

Consultative Committee

CC/96/7

Ninety-Sixth Session
Geneva, October 31, 2019

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INTERRELATIONS WITH THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA)

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).
2. The Consultative Committee is invited to note:
 - (a) the developments concerning cooperation between the Secretariat of the CBD, the Executive Secretary of the ITPGRFA and the Office of the Union;
 - (b) the report on the second meeting of the Ad Hoc Technical Experts Group on Farmers' Rights (AHTEG) of the ITPGRFA;
 - (c) that the Office of the Union plans to attend the Eighth Session of the Governing Body of the ITPGRFA to be held in 2019, as set out in paragraph 37 of this document; and
 - (d) available working documents of the Eighth Session of the Governing Body of the ITPGRFA relevant for the matters reported, as set out in paragraph 38 of this document.

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BACKGROUND

Developments at the fifty-first ordinary session of the Council

3. The Council, at its fifty-first ordinary session, held in Geneva on October 26, 2017, agreed the following concerning interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA):

- (i) to review the FAQ on the interrelations between the UPOV Convention and the ITPGRFA; and
- (ii) to exchange experience and information on the implementation of the UPOV Convention and the ITPGRFA, with the involvement of stakeholders.

As a next step, the Consultative Committee would consider the need for a revision of the current guidance in the "Explanatory Notes on Exceptions to the Breeder's Right under the 1991 Act of the UPOV Convention" (document UPOV/EXN/EXC/1).

The Council further agreed to report the decision above at the Seventh Session of the Governing Body of the ITPGRFA to be held in Kigali, Rwanda, from October 30 to November 3, 2017, accordingly (see document C/51/22 "Report", paragraph 20(d)).

Developments at the ninety-fifth session of the Consultative Committee

4. The Consultative Committee, at its ninety-fifth session, held in Geneva on November 1, 2019, considered documents CC/95/10 "Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)" and CC/95/10 Add.

5. The Consultative Committee noted that the Governing Body of the ITPGRFA, at its Seventh Session, had adopted Resolution 7/2017 on "Implementation of Article 9, Farmers' Rights" and Resolution 12/2017 on "Cooperation with other international bodies and organizations. The Consultative Committee also noted that Resolution 7/2017 contained a decision to establish an *Ad Hoc* Technical Expert Group on Farmers' Rights (AHTEG), with the terms of reference contained in the Annex to that Resolution and in Annex I of document CC/95/10.

6. The Consultative Committee noted that the Office of the Union had accepted the invitation of the Secretary of the ITPGRFA to nominate an expert to attend the meetings of the AHTEG, the first meeting of which has been held in Rome, from September 11 to 14, 2018.

7. The Consultative Committee noted the report on the first meeting of the AHTEG of ITPGRFA and that the full report was available at <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1099122/>.

8. The Consultative Committee encouraged members of the Union which were also Contracting Parties to the ITPGRFA to send submissions on measures implementing Article 9 of the ITPGRFA using the template in Annex II to document CC/95/10 Add (to: pgrrfa-treaty@fao.org copy to upov.mail@upov.int).

9. The Consultative Committee noted the information concerning the second meeting of the AHTEG, tentatively, scheduled for the week of May 20, 2019.

10. The Consultative Committee requested the Office of the Union to report to the Consultative Committee at its ninety-sixth session on the progress of the AHTEG.

11. The Consultative Committee noted the responses to Circular E-18/026 received from members of the Union and observers, as reproduced in document CC/95/10, Annexes II to XII. The Consultative Committee noted the proposals for revision of the FAQ on the interrelations between the UPOV Convention and the ITPGRFA, and the proposals on how to facilitate the exchanges of experiences and information on the implementation of the UPOV Convention and the ITPGRFA, with the involvement of stakeholders and the other proposals received.

12. The Consultative Committee requested the Vice Secretary-General to consult the Executive Secretary of the CBD and the Secretary of the ITPGRFA on how the objectives of the CBD and ITPGRFA might be reflected in the FAQ, and to explore means on how to facilitate the exchanges of experiences and information on the implementation of the UPOV Convention, the CBD and the ITPGRFA.

13. The Consultative Committee requested the Office of the Union to report to the Consultative Committee on developments at its ninety-sixth session (see document CC/95/18 "Report", paragraphs 81 to 83).

Developments at the fifty-second ordinary session of the Council

14. The Council, at its fifty-second ordinary session held in Geneva on November 2, 2018, considered document C/52/17 "Report by the President on the work of the ninety-fifth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraphs 51 to 59 (see document C/52/20 "Report", paragraphs 9 and 10).

15. The Council noted the intervention by the representative of the Association for Plant Breeding for the Benefit of Society (APBRES) concerning interrelations with the ITPGRFA and the ongoing work in UPOV to review first the FAQ and as next step, to consider the need for a revision of the current guidance in the "Explanatory Notes on Exceptions to the Breeder's Right under the 1991 Act of the UPOV Convention" (document UPOV/EXN/EXC/1). The representative was of the view that the work on the revision of document UPOV/EXN/EXC/1 should start immediately, before the revision of the FAQ.

CONSULTATION WITH THE EXECUTIVE SECRETARY OF THE CBD AND THE SECRETARY OF THE ITPGRFA

16. At the request of the Consultative Committee (see paragraph 12, above), the Vice Secretary-General wrote to the Executive Secretary of the CBD and to the Secretary of the ITPGRFA on February 14, 2019, on the possibility to develop a brief explanation of the objectives and mutual supportiveness of the CBD, ITPGRFA and the UPOV Convention and to explore means to facilitate exchanges of experiences and information on the implementation of the UPOV Convention, the CBD and the ITPGRFA. Copies of the letters are attached as Annexes II and III to this document, respectively.

17. Responses to the above letters were received from Mr. Kent Nnadozie, Secretary of the ITPGRFA, on April 15, 2019, and from Mrs. Cristiana Paşca Palmer, Executive Secretary of the CBD, on May 27, 2019, copies of which are attached as Annexes IV and V to this document, respectively.

18. On June 5, 2019, at the fringes of the International Seed Federation World Seed Congress 2019, Nice, France, the Vice Secretary-General met with Mr. Kent Nnadozie, Secretary, ITPGRFA, to discuss the organization of a meeting with the Mr. Nnadozie and Mr. Worku Damena Yifru, Senior Legal Officer of the CBD. It was agreed that a meeting should be scheduled in Rome during the week of June 17 to 21, at the fringes of the Ninth Meeting of the Ad Hoc Open-Ended Working Group to Enhance the Functioning of the Multilateral System, at which Mr. Yifru would be present. Unfortunately, Mr. Yifru was unable to travel to Rome and the meeting could not take place on that occasion. The Office of the Union has arranged a meeting with Mr. Nnadozie and Mr. Yifru on November 21 or 22, 2019, in Montreal.

19. The Consultative Committee is invited to note the developments concerning cooperation between the Secretariat of the CBD, the Executive Secretary of the ITPGRFA and the Office of the Union.

SECOND MEETING OF THE AD HOC TECHNICAL EXPERTS GROUP ON FARMERS' RIGHTS (AHTEG) OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA) HELD IN ROME FROM MAY 20 TO 23, 2019

20. By letter of April 10, 2019 from Mr. Kent Nnadozie, Secretary of the ITPGRFA, UPOV was invited, in an expert capacity, to attend the Second meeting of the of the Ad Hoc Technical Experts Group on Farmers' Rights (AHTEG) of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

21. The second meeting of the AHTEG was held from May 20 to 23, 2019, in Rome, Italy, at FAO Headquarters. The adopted report of the second meeting of the AHTEG, document IT/GB-8/AHTEG-FR-2/19 "Report", is available at <http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1173567/>. The following matters are of particular relevance for UPOV.

Item 4.1 of the agenda “Inventory of national measures, best practices and lessons learned from the realization of Farmers’ Rights, as set out in Article 9 of the International Treaty”

22. The AHTEG “agreed that the main purpose of the Inventory was to produce a catalogue of the range of measures/practices for the realization of Farmers’ Rights that had been or were in the process of being implemented, so as to share, among the Contracting Parties and relevant stakeholders, experiences gained so far with the implementation of Article 9. The Inventory will include a disclaimer, clarifying that the Expert Group did not evaluate or assess the measures/practices contained in the Inventory as to whether or not any measure/practice contributes to the realization of Farmers’ Rights” (see document IT/GB-8/AHTEG-FR-2/19 “Report”, paragraph 9).

23. The AHTEG “discussed the issue of whether Contracting Parties should be informed about legislative measures related to them, in cases where they were not submitted by said Contracting Parties” (see document IT/GB-8/AHTEG-FR-2/19 “Report”, paragraph 13).

24. The AHTEG “requested the Secretary [of the ITPGRFA] to update this introductory part [of the inventory] explaining how the different provisions of Article 9 relate to each other and to other Articles of the Treaty. The Expert Group discussed the relevance of realizing Farmers’ Rights in the context of the Global Plan of Action” (see document IT/GB-8/AHTEG-FR-2/19 “Report”, paragraph 10). A number of experts requested that the updated introductory part of the Inventory be circulated to the AHTEG but this was not agreed and the update with the introductory part of the Inventory is not available.

25. As a basis to proceed, the AHTEG agreed that the following text should be inserted in the introductory part of the Inventory (see document IT/GB 8/AHTEG FR-2/19 “Report”, paragraph 11):

“In reaching consensus on the structure of the Inventory, the experts recognized that Article 9 of the Treaty states that responsibility for realizing Farmers’ Rights rests with national governments. Contracting parties are invited to pick up the ideas, practical activities, or experiences from the inventory to implement Farmers’ Rights at the national level as appropriate, but no particular item contained in the inventory should be understood as being specifically required under Article 9 of the Treaty.”

26. The AHTEG agreed that the Inventory is a rolling document and should be configured in a manner that would allow for the inclusion of new information and possible updating. The AHTEG also agreed on a revised version of the template for collecting information, as given in Annex 2 (see Annex VI to this document). The AHTEG requested the Secretary of the ITPGRFA to use the updated template on the website of the ITPGRFA for further submissions. The AHTEG agreed that only submissions containing the mandatory information in the template would be included in the Inventory (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraph 12).

27. The AHTEG agreed on the categories, as provided in Annex VII of this document, to be included in the rows of the structure, as a tool to assist users to navigate the Inventory based on similarity of submissions (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraph 14).

28. The AHTEG agreed to utilize the structure for the inventory as provided in Annex 3 of the Report (see Annex VII to this document) (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraph 14).

29. The AHTEG “requested the Secretariat of the ITPGRFA to update the draft Inventory in accordance with the agreed elements, structure and categories. The Expert Group further requested the Secretary [of the ITPGRFA] to accept new submissions and that only submissions received by July 31, 2019, will be included in the updated version of the draft Inventory to be presented to the Governing Body at its Eighth Session as an information document” (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraph 16).

30. The AHTEG also “agreed that it would be useful and expedient for an online electronic version of the Governing Body approved Inventory to be established by the Secretariat of the ITPGRFA to enable ease of access, use, searching and updating” (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraph 16).

Item 4.2 of the agenda “Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty”

31. The AHTEG “agreed that the Options should have a concise and user-friendly structure, adopting the same categories as in the Inventory (see Annex VIII), with a reference to the relevant provision/s of Article 9 of the ITPGRFA. The AHTEG agreed that under each category, options to encourage, guide and promote the realization of Farmers' Rights, as set out in Article 9 of the International Treaty, should be listed”(see document IT/GB 8/AHTEG FR-2/19, “Report”, paragraph 19).

32. The AHTEG also “agreed on how to describe the options taking into account the name of the option, what the option is about, and what type(s) of measures may typically be involved (technical, administrative, legal, other)” (see document IT/GB 8/AHTEG FR-2/19, “Report”, paragraph 20).

33. The AHTEG “agreed on elements to be covered in the introductory part, such as background and rationale, objective, nature and scope, intended users/target groups. Several proposals were made on how the introductory part could be enhanced; more time will be needed to finalize these discussions” (see document IT/GB 8/AHTEG FR-2/19, “Report”, paragraph 21).

34. The report of the AHTEG to the Governing Body contains, in Annex 4 of the Report (see also Annex VII to this document), an outline for developing the Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the ITPGRFA.

Eighth Session of the Governing Body of the ITPGRFA to be held in Rome from November 11 to 15, 2019

35. The report of the second meeting of the AHTEG provides:

“24. As the Expert Group was unable to finish its task due to time and resource constraints, and considering the significant progress made so far, it further recommends that the Governing Body reconvene the Expert Group to enable it to finalize its tasks, as mandated by the Governing Body”

36. In this context, the AHTEG “requested the Secretary to prepare elements of a possible draft Resolution for the consideration of the Governing Body at its Eighth Session, based on the past Resolutions on Farmers' Rights, and incorporating the relevant recommendations and issues the Group had agreed on” (see document IT/GB-8/AHTEG-FR-2/19, “Report”, paragraphs 24 and 26).

37. The AHTEG will report to the Governing Body of the ITPGRFA on its work for further consideration at its Eighth Session (GB8), to be held in 2019. The Office of the Union plans to attend that Session.

38. At the time of publication of this document, the following working documents of the GB8 relevant for the matters reported above were available at: http://www.fao.org/plant-treaty/meetings/meetings-detail/en/c/1111365/#jfmulticontent_c424255-1

Document IT/GB-8/19/12 Rev.1 “Report on the Implementation of Farmers' Rights”

Document IT/GB-8/19/12.2 “Report of the Ad Hoc Technical Expert Group on Farmers' Rights to the Eighth Session of the Governing Body”

Document IT/GB-8/19/15.4/1 “Report on Cooperation with Other International Bodies and Organizations” - see Section D concerning UPOV (paragraphs 15 to 23) and Appendix (paragraphs 9 and 10 of the Draft Resolution)

39. Further developments will be reported to the Consultative Committee at its ninety-sixth session.

40. *The Consultative Committee is invited to note:*

(a) *the report on the second meeting of the Ad Hoc Technical Experts Group on Farmers' Rights (AHTEG) of the ITPGRFA;*

(b) *that the Office of the Union plans to attend the Eighth Session of the Governing Body of the ITPGRFA to be held in 2019, as set out in paragraph 37 of this document; and*

(c) *available working documents of the Eighth Session of the Governing Body of the ITPGRFA relevant for the matters reported, as set out in paragraph 38 of this document.*

[Annexes follow]

ANNEX I

**EXTRACT FROM RESOLUTION 7/2017 ADOPTED BY THE GOVERNING BODY OF THE ITPGRFA
AT ITS SEVENTH SESSION (GB-7)
[...]**

Terms of reference for the Ad Hoc Technical Expert Group on Farmers' Rights

1. The Ad Hoc Technical Expert Group on Farmers' Rights will:
 - i) Produce an inventory of national measures that may be adopted, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty;
 - ii) Based on the inventory, develop options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty.
2. In the development of its work, the Ad Hoc Technical Expert Group may consider the proceedings from the Global Consultation on Farmers' Rights held in Bali, Indonesia, in 2016, as well as other relevant consultations.
3. The Ad Hoc Technical Expert Group will comprise up to five members designated by each FAO region, up to three representatives of farmer organizations, particularly from the centers of origin and crop diversity, and up to three other stakeholders, including the seed sector, designated by the Bureau of the Eighth Session of the Governing Body.
4. The Bureau of the Eighth Session of the Governing Body will appoint two Co-Chairs from the Contracting Parties of the International Treaty - one from a developing country and one from a developed country.
5. The Ad Hoc Technical Expert Group may hold up to two meetings in the biennium 2018-2019, subject to the availability of financial resources.
6. The Ad Hoc Technical Expert Group will report back to the Governing Body on its work for further consideration at the Eighth Session of the Governing Body.
7. The Secretary will facilitate the process and assist the Ad Hoc Technical Expert Group in its work.

[Annex II follows]

ANNEX II

LETTER TO THE EXECUTIVE SECRETARY OF THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)



International Union for the Protection of New Varieties of Plants

Ms. Cristiana Paşca Palmer
Executive Secretary
Secretariat of the Convention on Biological
Diversity (CBD)
World Trade Center
413, Saint-Jacques Street, Office 800
Montreal, QC H2Y 1N9
Canada

CBD

February 14, 2019

Dear Executive Secretary Paşca Palmer,

Many countries have the benefit of being covered by both the Convention on Biological Diversity (CBD) and the International Convention for the Protection of New Varieties of Plants (UPOV Convention), thereby addressing the conservation of biological diversity, access to genetic resources and benefit-sharing, and encouraging the development of new varieties of plants.

In the context of population growth and climate change, biological diversity, plant genetic resources and plant breeding have a major role to play in meeting the challenges facing the planet, and harnessing all of these elements will be important for success. UPOV is committed to the concept of mutual supportiveness between the international treaties covering these themes and would like to explore with you and the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), how we can facilitate the exchanges of experiences and information on the implementation of the UPOV Convention, the CBD and the ITPGRFA.

As a first step, UPOV would like to propose to work with the CBD and the ITPGRFA on the development of a brief explanation on the objectives of the CBD, ITPGRFA and UPOV and how these treaties are mutually supportive. For UPOV purposes, we would also like to develop this into one of our Frequently Asked Questions. I hope that this first step could lead to further opportunities to exchange experiences and information with a view to enhancing our respective work. In that regard, you may be interested in a video that was recently published on the UPOV website, illustrating how the UPOV system has benefited custodians of native wild germplasm in Argentina (see <https://www.wipo.int/multimedia-video/upov/en/argentina.mp4>).

As indicated above, we would like to include the ITPGRFA in this initiative and I have written a letter to Mr. Kent Nnadozie, Secretary of the ITPGRFA, with a similar invitation.

I hope that you will be in a position to accept this invitation to explore how our organizations can build a greater understanding of our respective roles and to find ways to work together towards a common goal.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "P. Button".

Peter Button
Vice Secretary-General

e-mail: secretariat@cbd.int

ANNEX III

LETTER TO THE SECRETARY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE (ITPGRFA)



International Union for the Protection of New Varieties of Plants

Mr. Kent Nnadozie
Secretary
International Treaty on Plant Genetic Resources
for Food and Agriculture (ITPGRFA)
Viale delle Terme di Caracalla
00153 Rome
Italy

February 14, 2019

Dear Secretary Nnadozie,

I am very pleased to report that UPOV is continuing its discussions on the interrelations between the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the UPOV Convention. In that regard, I very much appreciated your invitation to nominate an expert to attend the meetings of the Ad Hoc Technical Expert Group on Farmers' Rights (AHTEG). The Office of the Union looks forward to continuing to make a constructive contribution on this important matter.

During UPOV's most recent discussions on interrelations with the ITPGRFA, it was agreed that a helpful initiative would be for the Office of the Union to consult the Executive Secretary of the Convention on Biological Diversity (CBD) and the Secretary of the ITPGRFA on the development of a brief explanation of the objectives and mutual supportiveness of the CBD, ITPGRFA and the UPOV Convention. In the case of UPOV, this explanation would form the basis for one of our Frequently Asked Questions. It is further anticipated that this initiative could form a basis to explore means to facilitate exchanges of experiences and information on the implementation of the UPOV Convention, the CBD and the ITPGRFA. This is particularly relevant given the large and increasing number of countries that have the benefit of being covered by these treaties.

As indicated above, we would like to include the CBD in this initiative and I have written a letter to Ms. Cristiana Paşca Palmer, Executive Secretary of the CBD, with a similar invitation.

I hope that you will be in a position to accept this invitation for a new initiative to explore how our organizations can build a greater understanding of our respective roles and to pursue further ways to work together towards a common goal.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "P. Button".

Peter Button
Vice Secretary General

e-mail: PGRFA-Treaty@fao.org

ANNEX IV

LETTER FROM MR. KENT NNADOZIE, SECRETARY OF THE INTERNATIONAL TREATY ON
PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (ITPGRFA)



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Viale delle Terme di Caracalla,
00153 Rome, Italy

Fax: +39 0657053057

Tel: +39 0657056369

www.fao.org/plant-treaty

Our Ref.:

Rome, 15 April 2019

Dear Mr Button,

I acknowledge, with thanks, receipt of your letter dated 14 February 2019 regarding the proposed new initiative involving the International Treaty, the International Union for the Protection of New Varieties of Plants (UPOV) and the Convention on Biological Diversity (CBD).

I note that the initiative seeks to enhance understanding of our respective roles and mandates and to explore means to facilitate the exchanges of experiences and information on the implementation of our respective agreements. I also understand that on the side of UPOV, information generated by the initiative might be used as a basis for reviewing the FAQ on the relationship between the UPOV Convention and other international treaties concerning genetic resources such as the International Treaty and the CBD.

The International Treaty attaches great importance to facilitating its harmonious and mutually supportive implementation with other international agreements and to strengthening cooperation and partnerships with all relevant international organizations and bodies in order to advance its implementation and achieve its objectives.

It is in this spirit that I would be very pleased to further explore your proposal with the understanding that the role of the Secretary of the International Treaty would be to provide relevant information about the International Treaty and to explore further ways of collaboration, on the basis of our respective mandates and of the objectives of our respective agreements.

/./.

Mr Peter Button,
Vice Secretary-General
International Union for the Protection
of New Varieties of Plants
Geneva

Cc: Mr Francis Gurry
Secretary-General
International Union for the Protection
of New Varieties of Plants
Geneva

I also thank you for your update on UPOV's discussions on possible areas of interrelations between the International Treaty and the UPOV Convention and I look forward to continuing our constructive collaboration in this matter. I shall be grateful if you could kindly provide an update on the process to review the FAQ on the interrelations between the UPOV Convention and the International Treaty and to exchange experience and information on the implementation of the UPOV Convention and the International Treaty.

I would also be interested in learning how the new initiative might relate to or support these two ongoing processes.

Given the very strong ongoing cooperation my Secretariat has with the Secretariat of the CBD, I look forward to further exploring the proposed new initiative with you and the Executive Secretary of the CBD.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mr Kent Nnadozie', with a stylized flourish at the end.

Mr Kent Nnadozie
Secretary
International Treaty on Plant Genetic Resources
for Food and Agriculture

LETTER FROM MS. CRISTIANA PAȘCA PALMER, EXECUTIVE SECRETARY TO
THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)



Ref.: SCBD/NPU/DC/VN/RK/87947

24 May 2019

Dear Mr. Button,

Thank you for your letter of 14 February 2019 and apologies for this delayed response. I wish to thank you for reaching out to us and for your proposal regarding further collaboration.

The Secretariat would be pleased to explore with you and the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty) how we can best facilitate the exchange of experiences and information on the implementation of the UPOV Convention, the International Treaty, the Convention on Biological Diversity (CBD) and also the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Nagoya Protocol) which is of direct relevance when addressing issues related to access to genetic resources and benefit-sharing.

As you suggest, as a first step, the development of a brief explanation of the objectives and key elements of the UPOV Convention, the International Treaty, as well as the CBD and its Nagoya Protocol could contribute to raising awareness of our respective communities regarding these instruments and in turn facilitate national coordination and their mutually supportive implementation. In this respect, you may wish to consult the awareness-raising material on the Nagoya Protocol which is available at: <https://www.cbd.int/abs/awareness-raising/default.shtml>.

With a view to further explore ways to work together towards our common goal, I invite you to follow-up directly with Mr. Worku Damena Yifru, Senior Legal Officer at the CBD Secretariat.

I look forward to our further collaboration.

Yours sincerely,

Cristiana Pașca Palmer, PhD
Executive Secretary

Mr. Peter Button
Vice Secretary-General
International Union for the Protection of New Varieties of Plants (UPOV)
Geneva, Switzerland
E-mail: peter.button@upov.int

cc: Mr. Kent Nnadozie
Secretary
International Treaty on Plant Genetic Resources for Food and Agriculture
Food and Agriculture Organization of the United Nations
Rome, Italy
E-mail: pgrfa-treaty@fao.org

ANNEX VI

TEMPLATE FOR THE INVENTORY FOR COLLECTING INFORMATION ON EXAMPLES

Basic information

- Title of measure/practice
- Date of submission
- Name(s) of country/countries in which the measure/practice is taking place
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)
- Type of institution/organization (categories)
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples**Mandatory information:**¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)
- Brief history (including starting year), as appropriate
- Core components of the measure/practice (max 200 words)
- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)
- To which provision(s) of Article 9 of the International Treaty does this measure relate

Art. 9.1 ☐Art. 9.2a ☐Art. 9.2b ☐Art. 9.2c ☐Art. 9.3 ☐**Other information, if applicable**

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category?

-
- Objective(s)
 - Target group(s) and numbers of involved and affected farmers⁵
 - Location(s) and geographical outreach
 - Resources used for implementation of the measure/practice
 - How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
 - Please describe the achievements of the measure/ practice so far (including quantification)
 - (max 200 words)
 - Other national level instruments that are linked to the measure/practice
 - Are you aware of any other international agreements or programs that are relevant for this measure/practice?
 - Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

Further information

- Link(s) to further information about the measure/practice

[Annex VII follows]

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.

ANNEX VII

Structure of the Inventory

Type				Title of measure/practice	Short description of measure/practice	Country/region	Link	Provision of Art. 9 addressed				
Technical	Administrative	Legal	Other					9.1	9.2a	9.2b	9.2.c	9.3
Category 1												
Category 2												
Category 3												
Etc.												

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[Annex VIII follows]

ANNEX VIII

OUTLINE

Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty

Introduction

Background and rationale, objective, nature and scope, intended users/target groups, including:

- How the document was developed – based on the inventory of measures
- Explanation of categories and how they are used in the document
- Definition of option and explaining that these are possibilities to choose from and to combine
- Guide to the document: Explanation of the organization of the document and that under the categories there will be several options.

Template for introduction of each category:

- Reference to relevant provision/s of Article 9 of the International Treaty
- Explaining why measures under this category can be regarded as options to encourage, guide and promote the realization of Farmers' Rights

Template for information on each option:

- Explaining what this option is about
- Describing what type(s) of measures may typically be involved (technical, administrative, legal and/or other measures)

Category 1:

Recognition of local and indigenous communities' and farmers' contributions to the conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers

Option A:

Option B:

Option C:

(possibly more or less options)

Category 2:

Financial contributions to support farmers' conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds

[...]"

[End of Annex VIII and of document]