



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



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

Item 12 of the Provisional Agenda

TENTH SESSION OF THE GOVERNING BODY

Rome, Italy, 20–24 November 2023

Report of the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture to the Tenth Session of the Governing Body

Note by the Secretary

At its Ninth Session, the Governing Body reconvened the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (ACSU) to:

- i. provide inputs to the Secretariat for the revision and finalization of the Concept Note of the Joint Programme; and*
- ii. develop suggestions on future strategies to address the bottlenecks identified in the Background Study, for the consideration of the Governing Body at its Tenth Session.*

This document contains the Report of the ACSU to the Tenth Session of the Governing Body on the outcomes of its work pursuant to its Terms of Reference.

The Report on the Implementation of Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture is provided in the document, IT/GB-10/23/12, which also contains draft elements for a Resolution for consideration and adoption by the Governing Body.

Guidance Sought

The Governing Body is invited to consider the Report of the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture, and to provide further guidance for the implementation of Articles 5 and 6 of the International Treaty, taking into account the recommendations of the Committee, as well as the elements for a draft Resolution contained in the document, IT/GB-10/23/12.

**REPORT OF THE AD HOC TECHNICAL COMMITTEE ON
CONSERVATION AND SUSTAINABLE USE OF PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE TO THE TENTH SESSION
OF THE GOVERNING BODY**

I. INTRODUCTION

1. The Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (ACSU or Committee) was reconvened by the Governing Body through Resolution 6/2022.
2. Pursuant to its Terms of Reference, the Committee was requested to:
 - iii. Provide inputs to the Secretariat for the revision and finalization of the Concept Note of the Joint Programme;
 - iv. Develop suggestions on future strategies to address the bottlenecks identified in the Background Study, for the consideration of the Governing Body at its Tenth Session.
3. In reconvening the Committee, the Governing Body decided that, subject to the availability of financial resources, the Committee may hold up to two virtual meetings in 2023.
4. The Governing Body also requested the Committee to report on its work at its Tenth Session.
5. In accordance with the Terms of Reference of the Committee, the Bureau of the Tenth Session appointed Ms. Patricia Gadaleta (Argentina) and Mr. Pesach Lubinsky (USA) as the Co-chairs of the Committee.
6. The Committee held its seventh meeting on 14 and 15 March 2023, and its eighth meeting on 5 and 6 July 2023, both in virtual modality.
7. This report describes the outcomes of the work undertaken by the Committee pursuant to its Terms of Reference.

**II. POSSIBLE JOINT PROGRAMME ON BIODIVERSITY IN
AGRICULTURE FOR SUSTAINABLE USE OF PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE**

8. At its seventh and eighth meetings, the Committee provided inputs, comments, and guidance to the Secretary for the revision of the draft Concept Note of the Joint Programme on Biodiversity in Agriculture for Sustainable Use of Plant Genetic Resources for Food and Agriculture (the Joint Programme).
9. The Committee made several suggestions for revising the Concept Note of the Joint Programme, in particular, to clarify its objective, expected outcomes, areas and levels of actions, added value, governance and management, and implementation. The Committee also emphasized the importance of the Joint Programme to be action- and results-oriented and agreed on the need to suggest activities and milestones for each area of action of the Joint Programme.
10. The Committee noted the substantial improvements made by the Secretariat in revising and updating the Concept Note of the Joint Programme by incorporating all the suggestions made by the Committee.
11. The Committee agreed that the Joint Programme should take into account the Kunming-Montreal Global Biodiversity Framework (GBF), recently adopted by the fifteenth meeting of the Conference of Parties to the Convention on Biological Diversity.
12. The revised Concept Note of the Joint Programme will be presented to the Tenth Session of the Governing Body, in a working document, for the consideration and possible endorsement of the Governing Body.

III. FUTURE STRATEGIES TO ADDRESS THE BOTTLENECKS TO THE IMPLEMENTATION OF ARTICLES 5 AND 6 OF THE INTERNATIONAL TREATY

13. The Committee commended the work of the Secretariat, for providing a document with comprehensive information, including elaborating methodological approaches and activities that can be carried out in implementing each of the possible future strategies.¹ The Committee incorporated textual suggestions to the summary information, which covers the following future strategies:

- Possible development by the Committee of voluntary guidelines on the implementation of Articles 5 and 6 of the International Treaty;
- Elaboration of an inclusive process to develop voluntary guidelines during the next biennium, possibly including a global symposium and expert input or small groups to address each type of bottleneck;
- The development of a mechanism to identify the levels and forms of implementation and supporting countries in need of support in implementing Articles 5 and 6, according to specific contexts and local needs.

14. The Committee recommends that the Governing Body endorse the above-mentioned future strategies to address the bottlenecks and challenges to the implementation of Articles 5 and 6 of the International Treaty, as provided in the *Annex I*, and provide any further guidance it deems appropriate.

IV. RECOMMENDATIONS AND POSSIBLE FUTURE STRATEGIES ON THE IMPLEMENTATION OF ARTICLES 5 AND 6

15. The Committee recommends that the Tenth Session of the Governing Body:

- consider and endorse the Concept Note of the Joint Programme on Biodiversity, as provided in the document, IT/GB-10/23/12.2;
- endorse the Future Strategies as provided in *Annex I*
- and provide any further guidance it deems appropriate.

16. The Committee further recommends that the Governing Body reconvene the Committee for the biennium 2024 – 2025 and provided input to the Secretary on possible terms of reference, as provided in *Annex II*, which will also be included in a draft Resolution for the consideration of the Governing Body at its Tenth Session.

¹ IT/GB-10-ACSU-8/23/3

Annex I

Summary information on Future Strategies to address the bottlenecks to the implementation of Articles 5 and 6 of the International Treaty²

- *Development of voluntary guidelines on the implementation of Articles 5 and 6 of the International Treaty*

What are voluntary guidelines?

1. Voluntary guidelines are non-prescriptive and can be a reference, tool, or set of principles and internationally accepted standards for responsible practices.³ They are focused on promoting and facilitating better implementation by providing a framework that States can use when developing their strategies, policies, legislation, programmes, and activities. They allow government authorities, the private sector, civil society, and citizens to assess whether their proposed actions and the actions of others constitute acceptable practices.
2. In FAO, almost all sectoral programmes and thematic areas have developed and endorsed policy recommendations, frameworks of action, voluntary guidelines or options.
3. FAO has prepared voluntary guidelines on a wide range of topics related biodiversity for food and agriculture, including the right to adequate food, and many other areas in natural resources management.⁴ Some of the voluntary guidelines and frameworks, endorsed by FAO, that are of relevance to Articles 5 and 6 of the International Treaty.⁵
4. Within the International Treaty, the most recent and relevant process that may be exemplary was the development of the *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*.⁶

What could the voluntary guidelines for implementing Articles 5 and 6 cover?

5. The voluntary guidelines⁷ for implementing Articles 5 and 6 can, for instance, primarily focus on providing practical solutions to address the commonly encountered bottlenecks and challenges in the conservation and sustainable use of PGRFA. The practical solutions shall serve as a guide and can be tailored by the intended users,⁸ according to their specific contexts and needs.
6. In preparing the voluntary guidelines, it may include components or elements such as:
 - Definition of key terms and concepts;
 - Description of the purpose and objectives of the voluntary guidelines;
 - Provision of an overview of its scope, contents, and the bottlenecks and challenges to the implementation of Articles 5 and 6;
 - Description of the possible framework of the voluntary guidelines – how these guidelines including examples, can possibly address the bottlenecks and challenges, and their linkages, relevance, and opportunities to support the broader national plans and programs as well as in support to relevant international instruments;

² Reproduced from the document, IT/GB-10/ACSU-8/23/3, reflecting the textual suggestions of the Committee

³ Based on the existing FAO Voluntary guidelines

⁴ There is an extensive list of voluntary guidelines within FAO, for example:

- The Commission on Genetic Resources for Food and Agriculture develops codes, standards, guidelines, voluntary guidelines, available at: www.fao.org/cgrfa/policies/global-instruments/codes-standards-and-guidelines/en/;
- The Committee on World Food Security develops and endorses policy recommendations and guidance on a wide range of food security and nutrition topics, available at: www.fao.org/cfs/policy-products/en/

⁵ Page 7 of IT/GB-10/ACSU-8/23/3, Appendix 1. Available at: www.fao.org/3/cc6693en/cc6693en.pdf

⁶ In 2022, the *Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty*, was noted by the Governing Body at its Ninth Session. Available at: www.fao.org/3/cc4085en/cc4085en.pdf

⁷ The term “voluntary guidelines” means a set guiding notes, actions and activities that can be chosen voluntarily. Guidelines and similar documents within FAO aim to assist countries to achieve objectives of international agreements or to assist countries to achieve specific objectives.

⁸ Such as, Contracting Parties, public and private institutions, policymakers, civil society organizations, development practitioners and interested stakeholders working on conservation and sustainable use of PGRFA.

- Indication of how the voluntary guidelines can be operationalised, implemented, monitored, and evaluated, and by whom; and
- The inclusive and participatory process/approach for the preparation of the voluntary guidelines, or how the guidelines were developed.
- ***Elaboration of an inclusive process to develop voluntary guidelines during the next biennium, possibly including a global symposium and expert input or small groups to address each type of bottleneck;***

7. At the last meeting of ACSU, members and experts expressed the following views and ideas that may be useful to ensure an inclusive process in the development of voluntary guidelines on the implementation of Articles 5 and 6:

- Conduct of a global symposium
- Conduct of regional consultations
- Call for regional expert groups by thematic area, as per identified bottlenecks in the Background Study

8. In addition to the above ideas, the Secretariat outlines an overview of possible pathways to elaborate an inclusive process, as follows:

- Commission a small team of consultants that will lead the preparation of:
 - (i) an annotated outline of the voluntary guidelines;
 - (ii) provide inputs to the bottlenecks and challenges that will feed into the development of the voluntary guidelines; and
 - (iii) a zero-draft document.
- Establish a small Working Group (or Expert Group) with regional representative experts, with terms of reference, among others, to:
 - (i) provide ideas on the process of elaborating the guidelines; and
 - (ii) provide expert inputs to the content of the voluntary guidelines.
- Develop a work plan/timeline for implementing a step-wise elaboration of developing the voluntary guidelines.

9. Furthermore, the development of the voluntary guidelines or options shall follow an inclusive and participatory process, including capitalizing on the analysis of each bottleneck and challenge, organizing a series of regional consultations, and a symposium, as suggested by the Committee. An outline of the possible work plan and activities to elaborate an inclusive process for developing the voluntary guidelines is presented below:

Possible work plan for elaborating the development of the voluntary guidelines or options.

Activities	Year 1 (2024)				Year 2 (2025)			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Preparatory work and desk studies Updating the Background Study conducted in 2022 <ul style="list-style-type: none"> • Preparing the outline, checking additional information/revalidating the bottlenecks based on the additional compliance reports received, if any 								
Regional Consultations (7 regions) <ul style="list-style-type: none"> • Conduct regional consultations, to seek common understanding/commonalities/characteristics of each bottlenecks and challenges within the region and all the 								

regions, to gather essential information such as approaches, practices, experiences and lessons learned that can feed into the process of developing the guidelines Expected output: Zero Draft document								
Global Symposium Presentation of the Zero Draft working document, Global Symposium • Expected Output: Draft working document								
Review of the Committee • Draft working document								
Endorsement, GB-11 • Endorsement of the Draft document at its Eleventh Session								

- *Undertake detailed analysis on the current state of implementation of Articles 5 and 6 of the International Treaty at regional level, and develop a mechanism to identify levels and forms of implementation and to support countries in need of support in implementing Articles 5 and 6, according to specific context and local needs;*

10. The Background study identified four main types of bottlenecks to the conservation and sustainable use of PGRFA. A brief overview of the bottlenecks is reproduced below.

Overview of the bottlenecks and challenges in the implementation of Articles 5 and 6

Policy, legal and institutional issues	Scientific and technical issues	Operational and resources constraints	Market issues
<ul style="list-style-type: none"> • lack of an enabling, efficient, integrated, and comprehensive national legal and policy framework to promote the conservation and sustainable use of PGRFA; • poor implementation of laws, policies, and/or strategies; • limited inter-sectoral coordination; • lack of legal and policy expertise; and • lack of awareness of the importance of PGRFA and the International Treaty 	<ul style="list-style-type: none"> • lack of access to technologies for information management; • lack of reliable data and information; • lack of scientific interest in specific types of crops and varieties; and • lack of activities in certain areas of conservation and use of PGRFA, for instance, regeneration of ex-situ accessions and agro-morphological characterization 	<ul style="list-style-type: none"> • lack of adequate equipment and storage facilities; • poor operation of gene banks; • lack of technical capacities and human resources; and • lack of financial resources 	<ul style="list-style-type: none"> • prevalence of commercial varieties, resulting in the disappearance of traditional varieties; • lack of adequate marketing opportunities for landraces/farmers' varieties; • disconnect between farmers and the market; • asymmetric power distribution in the value chain; and • lack of negotiation skills of farmers and producers

11. While the above bottlenecks are found in all regions, the extent or degree of constraints, gaps, needs or challenges varies greatly among and within the regions. Based on this account, developing a mechanism to identify and support countries with the greatest challenges shall require further in-country study to understand the most pressing bottlenecks which may require attention and action.

Developing a mechanism and detailing the bottlenecks, possibly at the country level

12. It may be recalled that the primary sources of information used to identify the bottlenecks and challenges to Articles 5 and 6 in the Bottleneck Study were the questionnaire's responses provided by the Contracting Parties in their National Compliance Reports and other available information within the International Treaty.⁹ Considering that these sources of information are quite limited, a detailed in-country assessment of bottlenecks and challenges may be necessary.

13. In this regard, developing a mechanism may be facilitated by the provision of a tool for an in-depth, in-country self-assessment of bottlenecks and challenges to the implementation of Articles 5 and 6.

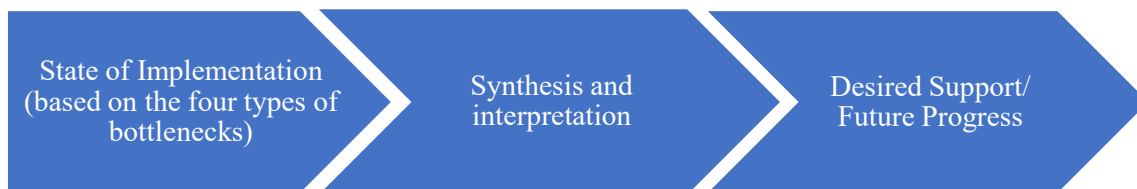
14. The self-assessment of bottlenecks and challenges, countries should adopt a multi-stakeholder participatory process. Such a process may also be helpful for the identification of gaps and needs in the conservation and sustainable use of PGRFA. Engagement of national and local institutions and stakeholders may be necessary, particularly in determining the bottlenecks and challenges, and possible capacity development needs.

15. The country may wish to do a more detailed and comprehensive assessment following its priorities, needs, opportunities, and availability of resources. A possible framework of the self-assessment tool is provided below.

Possible framework of a self-assessment tool for bottlenecks and challenges to the implementation of Articles 5 and 6.

16. For the purpose of defining a mechanism to identify levels and forms of implementation and to support countries in need of support in implementing Articles 5 and 6, the Secretariat summarises a possible framework to do an in-depth analysis of the bottlenecks and challenges at the country level. The framework can be modified according to the specificities and contexts.

A brief overview of a possible in-country level assessment of bottlenecks and challenges.



<p>The state of implementation, bottlenecks, and challenges</p> <ul style="list-style-type: none"> • Policy, legal and institutional issues • Scientific and technical issues • Operational and resources constraints • Market issues • Any other challenges 	<p>What are the main challenges?</p> <p>Define the rating, and assign a qualitative/quantitative rating for each of the identified bottleneck.</p>	<p>Ideas and support required to address the identified bottlenecks?</p> <ul style="list-style-type: none"> • Actions for addressing the bottlenecks • Time frame for addressing the bottlenecks: immediate- medium- and long-term.
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17. The possible framework could include the following elements:

Scope, coverage, and purpose of the self-assessment

- Defining the objectives and purpose of the self-assessment
- Provisions of Articles 5 and 6 of the International Treaty.

⁹ Regional Treaty webinars, training workshops, and the results of the global survey held in 2015. For details, see item IV of the document IT/GB-9/22/12/Inf.2, available at: www.fao.org/3/cc2057en/cc2057en.pdf

Proposed Terms of Reference for the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture

1. The Ad hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture will continue to advise the Secretariat on the implementation of Articles 5 and 6 of the International Treaty, in particular by:
 - a) providing recommendations on the current work and future strategies to support countries in the implementation of Articles 5 and 6
 - b) offering advice and promoting the implementation of the Joint Programme on Biodiversity for Sustainable Use of PGRFA;
 - c) providing inputs to the development of the voluntary guidelines on the implementation of Articles 5 and 6; and
 - d) considering the information provided in developing a mechanism or tool that will assist in identifying the levels and forms of implementation and to support countries in need of support in implementing Articles 5 and 6, according to the specific context and local needs.
2. The Committee will comprise up to five members each from Africa, Region, Asia Region, Europe Region, Latin America and the Caribbean Region; three from the Near East Region; and two each from the North America Region and the South West Pacific Region; as well as technical experts designated by the Bureau, comprising of seven experts, based on proposals by the FAO Regions, and up to three representatives from relevant stakeholders, in particular farmers' organizations, taking into account the required range of technical expertise, and regional and gender balance. Two Co-Chairpersons from Contracting Parties to the International Treaty will form part of the Committee – one from a developing country and one from a developed country. The two Co-Chairpersons shall be in addition to the members of the Committee nominated by the Regions. The Governing Body delegates the authority to designate the Co-Chairpersons to the Bureau of the Eleventh Session.
3. The Committee may hold up to two meetings in the next biennium, one of which is a physical meeting subject to the availability of financial resources. The Secretary will facilitate the process and assist the Committee in its work.
4. The Committee will report to the Governing Body on its work for further consideration at the Eleventh Session.