



Convention on Biological Diversity

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OPEN-ENDED AD HOC INTERGOVERNMENTAL
COMMITTEE FOR THE NAGOYA PROTOCOL ON
ACCESS TO GENETIC RESOURCES AND THE
FAIR AND EQUITABLE SHARING OF BENEFITS
ARISING FROM THEIR UTILIZATION

First meeting

Montreal, 6-10 June 2011

EXCERPT FROM RESOLUTION 8/2011 OF THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Note by the Executive Secretary

1. The Executive Secretary is circulating herewith, for the information of participants in the first meeting of the Ad Hoc Open-ended Intergovernmental Committee for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (Intergovernmental Committee), an excerpt from Resolution 8/2011, adopted at the Fourth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), held in March 2011 in Bali. The excerpt contains the relevant section of the Resolution related to the relationship with the Convention on Biological Diversity and the Intergovernmental Committee and is preceded by an introductory letter by Mr. Shakeel Bhatti, Secretary of the ITPGRFA.

2. The document is circulated in the form and language in which it was provided to the Secretariat of the Convention on Biological Diversity.

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The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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<http://www.planttreaty.org>

Dear Dr. Djoughlaf,

May I congratulate you on the successful outcomes of the 10th Meeting of the Conference of Parties held in Nagoya, Japan and in particular, on the conclusion of the Nagoya Protocol. Undoubtedly, the Protocol marks a new era for the biodiversity community, as it permanently links the ABS elements to the overall objective of sustainable use of biodiversity. I am honoured to participate in this very important first meeting of the Intergovernmental Committee on the Nagoya Protocol, which starts the smooth transition from negotiation to implementation. It is my sincere hope that, in such a process, mutual supportiveness between the Protocol and the International Treaty will continue to constitute the hallmark of our collaboration and of the interrelation between the intergovernmental processes under the Treaty and the Protocol..

As you are aware, the Secretariat of the International Treaty has already participated in a number of post-Nagoya preparatory meetings aimed at the expedited ratification and eventual implementation of the Protocol. From these meetings, it has emerged that the Treaty's practical experience may benefit your Secretariat, the ICNP and eventually the COP-MOP. Specific areas for possible collaboration include, in particular, the proposed ABS Clearing House Mechanism and Capacity Building for ABS.

WORK OF THE INTERNATIONAL TREATY

As you are aware, the Treaty's Multilateral System of ABS is working in all respects – in facilitating access as well as sharing benefits through high impact projects for farmers in developing countries. At the moment, the System is facilitating exchange and access for more than 600 transfers of plant genetic material every day through the Standard Material Transfer Agreement (SMTA) within a genepool of about 1.5 million accessions. Each transfer is reported through the Secretary to the Governing Body, including via electronic means. After a first pilot project cycle in year 2009, a second set of projects for an overall value of US\$ 10 million is about to be financed through the Treaty's Benefit-sharing Fund.

.../...

Mr Ahmed Djoughlaf
Executive Secretary
Secretariat of the Convention on Biological Diversity
United Nations Environment Programme
Montreal, Canada

The System is supported by customized information technology tools. Through these tools, the Secretariat has established and is currently administering an extensive infrastructure for the implementation of the ABS mechanisms of the Treaty. In this regard, we participated in the Expert Meeting on the Modalities of Operation of the Access and Benefit-Sharing Clearing-House (hereinafter “the Expert Meeting”), held in the context of the Nagoya Protocol, and provided inputs as well as shared our experiences in the technical management of a complex ABS system.

Part of the practical aspects of the system is the establishment of a Data Store for the purposes of the reporting and dispute resolution in the form of a secure database hosted at the servers of the United Nations Information and Computer Center (UNICC) in Geneva. The Data Store is up and running since September 2010 and receives SMTA information from an on-line system developed from an open source platform and operated by the Treaty Secretariat. A number of Contracting Parties have also expressed interests in this reporting mode, and are working out the details and processes with the Secretariat.

The Reporting System is voluntary and will have to evolve to store information of SMTAs reported to the Secretariat on paper. The Secretariat, in consultation with a selected group of experts, is undertaking a further in-depth analysis of the different options that can be offered to the provider to make reporting easier, including optical character recognition (OCR) technologies.

The use of web certificates has also increased users’ confidence. These are provided by a certified trustworthy verification agent to avoid possible fraudulent practices such as phishing, and are in line with the most advanced industry standards and practices.

During the next biennium the Secretariat will continue to develop the electronic reporting services created to support the operation of the SMTA and improve some of the functions of the system, in particular the development and implementation of standards for the exchange of SMTA data with major providers, the translation of the system into other official languages of the Treaty and the archiving and indexing of SMTAs received on paper.

OPTIONS FOR ENSURING INTER-OPERABILITY OF THE SYSTEMS AND IMPLEMENTING COLLABORATION IN DEVELOPMENT OF THE SYSTEMS

In regard to the ABS Clearing House at the pilot phase, based on the Report of the Expert Meeting on the Modalities of Operation of the Access and Benefit-Sharing Clearing-House,¹ specific areas of collaboration might include:

- 1) in relation to para 64 of the Report – hyperlinking portals of the respective ABS information systems of the Treaty and the Protocol;
- 2) In relation to para 65 - Synchronization of data formats, controlled vocabularies and metadata including in the different working languages of the Treaty and the Protocol;
- 3) In relation to para 66 – developing data exchange formats and protocols, taking into account the need for the protection of confidential information and existing protocols of existing genetic resource information networks.

¹ UNEP/CBD/ICNP/1/2, available at: <http://www.cbd.int/doc/meetings/abs/icnp-01/official/icnp-01-02-en.doc>

With regard to capacity building, we are already undertaking joint activities in the context of the Memorandum of Cooperation concluded between our two Secretariats, including an event for ICNP-1 delegates that was held last week and produced significant inputs to this week's capacity building agenda item.

RESOLUTION 8/2011, ADOPTED BY THE GOVERNING BODY OF THE TREATY
AT ITS FOURTH SESSION

The links and interfaces between the Treaty and its processes on the one hand, and the CBD and the related processes, on the other, are entrenched in the Treaty text itself. In this regard, the Governing Body of the International Treaty has repeatedly emphasized the necessity for close cooperation and coordination between the two bodies, underlining the need to promote coherence and mutual supportiveness between the two bodies, including through the exchange of information.

Specifically, at its Fourth Session, the Governing Body of the Treaty requested me "to convey Resolution 8/2011 to both the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol and, upon the entry into force of the Protocol, the Conference of the Parties serving as the meeting of the Parties to the Protocol." (paragraph 8, Resolution 8/2011)

Resolution 8/2011 is entitled, "Cooperation with other bodies and international organizations, including with the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international institutions that signed Agreements under Article 15 of the Treaty."

I am therefore pleased to convey to the ICNP, Resolution 8/2011, which was adopted by the Governing Body of the Treaty at its Fourth Session, held last March in Bali, Indonesia. To this effect, I have attached excerpts from the Report of the Session containing the relevant section of the Resolution of the Governing Body related to the relationship with the Convention, referring to the ICNP and the COP serving as the MOP for the Protocol upon its coming into force.

I would appreciate if you could kindly relay this note along with the attached Resolution to the ICNP for their note and possible response.

With the Protocol, we have new avenues to strengthen and further develop this partnership and I look forward to working with the Convention, its COP, subsidiary bodies and Secretariat to make this partnership of value to our respective constituencies which, it is to be remembered, ultimately share the same goals and objectives.

With best regards,



Dr. Shakeel Bhatti
Secretary

International Treaty on Plant Genetic Resources
for Food and Agriculture



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 14 – 18 March 2011

RESOLUTION 8/2011

**COOPERATION WITH OTHER BODIES AND INTERNATIONAL ORGANIZATIONS,
INCLUDING WITH THE INTERNATIONAL AGRICULTURAL RESEARCH CENTRES OF
THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL RESEARCH AND
OTHER INTERNATIONAL INSTITUTIONS THAT SIGNED AGREEMENTS UNDER
ARTICLE 15 OF THE TREATY**

THE GOVERNING BODY,

Recalling that the International Treaty relates to plant genetic resources for food and agriculture;

Recalling that Article 1.2 of the Treaty provides that the objectives of the Treaty will be attained by closely linking this Treaty to the Food and Agriculture Organization of the United Nations and to the Convention on Biological Diversity, and that Article 19.3(g) and (l) of the Treaty provides for the Governing Body to establish and maintain cooperation with, as well as take note of the relevant decisions of, the Conference of Parties to the Convention on Biological Diversity;

Acknowledging the ongoing fruitful collaboration between the Treaty and other related international organizations and treaty bodies, in particular the Convention on Biological Diversity, the International Union for the Protection of New Varieties of Plants, the United Nations Framework Convention on Climate Change, the World Health Organization, the World Intellectual Property Organization, and the World Trade Organization;

Noting the outcomes of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in particular the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization (the Nagoya Protocol), and the Strategic Plan for Biodiversity 2011-2020 (the Strategic Plan), as well as the various decisions of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity that are of relevance to the Treaty;

Convinced of the potential of the Nagoya Protocol and the Strategic Plan for enhancing the synergies and improving the coherent implementation of the Convention and the Treaty;

Further recalling that in developing the Global Information System on Plant Genetic Resources for Food and Agriculture, cooperation will be sought with the Clearing House Mechanism of the Convention on Biological Diversity, in accordance with Article 17.1 of the Treaty;

Cognizant of the importance of further enhancing the cooperation and synergies between the Treaty and the Convention on Biological Diversity, in accordance with their respective mandates, as well as between their respective intergovernmental bodies and Secretariats;

Taking into account the provisions of Article 20.5 of the Treaty that requires the Secretary to cooperate with the Secretariat of the Convention on Biological Diversity;

Cognizant of the need to establish and maintain cooperation with other relevant international organizations and treaty bodies, on matters covered by the Treaty, including their participation in the Funding Strategy;

Acknowledging the positive outcomes of the strategy of cooperation with relevant international organizations to facilitate the implementation of the Funding Strategy, especially its Benefit-sharing Fund;

Further recognizing the function of the Joint Capacity Building Programme set up by the Treaty, FAO and Bioversity International to facilitate implementation of the Treaty, and in particular of the Multilateral System of Access and Benefit-sharing, by developing country Contracting Parties;

Noting the need to continue providing assistance under the Joint Capacity Building Programme to developing country Contracting Parties in the process of implementation of the Multilateral System;

Welcoming the joint work between the Secretariat and Bioversity International on the development of training materials on the Treaty and recognizing that such training materials can also be utilized for awareness-raising;

Recalling the significant support to the objectives of the International Treaty by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, and other international institutions that signed agreements with the Governing Body under Article 15 of the Treaty;

Recalling Resolution 7/2009 on cooperation with the Commission on Genetic Resources for Food and Agriculture;

Noting the vision paper, *Policy coherence and complementarity of the work of the Commission on Genetic Resources for Food and Agriculture and of the Governing body of the International Treaty*, prepared jointly by the two Secretariats;

Part I. Relationship with the Convention on Biological Diversity

1. **Congratulates** the Conference of the Parties to the Convention on Biological Diversity, on the adoption of the Nagoya Protocol that successfully concluded an important process of negotiations;

2. ***Appeals*** to Contracting Parties and other States to give priority consideration to the signature and ratification of the Nagoya Protocol, so that it may enter expeditiously into force;
3. ***Decides*** to establish and maintain cooperation with the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol established by the Conference of Parties to the Convention, and, upon the entry into force of the Protocol, with the Conference of the Parties serving as the meeting of the Parties to the Protocol;
4. ***Takes note*** of the Memorandum of Cooperation signed between the Secretary and the Executive Secretary of the Convention on Biological Diversity and commends the Secretary for the initiative, and ***requests*** the Secretary to explore with the Secretariat of the Convention on Biological Diversity, practical means and activities to give effect to this cooperation, in particular through capacity building for access and benefit-sharing, as related to plant genetic resources for food and agriculture, including through the organization of workshops, seminars and other events, coordination of technical assistance as well as the exchange of information;
5. ***Requests*** the Secretary, subject to the availability of funds, to continue to participate in relevant meetings of the Convention on Biological Diversity, the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol, as well as the Liaison Group of Biodiversity-related Conventions;
6. ***Requests*** the Secretary to strengthen collaboration with the Secretariat of the Convention on Biological Diversity in the implementation of the Convention's programme of work on agricultural biodiversity, sustainable use of biodiversity, biodiversity and climate change, as well as on the United Nations Decade on Biodiversity and the integration of biodiversity into poverty eradication and development, in harmony with the work of the Treaty;
7. ***Calls on*** Contracting Parties to ensure that any legislative, administrative or policy measures taken for the implementation of both the Treaty and the Convention on Biological Diversity (or its Nagoya Protocol), are consistent and mutually supportive;
8. ***Requests*** the national focal points of the Treaty to enhance their collaboration and coordination with their counterpart national focal points for the Convention on Biological Diversity on all relevant processes, in particular on the Nagoya Protocol and the Strategic Plan;
9. ***Requests*** the Secretary to convey the present Resolution to both the Open-ended *Ad Hoc* Intergovernmental Committee for the Nagoya Protocol and, upon the entry into force of the Protocol, the Conference of the Parties serving as the meeting of the Parties to the Protocol;
10. ***Requests*** the Secretary to continue to foster collaboration with other treaty bodies, especially with the Convention on Biological Diversity in regard to the conservation and sustainable use of agricultural biological diversity, access to plant genetic resources for food and agriculture and benefit-sharing in the light of the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, according to the respective mandates, governance structures and agreed programs;
11. ***Requests*** the Secretary to report on cooperation with the Secretariat of the Convention at each session of the Governing Body;

[...]