

February 2023



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



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

**Item 4 of the Provisional Agenda**

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE**

**FIFTH MEETING OF THE COMPLIANCE COMMITTEE**

**Rome, Italy, 28–29 March 2023**

**REVIEWS UNDER THE MANDATE OF THE COMPLIANCE COMMITTEE  
AND FUTURE WORK**

**I. INTRODUCTION**

1. At its Ninth Session, the Governing Body requested the Compliance Committee to prepare an assessment and recommendations, so that the Governing Body could undertake the review of the effectiveness of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of non-Compliance (Compliance Procedures)*<sup>1</sup> at its Tenth Session.
2. Pursuant to Section X of the *Compliance Procedures*, the Governing Body shall review the effectiveness of the *Compliance Procedures* and take appropriate action, within six years of their approval and periodically thereafter.
3. The first review of their effectiveness was due in 2017. At its Seventh, Eighth and Ninth Sessions, the Governing Body decided to postpone the review foreseen in Section X, but it did not provide any further guidance on what it might require for the review of the effectiveness of the *Compliance Procedures* or how it would wish to proceed with the review.
4. The Committee had discussed the possible review of the *Compliance Procedures* at its last meeting. However, it had considered that the available information was not sufficient to carry out the review.
5. Based on Resolution 8/2022, the Secretary invited Contracting Parties, through Notification NCP GB10-002,<sup>2</sup> to send any inputs for the review of the effectiveness of the *Compliance Procedures*, in addition to information already submitted in their national reports, for the consideration of the Committee at this meeting. Only one input was received in response to this Notification, which was considered in the preparation of this document, focusing on Part V of the *Compliance Procedures* (monitoring and reporting).
6. In their national reports, some Contracting Parties make suggestions for improving the reporting process. While most of these suggestions deal with the language and structure of the Standard Reporting Format, some relate to general issues for the reporting process under Part V of the *Compliance Procedures*. These suggestions were also considered in the preparation of this document.
7. Therefore, this document presents an indicative framework for the review of the *Compliance Procedures* (Section II.A and *Appendix I*) and corresponding preliminary elements of assessment (Section

<sup>1</sup> [Resolution 2/2011](#), *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of non-Compliance*, Annex and [Resolution 8/2022](#), Compliance.

<sup>2</sup> [NCP GB10-002](#), Invitation to send inputs for review of Compliance Procedures and reminder to submit national reports.

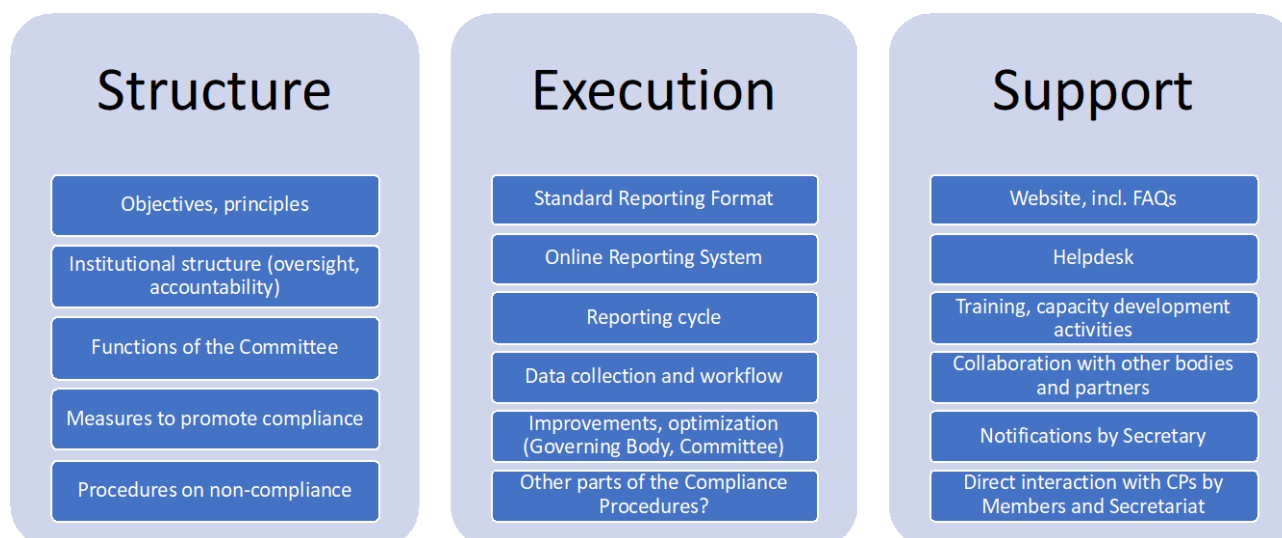
II.B), for the consideration of the Committee. The preliminary assessment also comprises a brief summary of capacity development activities undertaken by the Secretary based on the requests made by the Committee at its last meeting,<sup>3</sup> as well as information that the Committee may wish to consider when discussing its future work.

## II. REVIEW OF THE EFFECTIVENESS OF THE COMPLIANCE PROCEDURES

### A. DRAFT FRAMEWORK FOR THE REVIEW

8. To facilitate the assessment and preparation of recommendations by the Committee, the Secretariat has developed a draft conceptual framework.

9. The framework is structured around three main sections or pillars, each of them containing specific elements:



10. For each of these three pillars, a sample list of evaluation questions was formulated, which might be relevant for both the assessment and the identification of possible future work of the Committee.

11. The full indicative framework, including the evaluation questions, is contained in *Appendix 1*.

12. What follows are preliminary elements, based on a factual analysis of the available information, that the Committee may wish to use as a starting point for its assessment and preparation of recommendations, as well as for defining its future work.

### B. PRELIMINARY ELEMENTS OF ASSESSMENT

#### i. STRUCTURE AND CONFIGURATION

13. The questions under the first pillar deal with the **objectives and principles**, the institutional structure, the functions of the Committee and the measures and procedures on compliance and non-compliance.

14. The objectives and principles of the compliance mechanism are contained in Sections I and II of the *Compliance Procedures*. The objectives were defined in general terms but with an indication of some of the tasks and activities to be understood as included in the work of the Committee, such as “monitoring, offering advice or assistance, including legal advice or legal assistance, when needed and requested”. Section II of the

<sup>3</sup> [IT/GB-9/CC-4/21/Record](#), para. 7.

*Compliance Procedures* enumerates the seven principles: simple, cost-effective, facilitative, non-adversarial, non-judicial, legally non-binding and cooperative in nature.

15. For the assessment, the Committee may wish to consider if the implementation of the compliance mechanism has shown any problems with these objectives and principles of the *Compliance Procedures*. So far, no Contracting Party has requested any changes to them, but the Committee may propose any pertinent modification, improvement or adaptation.

16. The Compliance Procedures set forth an **institutional structure with specific roles** in the compliance mechanism for the Governing Body, the Compliance Committee, Contracting Parties, and the Secretary. The Committee may consider if these roles are defined with enough clarity and detail and if there are any functions or roles not clearly attributed. Potential changes or adaptations to the institutional structure may also arise from the assessment of the following elements.

17. An overarching function of the Committee is to promote compliance with the International Treaty. The Committee may wish to analyze its experience so far with this function and consider any changes that might be required to the relevant sections of the *Compliance Procedures*.

18. The **functions of the Committee** are listed in Section IV of the *Compliance Procedures*, with further details on **measures to promote compliance** and **procedures to address issues of non-compliance** in the subsequent sections. So far, the Committee has offered advice to one Contracting Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the International Treaty. Furthermore, the Committee regularly assists the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the International Treaty on the basis of the national reports in accordance with Section V of the *Compliance Procedures* and submits its own report to the Governing Body at each Session. It is to be noted that the Committee has not addressed, so far, any issues of non-compliance and no other specific functions have been delegated to it by the Governing Body pursuant to Article 21.

19. As of today, no relevant issues have been referred to the Compliance Committee regarding issues of non-compliance. The Committee may consider if there are any limiting factors related to the procedures that would impede or make the submission of any such issues difficult.

20. Following the decision of the Governing Body at its Fourth Session, the Committee developed, and the Governing Body approved at its Fifth Session in 2013, the *Rules of Procedures of the Compliance Committee (Rules of Procedures)*, which contain rules on confidentiality, decision making, conflict of interest of Committee members, electronic decision making, replacement of Committee members and the format for submissions by the Governing Body.<sup>4</sup>

21. The Committee may want to consider that most subsidiary bodies established in recent years refer to the election of two Co-Chairs, one from a developed and one from a developing country, rather than to a Chair and a Vice-Chair.

22. According to its Rule XIX, any **amendment to the Rules of Procedures** shall be adopted by consensus by the Committee and submitted to the Bureau of the Governing Body and to the Governing Body for consideration and approval. Nevertheless, the amendments adopted by the Committee and approved by the Bureau of the Governing Body shall be provisionally applied pending their approval by the Governing Body.

23. At its Eighth Session, the Governing Body requested the Bureau to review subsidiary and intersessional processes and provide recommendations to the Governing Body, including on **coordination among subsidiary bodies** and avoiding duplication of efforts.

24. For that exercise, the Secretary updated a Reference Note, which contained guidance by the Bureau and other analytical elements. The Reference Note indicated that the review of subsidiary bodies should be oriented towards avoiding duplication and promoting coordination among subsidiary body functions.<sup>5</sup>

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<sup>4</sup> Rules of Procedures of the Compliance Committee, [www.fao.org/3/mn566e/mn566e.pdf](http://www.fao.org/3/mn566e/mn566e.pdf)

<sup>5</sup> Review of Subsidiary Bodies and Intersessional Processes, [www.fao.org/3/ni858en/ni858en.pdf](http://www.fao.org/3/ni858en/ni858en.pdf)

25. In this area, it is to be noted that the Compliance Committee coordinated with the Standing Committee on the Funding Strategy and Resource Mobilization in the past for updating the Standard Reporting Format and that such interaction is not specifically reflected in the activities or functions of the Committee. Therefore, the Committee may wish to consider the inclusion of a reference to facilitate consultation and coordination with other subsidiary bodies established by the Governing Body to avoid duplication of efforts and increase complementarity.

26. At its Ninth Session, the Governing Body “*decide[d] to re-establish the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System of Access and Benefit-sharing (Working Group), to finalize the enhancement of the functioning of the Multilateral System by the Eleventh Session of the Governing Body.*”

27. The Governing Body also “*decide[d] that the process should build upon current progress and achievements of other Treaty intersessional groups and underscores the necessity to liaise closely with the [...] Compliance Committee with regard to Contracting Parties making available material contained in the Multilateral System.*”<sup>6</sup>

28. The Committee may want to discuss how to support the Working Group in its work, including possibilities for its Bureau to interact with the Co-chairs of the Working Group.

29. The Committee can also note that the Rules of Procedures foresee the **use of electronic means** for the purpose of conducting its business, particularly for conducting informal consultations and for elaborating and taking decisions in writing. During the last biennia, the Committee has made use of electronic means for holding meetings virtually (for example, its fourth meeting in 2021 or an informal meeting in 2021) and has used correspondence and decision by email several times to finalize its reports to the Governing Body.

## ii. EXECUTION

30. The second pillar groups elements related to the practical aspects of implementation and monitoring. Several items of fundamental importance have been placed for the review of the Committee like the reporting cycle and the standard reporting format, the Online Reporting System, the data collection workflow, and other implementing activities.

### The Reporting Cycle

31. The reporting cycle is set at five years, with the Committee analyzing reports received up to 12 months before the Governing Body session. The Committee has, on two occasions, recommended to the Governing Body to extend the deadline for submission to facilitate further or additional reporting by Contracting Parties and to align the 5-year cycle with the regular Sessions of the Governing Body.

32. The Committee may want to assess whether these two timeframes are too long or too short.

33. The Committee could also clarify what timeframe the content of the reports is expected to cover. Usually, the reports cover up to five years for certain implementation activities and projects submitted. In some occasions, they cover longer periods of time and the Contracting Parties have been advised to indicate the period for certain activities in the report.

### The Standard Reporting Format

34. The Standard Reporting Format was developed by the Compliance Committee and subsequently approved by the Governing Body at its Fifth Session.<sup>7</sup> At its third meeting, the Compliance Committee reviewed the Standard Reporting Format and recommended an updated version to the Governing Body for adoption.<sup>8</sup> The Governing Body, at its Eighth Session, approved the updated Standard Reporting Format,<sup>9</sup> which has since been used for the national reports and reflected in the Online Reporting System.<sup>10</sup>

35. In their national reports, several Contracting Parties made suggestions for improving the Standard Reporting Format. These are summarized in the following paragraphs, for the information of the Compliance

<sup>6</sup> [Resolution 3/2022](#).

<sup>7</sup> [Resolution 9/2013 Rev.1](#), Annex 2.

<sup>8</sup> [IT/GB-8/CC-3/19/Report](#), *Report of the Third Meeting of the Compliance Committee*, Annex 3, p. 39.

<sup>9</sup> [Resolution 7/2019](#), para. 12, and [IT/GB-8/19/13](#), *Report of the Compliance Committee*, Appendix 3.

<sup>10</sup> [www.fao.org/plant-treaty/areas-of-work/compliance/howtoreport/en/](http://www.fao.org/plant-treaty/areas-of-work/compliance/howtoreport/en/)

Committee. The Committee may wish to undertake a full review at its next meeting, as the third reporting cycle is scheduled to begin during the next biennium.

36. Most Contracting Parties reported not having encountered any problems with the Standard Reporting Format when elaborating their national reports. Examples for general positive feedback are statements that the Standard Reporting Format was entirely clear and that it was easy to complete. Nevertheless, several Contracting Parties pointed out specific issues and made suggestions for possible improvements, as summarized in the following.

37. A general comment on the Standard Reporting Format relates to its length, with suggestions to reduce the number of questions and to avoid repetitions between questions. Although these perceived repetitions are not specified, replies cross-referenced in several national reports are Question 13 (relating to Art. 5 of the International Treaty: conservation and other activities) and Question 16 (relating to Art. 7 of the International Treaty: international cooperation in both the conservation and the sustainable use of PGRFA).

38. Since both questions relate to cooperation between Contracting Parties, the Committee may want to assess a possible overlap of these two questions and consider the possibility of merging Question 13 into Question 16. Many reports provide comprehensive replies to Question 16, so that the Committee may want to ensure that their content is not lost, for example by inviting Contracting Parties to report on any additional cooperation activities not reported in other sections of the report.

39. Some Contracting Parties suggest adding a third option for some questions that they have difficulties to reply with YES or NO, by adding OTHER or N/A. Inserting other type of response options may help them to indicate a certain level of implementation of the International Treaty, where relevant. Unfortunately, no specific candidate questions for this suggestion are identified. The first review of the format addressed some of these issues, but other questions could benefit from a further review.

40. In this context, one Contracting Party suggested adding free text fields also for NO replies, to allow for further details or background information to be added. The questions on the Multilateral System, especially the benefit-sharing part, might serve as an example, should the Committee decide to implement this suggestion.

41. The following concrete suggestions on specific questions are made in the national reports:

- a. Question 5 (on whether PGRFA have been surveyed and inventoried) should be formulated more precisely (the term “inventoried” not being clear);
- b. Question 7 (collection) includes two distinct concepts like “PGRFA that are under threat” and “PGRFA that are of potential use” that are good candidates to be considered as separated questions);
- c. Question 26 (enforcement of arbitral decisions) should clarify to which article of the International Treaty it refers to; in this context, the Committee may wish to discuss the possibility of adding further explanations to both Questions 25 (seeking recourse) and 26 (enforcement of arbitral decisions), since many respondents seem to have difficulties with these two questions. Alternatively, if this information is not considered relevant by the Committee for the national report, both questions could be eliminated from the Standard Reporting Format;
- d. Question 31 (Global Plan of Action) should include a definition or explanation of the term “promote”, according to one Contracting Party;
- e. Questions 38-40 (general remarks) could include a completely open text field to share any other information about national implementation, including on cross-cutting issues such as gender, the role of women, the role of youth, etc.

42. The Committee may wish to take note of these suggestions and consider them in its discussions on the review of the *Compliance Procedures* at this meeting, in its possible work on the Standard Reporting Format between its formal meetings, or at its next formal meeting when preparing recommendations to the Governing Body for the third reporting cycle.

### **Online Reporting System**

43. To facilitate the submission of reports, the Secretariat launched the Online Reporting System during the first reporting cycle. The System was developed in collaboration with the World Conservation Monitoring Centre of the United Nations Environment Programme (WCMC). This same framework is used by several multilateral environmental agreements and biodiversity-related conventions because it is customizable with the corresponding reporting formats and requirements. It offers functions that have been tested with other treaties and conventions, and both the users and the parties benefit from previous experience. The System allows Contracting Parties to update single questions or groups of questions and resubmit these without having to rewrite the entire report. It also serves as a repository of information and could eventually help to study and analyze similar biodiversity topics across conventions.

44. The System has been the preferred method for the submission of national reports and has facilitated the update of information even when the national focal point frequently changed within short periods of time.

45. WCMC is working on a new version of the System that would eventually benefit Contracting Parties of the International Treaty in the third reporting cycle. Although the use of the System has been at no cost to the Secretariat so far, thanks to the resources and collaboration currently in place, the need to contribute to its future maintenance and operation is foreseen.

46. One of the top features suggested by the Secretariat for the new version is the capability to produce quantitative statistics and graphics on the fly because the current process involves several data cleaning and aggregation activities, which is time-consuming.

### **Data Collection and Analysis**

47. The current workflow of data collection and processing based on the national reports is undertaken mainly by the Secretariat, in order to prepare the draft synthesis and analysis report for the Committee. The analysis encompasses both quantitative and qualitative assessments of the data. Over the years, the report has been expanded and enriched with graphics and maps. Following the advice of the Committee, the report has also increased the segregation of analyses, by regions, for the relevant questions.

48. Following the advice of the Committee, all reports received by the Secretary are published online in the form and language in which they were received, with only the addition of a cover note.

49. The Secretary followed the guidance received from the Committee on the methodology for the preparation of the draft synthesis report and on its structure. The draft synthesis report prepared for this meeting and contained in the document, IT/GB-10/CC-5/23/3, *Synthesis of reports received from Contracting Parties on measures taken to implement the provisions of the International Treaty*, is the fourth of its kind.

50. The Committee may therefore wish to take stock and discuss potential adjustments to the methodology or structure, as well as practical aspects in the preparation of the reports, and provide guidance to the Secretary, where necessary. For example, the Committee has so far not discussed its potential role in processing incoming national reports during the biennium. The Secretariat could send national reports to the members of the Committee as they are submitted and/or published, if it deems it appropriate.

51. The Committee could also discuss whether it wants to continue to update the synthesis and analysis for each session of the Governing Body or rather establish a threshold of additional reports, below which the update would be deferred.

52. The data collected and analyses produced was also shared, upon request, with other subsidiary bodies of the International Treaty for various types of assessments or other specific purposes.

### **Other parts of the Compliance Procedures**

53. Besides the monitoring and reporting under Part V of the *Compliance Procedures*, an update on practical aspects of the other functions of the Committee is provided in part i above (“set-up and configuration”).

54. In addition to these functions, the Ninth Session of the Governing Body recalled that the Compliance Committee has a mandate to “promote compliance by addressing statements and questions concerning the implementation of obligations under the International Treaty.”<sup>11</sup>

55. The Governing Body also “*invite[d] the Compliance Committee to consider assisting Contracting Parties, upon their request, in considering the conformity of their national legislation with the International Treaty and request[ed] the Secretary to undertake any necessary preparatory work for the consideration of the Compliance Committee.*”<sup>12</sup>

56. The Secretary reminded Contracting Parties of these possibilities through Notification NCP GB10-002.<sup>13</sup> Nevertheless, no technical questions pursuant to Section IX of the *Compliance Procedures* were received as at the time of publication of this document.

57. The Committee is invited to discuss possible ways to encourage Contracting Parties to submit technical questions, so as to further enhance compliance with and implementation of the International Treaty.

58. In this context, the Committee may wish to recall its important role to provide assistance and advice to Contracting Parties on the implementation of the International Treaty. This is a unique function of the Compliance Committee and no other committee or subsidiary body established by the Governing Body has the mandate to exercise this function.

59. Therefore, the Committee may wish to discuss how it could best offer advice and/or facilitate assistance to Contracting Parties on matters relating to compliance with a view to assisting them to comply or improve compliance with their obligations under the International Treaty (Section IV.1b of the *Compliance Procedures*).

60. Moreover, the Committee may wish to discuss how to consider, in the future, measures to promote compliance and address issues of non-compliance that are brought to its attention and provide guidance to the Secretary on the support that may be provided to this process. The Committee may wish to discuss what a possible procedure on non-compliance could look like.

61. Finally, the Committee may wish to discuss how best to promote compliance based on the information submitted in the national reports. This might relate both to issues of general non-compliance that come to the attention of the Committee through the reports received or to indications by a Contracting Party of difficulties in complying with its obligations under the International Treaty. One example previously discussed by the Committee is the availability of PGRFA in the Multilateral System (Question 20 of the Standard Reporting Format).

### **The Global Biodiversity Framework**

62. At its meeting in February 2023, the Bureau of the Governing Body agreed that the theme of the Tenth Session of the Governing Body should focus on the Kunming-Montreal Global Biodiversity Framework (GBF) and the role of plant genetic resources and, in particular, on the interrelations of the International Treaty and the GBF. While noting their different status and scope, the Bureau agreed to invite the intersessional subsidiary bodies to consider the possible implications of the outcomes of the GBF for the work of the International Treaty in their respective areas of work, with the view to making relevant observations and recommendations for consideration by the Governing Body.

63. The Bureau also highlighted the possible contribution of the International Treaty in supporting Contracting Parties to monitor progress in the implementation of the GBF. In this context, the Committee may wish to note, as a starting point, the document presented to the Ninth Session of the Governing Body IT/GB-9/22/14/Inf.1, Indicators under the International Treaty on Plant Genetic Resources for Food and Agriculture ([www.fao.org/3/cc2073en/cc2073en.pdf](http://www.fao.org/3/cc2073en/cc2073en.pdf)).

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<sup>11</sup> [Resolution 8/2022](#), preambular para. 2.

<sup>12</sup> [Resolution 8/2022](#), para. 12.

<sup>13</sup> [Notification NCP GB10-002](#).

### iii. SUPPORT

64. At its last meeting, the Compliance Committee identified several measures for capacity development, to be undertaken by the Members of the Compliance Committee or the Secretary, respectively.<sup>14</sup>
65. Regular support has been provided in the form of direct training. Up to 2020, most of the training sessions were conducted in the form of face-to-face meetings, in collaboration with other partners and thanks to the availability of extra budgetary support, or together with similar training on the operations and functioning of other mechanisms of the International Treaty, e.g., the Multilateral System or the Global Information System. Most recently, the training has been delivered through virtual regional or thematic meetings, one-on-one virtual training, and through specific notes sent by email. In 2022, the Secretary held a series of regional implementation webinars on compliance, focusing especially on the national reporting mechanism, with more than 120 participants from all FAO Regions.
66. Moreover, the Secretary completely updated the website on Compliance and added a new “frequently asked questions” section to explain the Compliance work area and national reporting mechanism in a user-friendly manner and easy-to-understand language. The content of the website is available in the six official languages of the International Treaty.<sup>15</sup>
67. Similarly, the Secretary established a dedicated helpdesk on compliance, serving Contracting Parties especially in the reporting process. Contracting Parties may contact the helpdesk under the general email address, [PGRFA-Treaty@fao.org](mailto:PGRFA-Treaty@fao.org). Most questions are replied within 24/48 hours, depending on the nature of the issue and on whether any further action is envisaged.
68. Finally, the Secretary published notifications, sent individual letters to Contracting Parties and used informal channels to remind them of the national reporting mechanism, relevant deadlines and available support, which was appreciated as helpful by Contracting Parties. Both the notifications and the letters included updated information for national focal points in Arabic, English, French and Spanish, on how to report and what supportive material is available. The most recent letters were sent before the Ninth Session of the Governing Body, receiving some immediate positive feedback, and the last notification was published in December 2022.<sup>16</sup>
69. The notifications also encouraged Contracting Parties to submit technical questions related to the implementation of the International Treaty, as well as views and options for the reviews to be undertaken by the Governing Body.<sup>17</sup>
70. At its Ninth Session, the Governing Body “recall[ed] the recommendations made by various Contracting Parties in relation to capacity development and the support needed, as reflected in Resolution 7/2019”; and “reiterat[ed] the options for capacity development regarding monitoring and reporting on the implementation of the International Treaty for integration in future activities and programmes in Resolution 7/2019.”
71. The Secretary will continue these initiatives to support Contracting Parties in their reporting efforts.
72. In this context, the Committee may wish to consider the invitation of the Governing Body, at its Ninth Session, to “the members of the Compliance Committee to communicate with Contracting Parties in their respective regions to sensitise, and provide information and support in matters related to compliance, especially regarding the reporting process under Section V of the Compliance Procedures and the related timeline agreed by the Governing Body.”<sup>18</sup>
73. Some members of the Committee have been very active over the last two biennia in inviting and supporting national focal points in their respective region for the preparation and submission of the national reports.

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<sup>14</sup> [IT/GB-9/CC-4/21/Record](#), paras. 7 and 22.

<sup>15</sup> [www.fao.org/plant-treaty/areas-of-work/compliance/faqs/en/](http://www.fao.org/plant-treaty/areas-of-work/compliance/faqs/en/)

<sup>16</sup> [NCP GB10-002](#).

<sup>17</sup> [NCP GB9-013](#), [NCP GB9-023](#), [NCP GB10-002](#).

<sup>18</sup> [Resolution 8/2022](#), para. 5.



74. Various national focal points from developing Contracting Parties have explored with the Secretariat the possibility to hire a consultant to provide support with the data collection at the national level or with the organization of coordination meetings with other national institutions for the drafting or review of their first report, as is the practice in other instruments and conventions. It is to be noted that there is currently no budgetary allocation for this activity.

75. The Committee may wish to discuss possible actions to further encourage and facilitate reporting by Contracting Parties, considering the information contained in the analysis and the reports.

### III. GUIDANCE SOUGHT

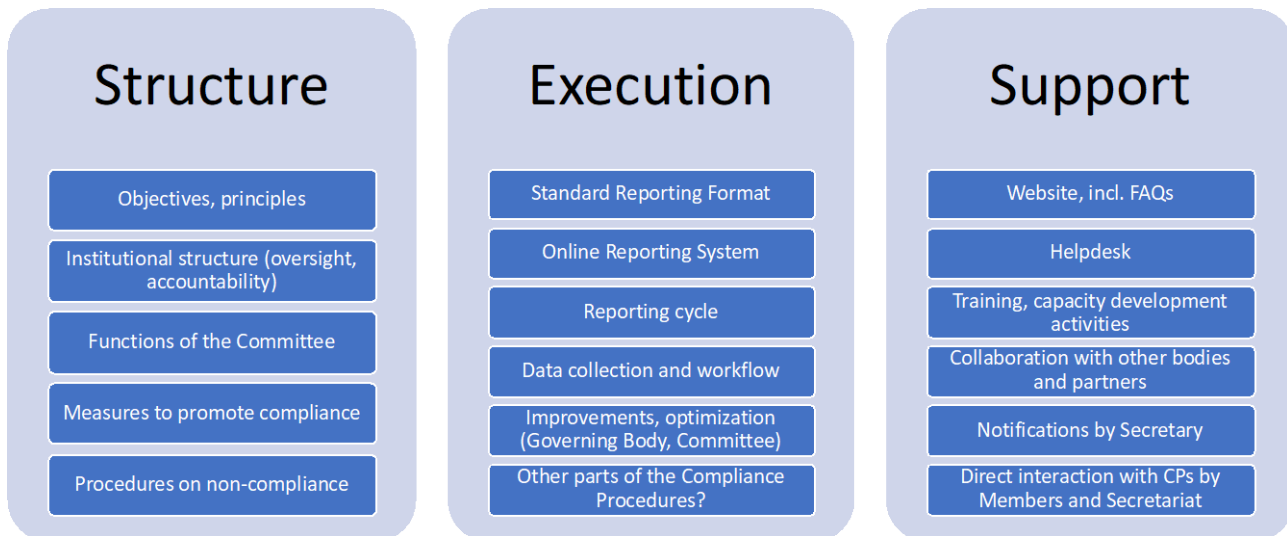
76. The Compliance Committee is invited to consider the above framework to prepare an assessment and recommendations as a basis for the Governing Body to undertake the review of the Compliance Procedures.

77. The Committee may wish to discuss if there are any aspects of the review that could benefit from a future assessment and indicate when and how to undertake such an assessment.

78. The Committee is invited to propose appropriate text for the draft Resolution to be prepared for the consideration of the Governing Body. This could also include a possible timeframe for future reviews of the *Compliance Procedures*, which are to be undertaken periodically. Preliminary elements for a possible draft Resolution are given in *Appendix 2*.

79. The Committee is also invited to consider the possible implications of the outcomes of the GBF for the work of the International Treaty and make any relevant recommendations to the Governing Body.

80. Finally, the Committee is invited to prepare its conclusions and suggestions for future work on compliance with the International Treaty.

**Appendix 1****Draft Framework for the Review of the Effectiveness of the *Compliance Procedures*****Structure**

1. Did the implementation of the compliance mechanism show any problems with the objectives/principles of the Compliance Procedures (Sect. I, II)? Would the Compliance Committee suggest any changes or adaptations?
2. The Compliance Procedures set forth specific roles for the Governing Body, the Compliance Committee, Contracting Parties, and the Secretary in the compliance mechanism. Are these roles defined with enough clarity and detail? Is there any function or role not clearly attributed?
3. The functions of the Committee are listed in Sect. IV. So far, the Committee could only put b), c) and g) into practice. Would the Committee suggest enlarging or reducing its functions? Do the functions relate to the objectives and principles?
4. An overarching function of the Committee is to promote compliance with the International Treaty. What experiences could be relevant for the Committee so far? Would these experiences require any changes to the relevant Sections of the Compliance Procedures or the Rules of Procedures?
5. No cases of non-compliance were referred to the Committee so far. Would the Committee suggest any changes to Section VI? Are there any limiting factors for the lack of submissions/cases?

## Execution

1. The reporting cycle is set at five years, with the Committee analyzing reports received up to 12 months before the Governing Body session. The Committee has, on two occasions, recommended to the Governing Body to extend the deadline for submission to facilitate further or additional reporting by Contracting Parties and to align the 5-year cycle with the regular Sessions of the Governing Body.

2. As a standardized questionnaire, the (voluntary) Standard Reporting Format facilitates significantly the synthesis and analysis of reports. Are there any lessons learnt from the use of it that would suggest changes to the Compliance Procedures? What other opportunities could it provide? On a practical side, what other data sources could be used to complement the data collected through

3. Based on the experiences made with the Online Reporting System (developed and maintained by the Secretariat), are any changes to the Compliance procedures required? Would the Committee have any other suggestions so that the ORS continues to support the reporting and monitoring process?

4. The current workflow of data collection and processing based on the national reports is undertaken mainly by the Secretariat, in order to prepare the draft synthesis/analysis report for the Committee. Would the Committee suggest playing a more active role earlier in the process? Would it prefer to receive updates on new reports during the intersessional period? Are changes to the Compliance Procedures required?

5. Most of the experiences made so far concern Part V of the Compliance Procedures (monitoring and reporting). What are the lessons learnt on the other parts that might suggest changes to the Compliance Procedures? Are changes needed so that Contracting Parties more actively draw upon the other functions of the Compliance Committee? Does the Committee have any practical suggestions for improving the compliance mechanism?

## Support

1. The Secretariat developed and manages a dedicated website including a "frequently asked questions" section on compliance. Does the Compliance Committee have any practical suggestions for improvement based on the Compliance Procedures? Any changes to the Compliance Procedures?

2. The Secretariat established and maintains a dedicated helpdesk. Does the Compliance Committee have any practical suggestions for improving this service based on the Compliance Procedures? Any changes to the Compliance Procedures?

3. Based on the guidance received from the Committee and the Governing Body, the Secretariat regularly offers training and capacity development activities on national reporting and compliance. Does the Compliance Committee have any practical suggestions for improvement based on the Compliance Procedures? Any changes to the Compliance Procedures?

4. Does the Compliance Committee have any practical suggestions for specific partnerships to support the compliance mechanism, beyond the ones established by the Secretariat (WIEWS, SDG reporting)? Are there any additions that would be needed in the Compliance Procedures?

5. Based on the guidance received from the Committee and the Governing Body, the Secretary regularly informs Contracting Parties of the reporting cycles, invites requests for advice, and offers support. Does the Compliance Committee have any practical suggestions for improvement based on the Compliance Procedures? Any changes to the Compliance Procedures?

6. Both the members of the Committee and the Secretariat interact directly with Contracting Parties to provide support on the compliance mechanism. Does the Compliance Committee have any practical suggestions for improvement based on the Compliance Procedures? Any changes to the Compliance Procedures?

**Appendix 2****POSSIBLE ELEMENTS OF A DRAFT RESOLUTION****The Governing Body:**

- a) *Recalling* its previous decisions on compliance, particularly regarding capacity development and the support available to Contracting Parties from the Compliance Committee;

**Monitoring and reporting**

- b) *Thanks* the Compliance Committee for the synthesis and analysis provided in the document, IT/GB-10/23/xx, *Report of the Compliance Committee*;
- c) *Thanks* those Contracting Parties that have submitted their reports pursuant to Section V of the Compliance Procedures on time as well as those that submitted or updated their reports subsequently;
- d) *Decides* to extend the deadline for the second reporting cycle to 1 October 2024;
- e) *Urges* those Contracting Parties that have not yet submitted their reports in the second reporting cycle to submit them by 1 October 2024;
- f) *Invites* all Contracting Parties, including Contracting Party Organizations, to continue submitting or updating their reports, pursuant to Section V of the Compliance Procedures;

**Support and Capacity Development**

- g) *Welcomes* the capacity development activities undertaken by the Secretary and *requests* the Secretary to continue supporting Contracting Parties to actively participate in the compliance mechanism;
- h) *Requests* the Secretary to support Contracting Parties in the use of the Online Reporting System and to continue the collaboration with the World Conservation Monitoring Centre of the United Nations Environment Programme (WCMC) to further adapt and upgrade it;
- i) *Encourages* Contracting Parties to avail themselves of the opportunities that the functions of the Compliance Committee provide, including by submitting to the Committee, through the Secretary, statements and questions concerning their implementation of the International Treaty;
- j) *Encourages* Contracting Parties and other donors to consider providing support and financial resources for capacity development activities as important and effective means to enhance compliance with and the implementation of the International Treaty;

**Reviews under the Mandate of the Compliance Committee and Future Work**

- k) *Thanks* the Compliance Committee for its assessment and recommendations provided in the document IT/GB-10/23/xx, *Report of the Compliance Committee*;
- l) *Decides* to [...];

**Other Matters**

- m) *Invites* Contracting Parties to avail themselves of the information contained in the national reports submitted to the International Treaty to update their National Biodiversity Strategies and Action Plans (NBSAPs), as may be most appropriate, in the context of the Global Biodiversity Framework;
- n) *Invites* Contracting Parties to provide or update the contact details of their national focal points and, possibly, nominate an alternate reporting officer;

- o) *Elects* the members of the Compliance Committee in accordance with Section III.4 of the Compliance Procedures, as contained in the Annex to this Resolution.
- p) [...] ]

[Annex]