation and relationship to the Treaty. There could be an opportunity to promote such capacity building at the level of the whole DivSeek community.

5. Sharing of monetary and other benefits of commercialization.

17. Under 13.2(d)(i) Contracting Parties agree to take measures to achieve commercial benefit-sharing through certain means identified in that article. To the extent that the technologies underlying DivSeek enhance, as appropriate, opportunities for generating commercial benefits, these have the potential to expand opportunities for Contracting Parties to enhance commercial benefit-sharing.

18. Under 13.2(d)(ii), a recipient who commercializes a product that is a PGRFA and that incorporates material accessed from the MLS, shall pay into the Benefit-Sharing Fund an equitable share of the benefits arising from the commercialization of that product, except whenever such a product is available without restriction to others for further research and breeding, in which case the recipient who commercializes shall be encouraged to make such a payment. To the extent that the technologies underlying DivSeek will enhance opportunities for generating such products, additional opportunities for generating monetary benefits that will accrue the Benefit-Sharing Fund might also arise.

19. DivSeek notes that knowledge acquired from the study of PGRFA is transferable between samples of PGRFA. Such knowledge acquired from the study of a PGRFA sample accessed from the MLS can be applied to develop products that do not incorporate material accessed from the MLS. Such products would not trigger the obligations listed under SMTA article 6.7. DivSeek notes that this applies to all forms of knowledge acquired from the study of PGRFA, not only to knowledge acquired through the technologies underlying DivSeek.