

January 2019



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



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

**Item 3 of the Provisional Agenda**

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

**THIRD MEETING OF THE COMPLIANCE COMMITTEE**

**Rome, Italy, 31 January – 1 February 2019**

**SYNTHESIS OF REPORTS RECEIVED FROM CONTRACTING PARTIES  
ON MEASURES TAKEN TO IMPLEMENT THE PROVISIONS OF THE  
INTERNATIONAL TREATY**

**Executive Summary**

Pursuant to Section V of the *Compliance Procedures*, the Compliance Committee shall consider the reports received up to 12 months before the next session of the Governing Body. The Committee shall also submit to the Governing Body, for its consideration, a synthesis on the basis of the reports that it has considered, in order to assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the Treaty. This document contains an analysis of reports received up to 10 December 2018 from Contracting Parties pursuant to Section V of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance* and related issues.

## I. INTRODUCTION

1. The Compliance Committee was established by Resolution 3/2006 pursuant to Articles 19.3e and 21 of the Treaty. It held its first meeting from 20 April to 22 April 2013. At that meeting, it agreed on the Draft Rules of Procedure of the Compliance Committee and on the Draft Standard Reporting Format. The Governing Body, at its Fifth Session, approved the *Rules of Procedure of the Compliance Committee*,<sup>1</sup> as well as the (voluntary) *Standard Reporting Format*,<sup>2</sup> Pursuant to Section V.1 of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*. The *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*<sup>3</sup> (Compliance Procedures) had been approved at the Fourth Session of the Governing, thus making the compliance mechanism of the Treaty fully operational.
2. By Resolution 6/2015, the Governing Body requested “*Contracting Parties to submit their reports according to Section V of the Compliance Procedures in a timely manner, so that the Compliance Committee could consider them before the Seventh Session of the Governing Body*”.
3. According to Section V of the Compliance Procedures, each Contracting Party shall submit to the Compliance Committee, through the Secretary, a report on the measures it has taken to implement its obligations under the Treaty. The first of such reports was due by October 2016, three years after the approval of the *Standard Reporting Format* by the Governing Body.
4. In order to further facilitate reporting by Contracting Parties and monitoring of the implementation of the Treaty, the Governing Body requested the Secretary to deploy the Online Reporting System (ORS) to streamline the reporting process through electronic means in order to support Contracting Parties in submitting compliance related information in electronic format, following the *Standard Reporting Format* approved by the Governing Body. The Secretariat finalised the development of the ORS, in collaboration with the United Nations Environment Programme World Conservation Monitoring Centre (UNEP-WCMC), and has been operational since April 2016.<sup>4</sup>
5. At its Seventh Session, the Governing Body “*urge[d] Contracting Parties that have not yet done so, including States that have become Contracting Parties since the Fifth Session and before the Seventh Session of the Governing Body, to submit, as soon as possible, and no later than 1 October 2018, their reports pursuant to Section V of the Compliance Procedures*” (Resolution 8/2017). Subsequent reports will be due every five years thereafter.
6. The Secretary has been actively reaching out to Contracting Parties to encourage and to facilitate the submission of the national reports. In addition to direct contacts, the Secretary also issued two notifications during this biennium to request for submissions and as a reminder, respectively.
7. With the generous support of the government of Germany, the Secretariat successfully organized three regional capacity building workshops between October and December 2018 on the preparation of national reports and the implementation of the International Treaty: for the Africa Region in Addis Ababa (Ethiopia), for the Latin America and the Caribbean Region in Antigua (Guatemala) and for the Asia Region (with the additional participation of two Contracting Parties from the South West Pacific Region) in New Delhi (India), respectively. The workshops assisted in facilitating the submission of additional reports.
8. Pursuant to Section V of the *Compliance Procedures*, the Committee shall consider the reports received up to 12 months before the next session of the Governing Body. The Eighth Session of the Governing Body is tentatively scheduled for November 2019. The Committee is also tasked to submit to the Governing Body, for its consideration, a synthesis on the basis of the reports that it has considered, in order to assist the Governing Body in its monitoring of the implementation by Contracting Parties of their obligations under the Treaty.
9. This document contains an analysis of all the reports received as of 10 December 2018. The list of Contracting Parties that submitted reports before this date is given in *Appendix I*. Section II provides some explanations of the manner in which the available information is presented in this document. Section III

---

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

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

<sup>3</sup> [Resolution 2/2011](#), Annex

<sup>4</sup> Available at <http://faoitpgrfa.ort-production.linode.unep-wcmc.org/>.

contains the synthesis of reports received, with a summary and some preliminary conclusions in Section IV. Section V provides further considerations the Committee may wish to address. Section VI contains guidance sought from the Committee and Section VII, elements of a draft Resolution the Committee may wish to consider for inclusion in its report to the Governing Body.

## II. COMPILATION AND PRESENTATION OF INFORMATION

10. Given that half of the additional reports received since the second meeting of the Committee were submitted within a very short period of time before the cut-off date, an in-depth qualitative analysis could not be undertaken by the Secretariat. Such an analysis could, in the future, be undertaken from a regional perspective, or consider qualitative parameters and items that would require a thorough definition.

11. The aim of the following analysis is to assist the discussions of the Compliance Committee at its third meeting. The information is presented according to the *Standard Reporting Format*. The analysis aims at identifying progress in and constrains to the implementation of the International Treaty at national level.

12. Where appropriate, the analysis addresses economic groupings (i.e., developing country Contracting Parties and developed country Contracting Parties) where notable differences among the Parties can be identified from that perspective. In some cases, representative comments from as broad a regional base as possible have been excerpted from the reports and provided in the analysis as illustrative examples only, but they should not be interpreted in isolation and without taking into account the complete report as submitted by the respective Contracting Parties.

13. Given the methodological limitations of this document due to the tight timeline between receipt of the reports and production of the analysis, any results presented in this document should be interpreted carefully. It should also be noted that reports could only be analysed from those Contracting Parties that submitted them, so that the ensuing uneven geographical distribution of reports received may have indicated biased results towards certain regions. Moreover, reports vary considerably in the amount and precision of information they contain, with some providing extensive information to explain their answers, and others only providing limited information. There is also the issue of some ambiguous and even contradictory replies received, which had to be interpreted when analysing the results by quantitative methods. Finally, some reports do not provide answers to all the questions, so that in the analysis below, the total number of replies may vary from one question to the other.

14. The Secretariat sought to address these constraints in the capacity-building events mentioned in Section I of this document, to support producing high-quality national reports.

## III. SYNTHESIS OF THE REPORTS RECEIVED

### A. Overview

15. The Secretariat received a total of thirty-nine reports from Contracting Parties on the measures they have taken to implement their obligations under the Treaty pursuant to Section V of the *Compliance Procedures*. This means that since the second meeting of the Committee in February 2017, 27 additional reports were received, which represents a significant increase. Overall, almost 30% of Contracting Parties have so far submitted their reports in accordance with Section V of the *Compliance Procedures*. The review and analysis contained in this document cover all thirty-nine reports.

16. Around a half of the additional reports received since the second meeting of the Committee were submitted during or immediately following the capacity-building workshops mentioned in Section I above.

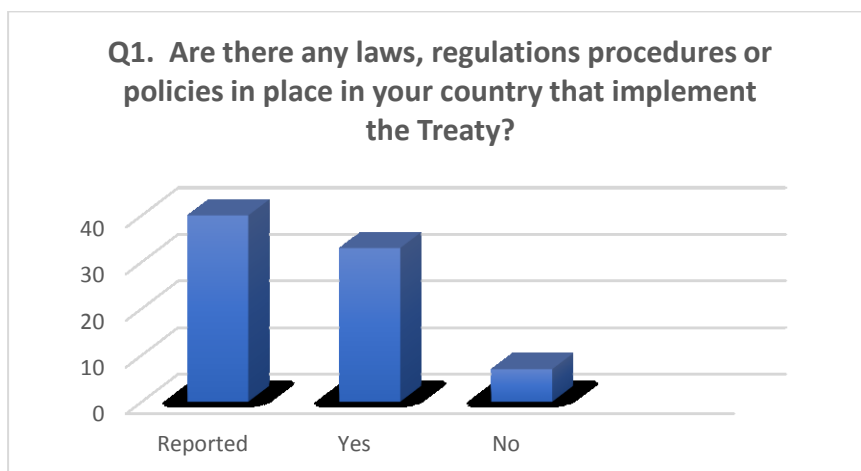
17. The reports included nine from the Africa Region, twelve from the European Region, seven from the Latin America and the Caribbean Region, five from the Asia Region, two from the North America Region, three from the Near East Region and one from the South West Pacific Region.

18. The majority of the reports received utilized the voluntary *Standard Reporting Format Pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*.

### B. General Obligations (Article 4)

19. Pursuant to Article 4 of the Treaty each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in the Treaty.

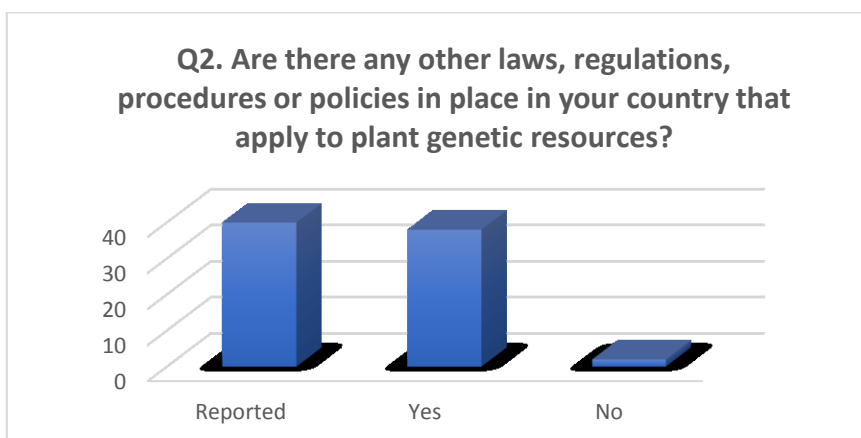
20. Thirty-two Contracting Parties (or 80%) replied that they had laws, regulations, procedures or policies in place that implement the Treaty, whereas seven Contracting Parties, all but one developing countries, do not have any such laws, regulation, procedures or policies in place.



*Figure 1. Reporting Contracting Parties with laws, regulations, procedures or policies in place to implement the International Treaty (by number).*

21. The further details provided in the reports show that most Contracting Parties either implement the Treaty through laws or through policies, and that the majority of such measures do not deal with the Treaty alone, but in a broader context of biodiversity or agriculture.

22. Thirty-seven Contracting Parties (or 93%) stated that they have other laws, regulations, procedures or policies in place that apply to plant genetic resources and only two developing country Contracting Parties indicated that they have none. These other measures are mostly in the areas of biodiversity, environment protection, biosafety, plant variety protection and marketing of seeds.



*Figure 2. Reporting Contracting Parties with other laws, regulations, procedures or policies in place to that apply to plant genetic resources (by number).*

23. Regarding changes to existing laws, regulations, procedures or policies to ensure conformity with the Treaty, eighteen Contracting Parties indicated that they would have to make changes (for example the vast majority of reporting Contracting Parties from the Africa and GRULAC Regions), and twenty-one Contracting Parties indicated they would not (for example the vast majority of reporting Contracting Parties from the European Region). The changes mostly relate to Farmers' Rights, including Article 9.3 of the Treaty.

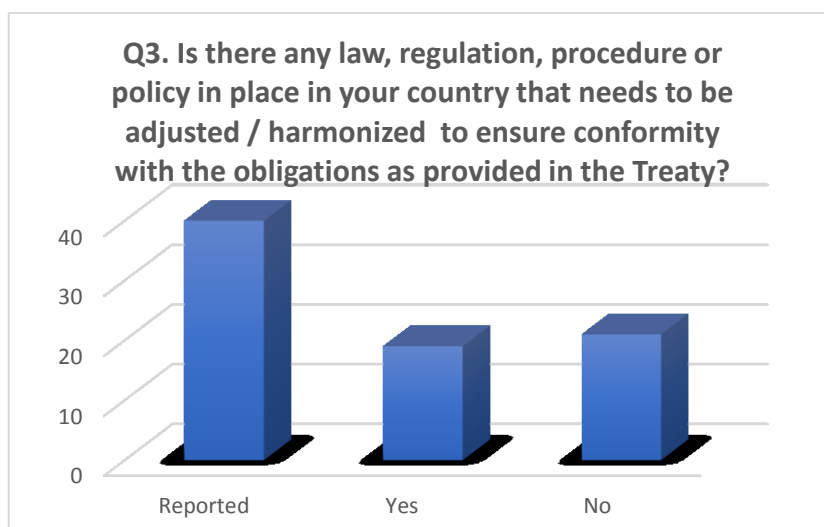


Figure 3. Reporting Contracting Parties with laws, regulations, procedures or policies that need to be adjusted/harmonized to ensure conformity with Treaty obligations (by number).

### C. Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture (Article 5)

24. Thirty-five reports (or 90%) state that they promoted an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA) and thirty-eight reports state that PGRFA have been surveyed and inventoried in their Contracting Parties and only one reporting (developing country) Contracting Party reported not having done so. The range of crops and species is broad, including both *in situ* and *ex situ* conservation, with most Contracting Parties providing detailed and comprehensive lists in their reports and several reports referring to the information provided in the reporting on the implementation of the Second Global Plan of Action.

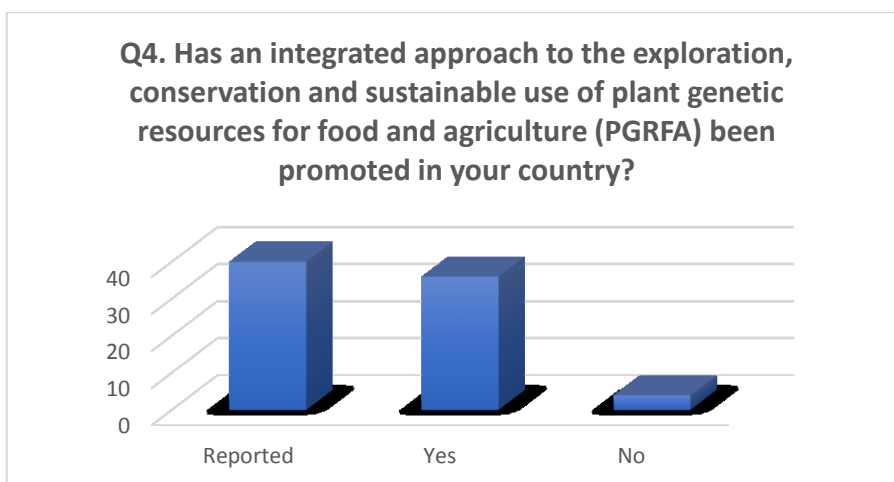


Figure 4. Reporting Contracting Parties with an integrated approach to the exploration, conservation and sustainable use of PGRFA (by number).

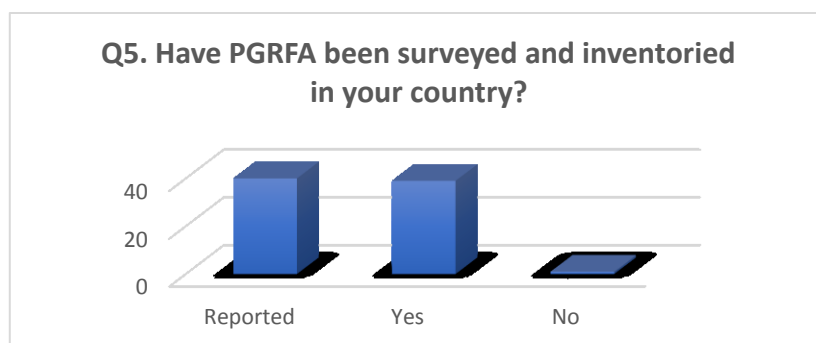


Figure 5. Reporting Contracting Parties that surveyed and inventoried PGRFA (by number).

25. Thirty-four Contracting Parties state that there are threats to PGRFA in their territories and only five Contracting Parties reported that there are none (from both developing and developed countries). The threats repeatedly mentioned include diseases, climate change, drought, lack of use, need for sensitization of decision makers and farmers, changes in land management schemes, funding shortfalls, limited qualified personnel and outdated technical capacity.

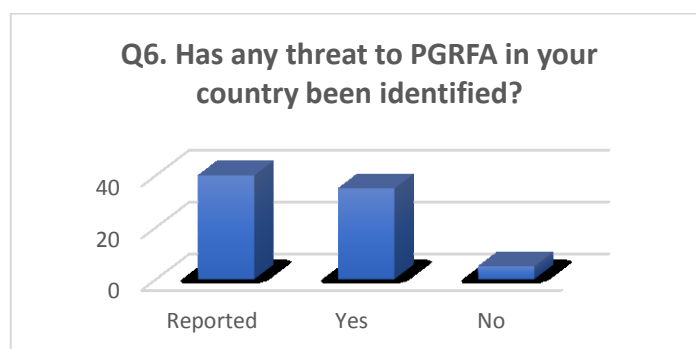


Figure 6. Reporting Contracting Parties that identified any threat to PGRFA (by number).

26. Thirty-five Contracting Parties (from all Regions) report that the collection of PGRFA and relevant associated information that are under threat or are of potential use have been promoted. Most reports mention research, *ex situ* collections, with particular emphasis on traditional varieties, or development projects.

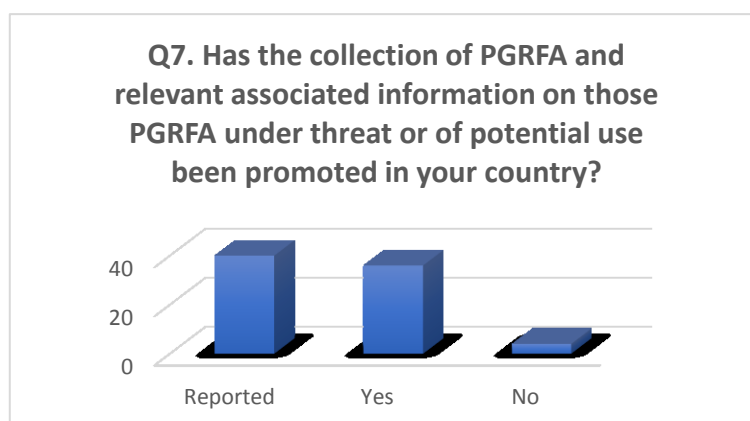


Figure 7. Contracting Parties reporting that the collection of PGRFA under threat has been promoted (by number).

27. Thirty reporting Contracting Parties indicate that they have promoted or supported farmers and local communities' efforts to manage and conserve PGRFA on-farm, including through rural development

programmes, training activities such as capacity-building workshops, financial support, and support for the registration of varieties in the plant variety registers. All reporting Contracting Parties of the European Region and of the GRULAC Region state having done so, whereas in most other Regions, no significant trend can be identified.

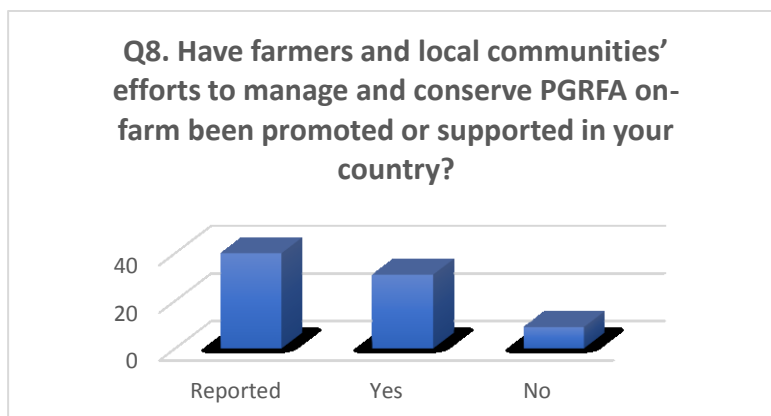


Figure 8. Reporting Contracting Parties promoting or supporting farmers and local communities' efforts to manage and conserve PGRFA on-farm (by number).

28. Twenty-six Contracting Parties report that *in situ* conservation of wild crop relatives and wild plants for food production has been promoted, with twenty-five having taken measures to promote *in situ* conservation in protected areas and fourteen having taken measures to support the efforts of indigenous and local communities, in particular awareness raising and sensitization about the importance of crop wild relatives. Thirteen Contracting Parties, comprising both developing and developed countries, report that no such measures have been promoted by them.

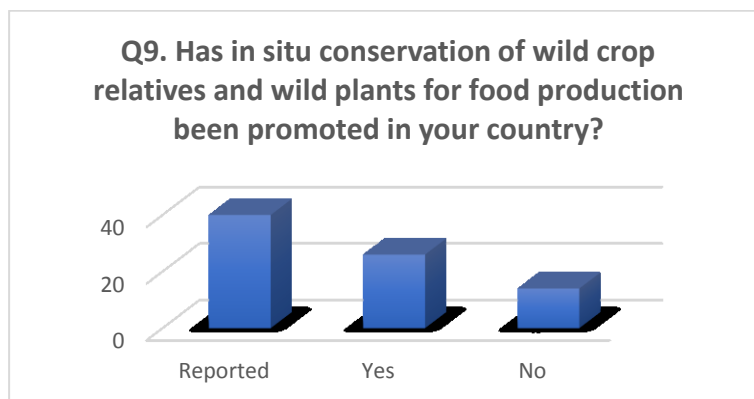
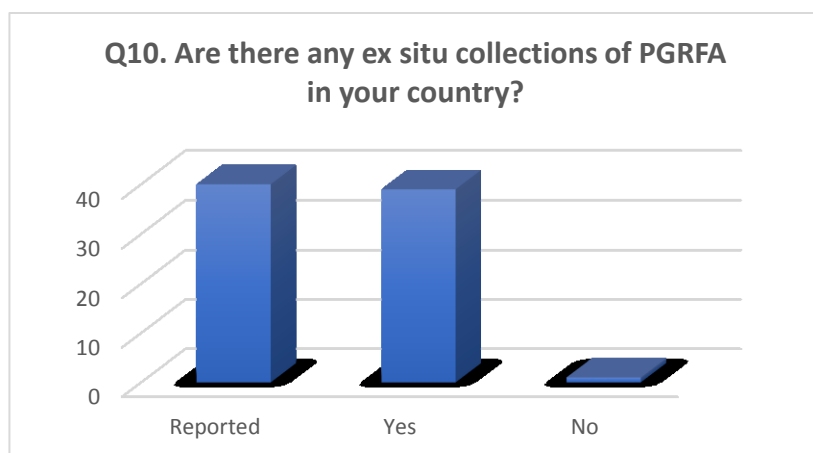
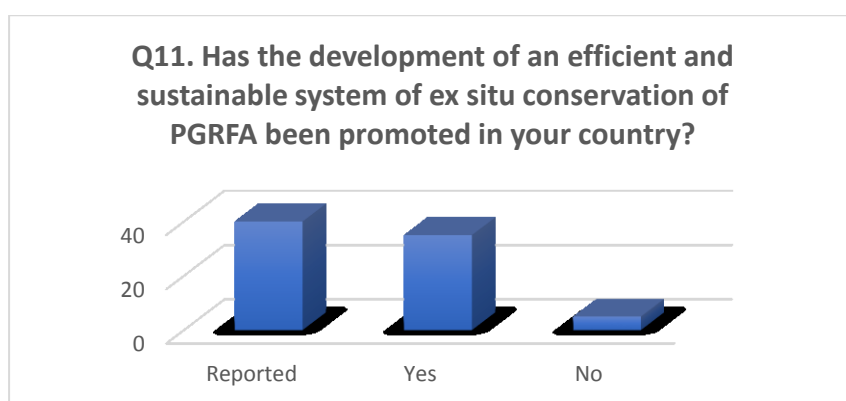


Figure 9. Reporting Contracting Parties promoting *in situ* conservation of CWR and wild plants for food production (by number).

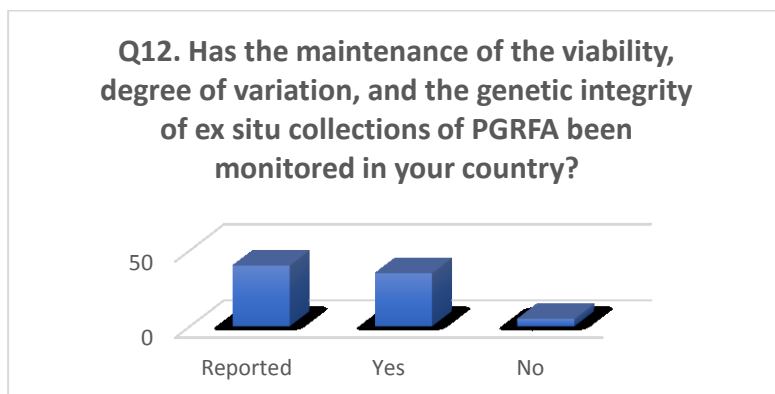
29. Almost all reporting Contracting Parties (thirty-eight or 98%) state that there are *ex situ* collections in their territories and the vast majority of the reports contain detailed lists of *ex situ* collections and most reports include the numbers of accessions. Thirty-four of the reports state that the Contracting Parties have promoted the development of an efficient and sustainable system of *ex situ* conservation of PGRFA, mainly through national or regional programmes, and that the maintenance of the viability, degree of variation, and the genetic integrity of *ex situ* collections of PGRFA have been monitored.



*Figure 10. Reporting Contracting Parties with an ex situ collection of PGRFA (by number).*



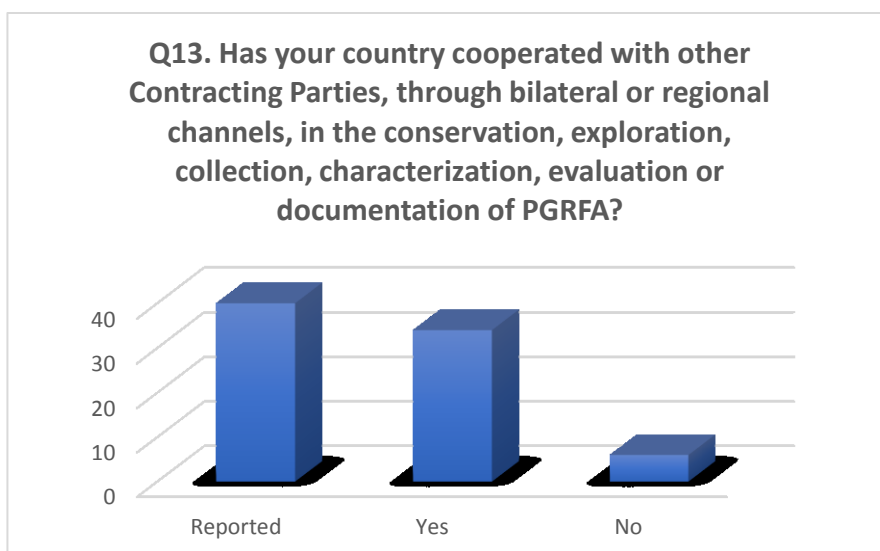
*Figure 11. Reporting Contracting Parties promoting in situ conservation of CWR and wild plants for food production (by number).*



*Figure 12. Reporting Contracting Parties monitoring the viability and genetic integrity of their ex situ collections of PGRFA (by number).*

30. Finally, thirty-three reporting Contracting Parties indicate that they have cooperated with other Contracting Parties in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA. In terms of regional trends, all the Near East Region reporting Contracting Parties, both North America Region Contracting Parties and the vast majority of reporting Contracting Parties of the African Region and of the European Region indicated having done so.



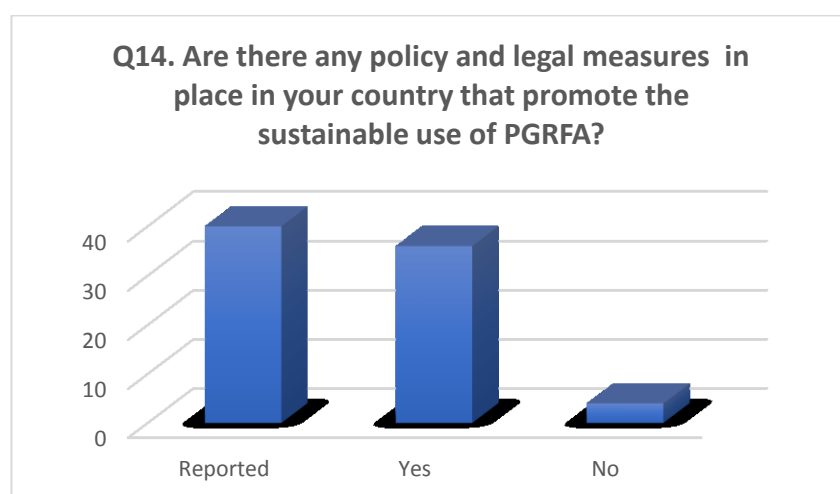


*Figure 13. Reporting Contracting Parties cooperating bilaterally or regionally with other Contracting Parties on Articles 5 and 6 (by number).*

#### **D. Sustainable Use of Plant Genetic Resources for Food and Agriculture (Article 6)**

31. Thirty-five reports indicate that policy or legal measures that promote the sustainable use of PGRFA are in place in the Contracting Parties. Regarding such policy and legal measures, thirty-one Contracting Parties report that they pursue fair agricultural policies that promote the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources; thirty-one that they strengthen research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers; twenty-eight that they promote plant breeding efforts, with the participation of farmers, that strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;

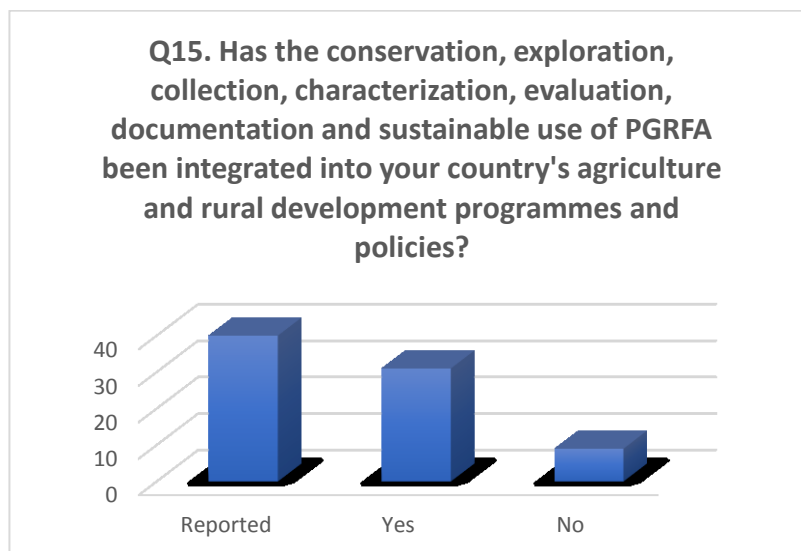
32. Additionally, thirty Contracting Parties report that they have broadened the genetic base of crops and increased the range of genetic diversity available to farmers; twenty-nine, that they promote the expanded use of local and locally adapted crops, varieties and underutilized species; twenty-two, that they support the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development; and twenty-four, that they review and adjust breeding strategies and regulations concerning variety release and seed distribution.



*Figure 14. Reporting Contracting Parties with policy and legal measures promoting the sustainable use of PGRFA (by number).*

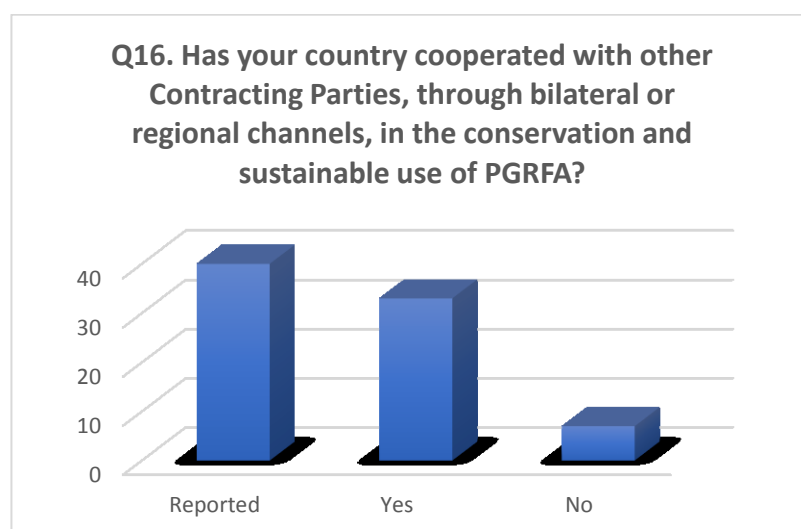
### E. National Commitments and International Cooperation (Article 7)

33. Thirty reporting Contracting Parties note that the conservation, exploration, collection, characterization, evaluation, documentation and sustainable use of PGRFA have been integrated into their agriculture and rural development programmes and policies. Nine Contracting Parties report not having done so.



*Figure 15. Reporting Contracting Parties with conservation, exploration, collection activities integrated into their agriculture and rural development programmes and policies (by number).*

34. Thirty-two Contracting Parties (with all or the vast majority of Contracting Parties in all regions) report that they have cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA. Twenty-one Contracting Parties report that the aim of such cooperation was to strengthen the capability of developing countries and countries with economies in transition with respect to conservation and sustainable use of PGRFA. Twenty-four Contracting Parties report that the aim was to enhance international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication, and sharing, providing access to and exchanging PGRFA and appropriate information and technology, in conformity with the Multilateral System of Access and Benefit-Sharing under the Treaty.



*Figure 16. Reporting Contracting Parties cooperating with other Contracting Parties regionally or bilaterally in the conservation and sustainable use of PGRFA (by number).*

### F. Technical Assistance (Article 8)

35. Fifteen Contracting Parties (almost all reporting developed country Contracting Parties) report to have promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the Treaty. Twenty-four Contracting Parties (practically all reporting developing country Contracting Parties) report not having promoted the provision of such technical assistance to other developing countries or to countries with economies in transition. The majority of developed country Contracting Parties referred to their replies under Questions 13 (relating to Article 5 of the Treaty) or Question 16 (relating to Article 7 of the Treaty).

36. Accordingly, sixteen Contracting Parties (the majority of reporting developing country Contracting Parties) report having received technical assistance with the objective of facilitating the implementation of the Treaty and twenty-three (practically all reporting developed country Contracting Parties) report they have not.

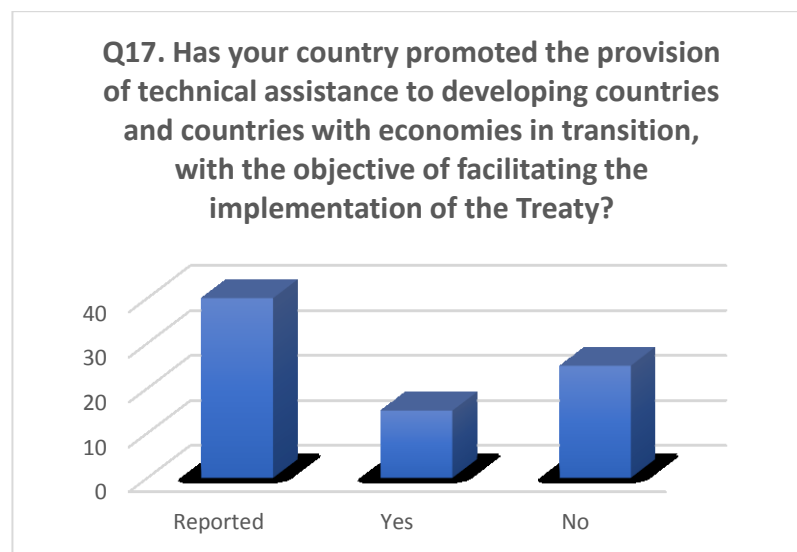


Figure 17. Reporting Contracting Parties promoting the provision of technical assistance, facilitating Treaty implementation (by number).

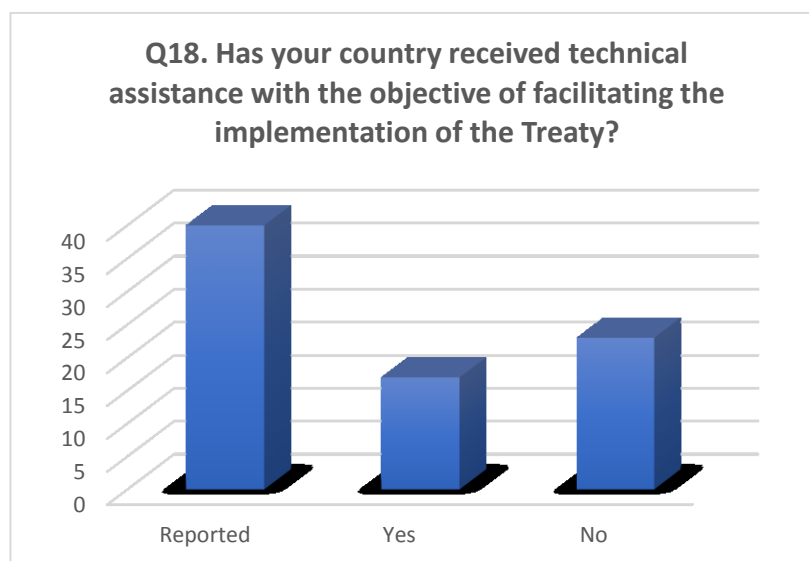


Figure 18. Reporting Contracting Parties having received technical assistance for Treaty implementation (by number).

### G. Farmers' Rights (Article 9)

37. Twenty-eight Contracting Parties, both developing and developed countries, report that they have taken measures to protect and promote farmers' rights, namely, eighteen measures relating to the recognition of the enormous contribution that local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of plant genetic resources; twenty-two measures relating to the protection of traditional knowledge relevant to PGRFA; nineteen measures relating to the right to equitably participate in sharing benefits arising from the utilization of PGRFA; twenty-two measures relating to the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA; and twenty-one measures relating to any rights that farmers have to save, use, exchange, and sell farm-saved seed / propagating material.

38. Most reports provide further details (with some providing extensive and comprehensive information) on the measures taken, in particular on participation of farmers in decision-making, as well as on seed legislation and plant variety protection laws.

39. Seven Contracting Parties report not having taken any such measures, both developing and developed countries.

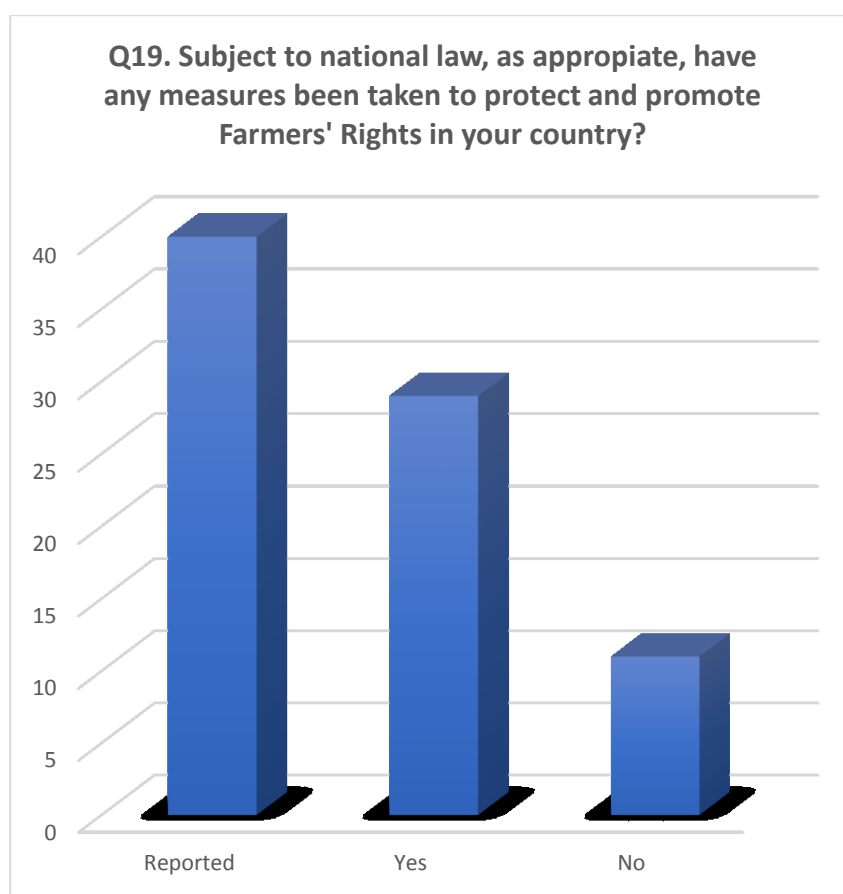


Figure 19. Reporting Contracting Parties having taken measures to protect and promote Farmers' Rights (by number).

## H. Multilateral System of Access and Benefit-Sharing (Articles 10 to 13)

### a) Coverage

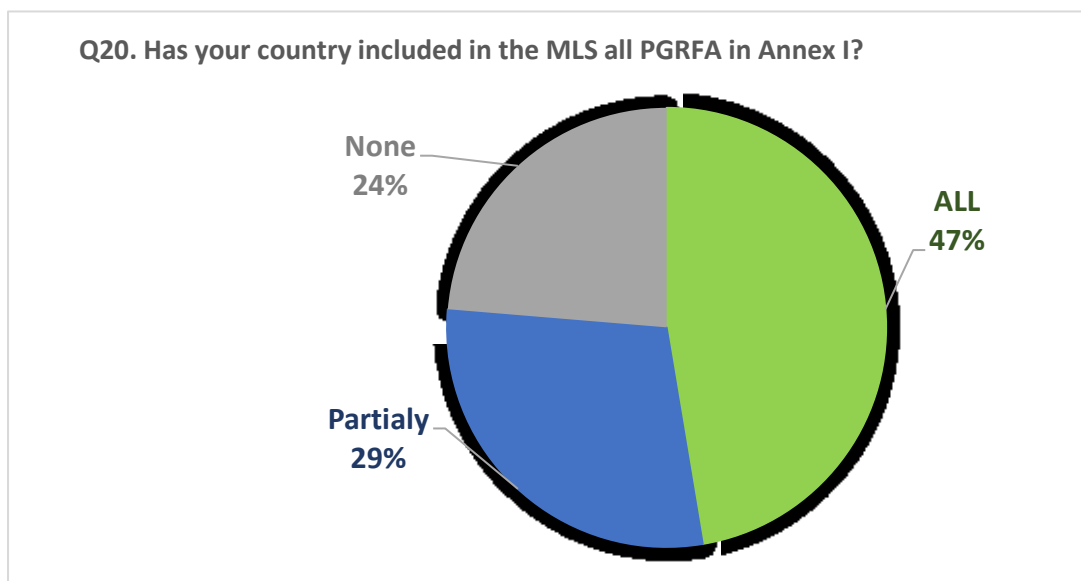


Figure 20. Showing, in the form of percentages, the replies to question 20 related to the notification of material in the Multilateral System by the Contracting Parties.

40. From the replies analysed, up to 18 Contracting Parties indicate that they have included in the Multilateral System (MLS) all PGRFA listed in *Annex I* to the International Treaty that are under their management and control, and in the public domain. Eleven Contracting Parties indicate that the inclusion has been partial, while nine indicate that they have not included material in the MLS. In total, up to 76 percent of the Contracting Parties have notified partial or total inclusion of the material listed in Annex I of the International Treaty.

41. In the comments to the partial inclusion, we find a wide range of replies from both developed and developing countries. As requested, some Contracting Parties provide information on the extent of the inclusion and most of them have enumerated the reasons the inclusion of all Annex I materials has not been completed:

- a. Legal and regulatory measures are still needed at national level, e.g. new laws or decrees are under development, or a new regulation on the International Treaty has not been implemented yet, or the confirmation of the legal status of certain collections or material is pending.
- b. Lack of a registry or passport information on the material;
- c. Limited financial resources;
- d. More consultation is needed with stakeholders;

42. All the Contracting Parties that indicate they have not notified any material included are developing countries. One of these countries joined the International Treaty less than three years ago and indicates that it is working to get more familiar with the MLS and the notification process and requests support from the Secretariat through the Report. Other causes identified in the reports are:

- a. The need of a reviewed legal framework or a new law to implement the International Treaty is needed to allow the notification of inclusion;
- b. The lack of adequate legal guidelines for the identification and inclusion of material;
- c. There is no genebank or catalogue of PGRFA in the country and lack of specialised human resources to develop it;
- d. Limited economic resources and the need for capacity building;

43. In some cases, the Contracting Parties indicate that the development of new legislation and guidelines are underway, or that some initial efforts have been made, but there were still economic difficulties and the need for additional capacity building and support regarding the functioning of the Multilateral System at the national level.

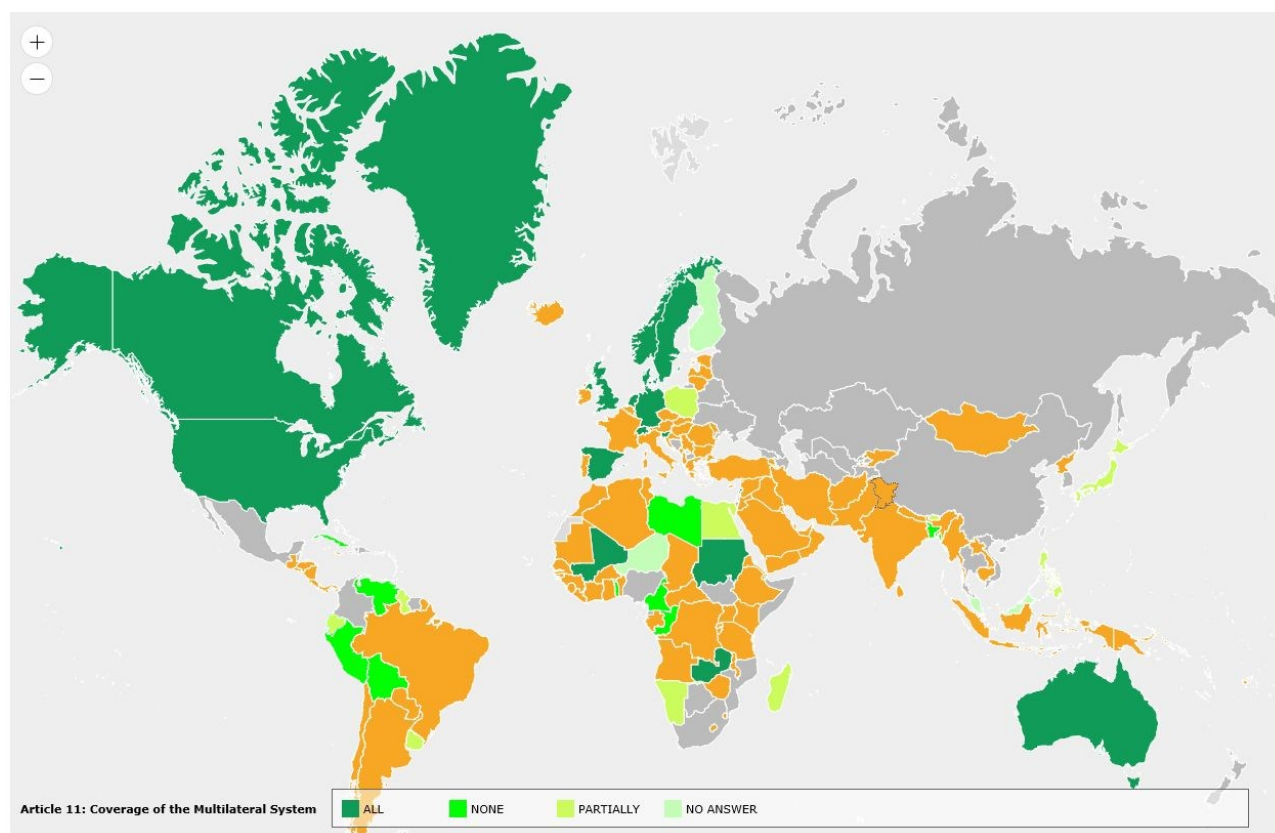


Figure 21. Showing the geographic distribution of the replies to question 20 regarding the notification of material available in the Multilateral System.

44. Twelve Contracting Parties report measures to encourage natural and legal persons within their jurisdictions, who hold *Annex I* PGRFA, to include those resources in the MLS. The measures include the development of awareness raising materials and the organization of workshops with stakeholder groups, mainly universities, plant breeders' associations and groups. One Contracting Party indicates that the support of a national initiative of plant breeders with the specific aim to include material in the MLS. Another notes that the national genebank is encouraging private companies to include material and that it is maintaining material which will be made available once the plant variety protection (PVP) expires. A third country reports that NGOs and natural persons are including the material through donations to the national genebank and that there are ongoing discussions for the inclusion of an entire private collection. By proceeding in this way, the donation feeds both the MLS and the national genebank with material which has previously not been under the management or control of the government.

45. In some cases, the Contracting Parties provide the list of institutions, including private companies that have already agreed to make their material available under the terms and conditions of the MLS. Several Contracting Parties indicate that the support of national initiatives or activities with plant breeders with the specific aim to include material in the MLS have resulted in more material being available in the MLS.

46. A few Contracting Parties report that despite the information provided, stakeholders – mainly private seed companies – did not show interest in including material because they do not see direct benefits or they do not wish to disclose what PGRFA are they holding. Other Contracting Parties report that although some efforts have been made so far, no stakeholders have yet included material in the MLS.

47. For this question, there is information on why the Contracting Parties have not taken action in this regard:

- a. The legal framework has not yet been put in place to guide the different stakeholders.
- b. Only the national genebank is operating with PGRFA, and there are no other collections outside the public domain;
- c. There is no inventory of private PGRFA holders, which makes obtaining the necessary information difficult;
- d. The obligations of entering PGRFA in the MLS “may exceed” the capacity of the natural and legal persons to handle the incoming requests of the PGRFA from their collections;
- e. Lack of financial resources for this activity.

#### b) Facilitated access: measures taken and SMTA use

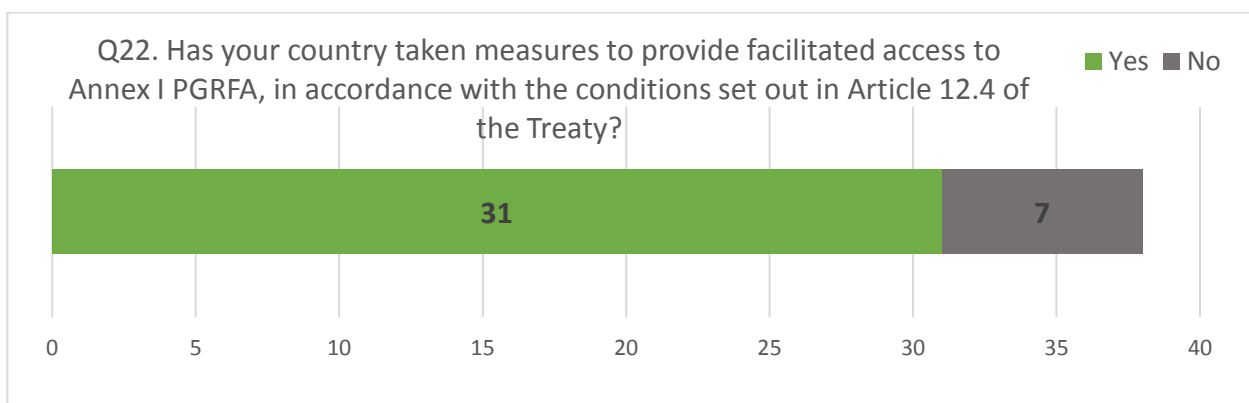


Figure 22. Showing the replies to question 22 in the form of a stacked chart bar.

48. In total, 31 Contracting Parties report having taken measures to provide facilitated access to PGRFA included in *Annex I*, in accordance with the conditions set out in Article 12.4 of the Treaty. The measures reported include the provision of information or guidance to relevant stakeholders, the inclusion of information on the use of the SMTA, notification to the Treaty Secretariat of the material available in the MLS, the increased visibility of PGRFA in the genebank catalogues, communication of the material available to several websites – at accession level – and the setting up of a national committee to review the incoming requests of material.

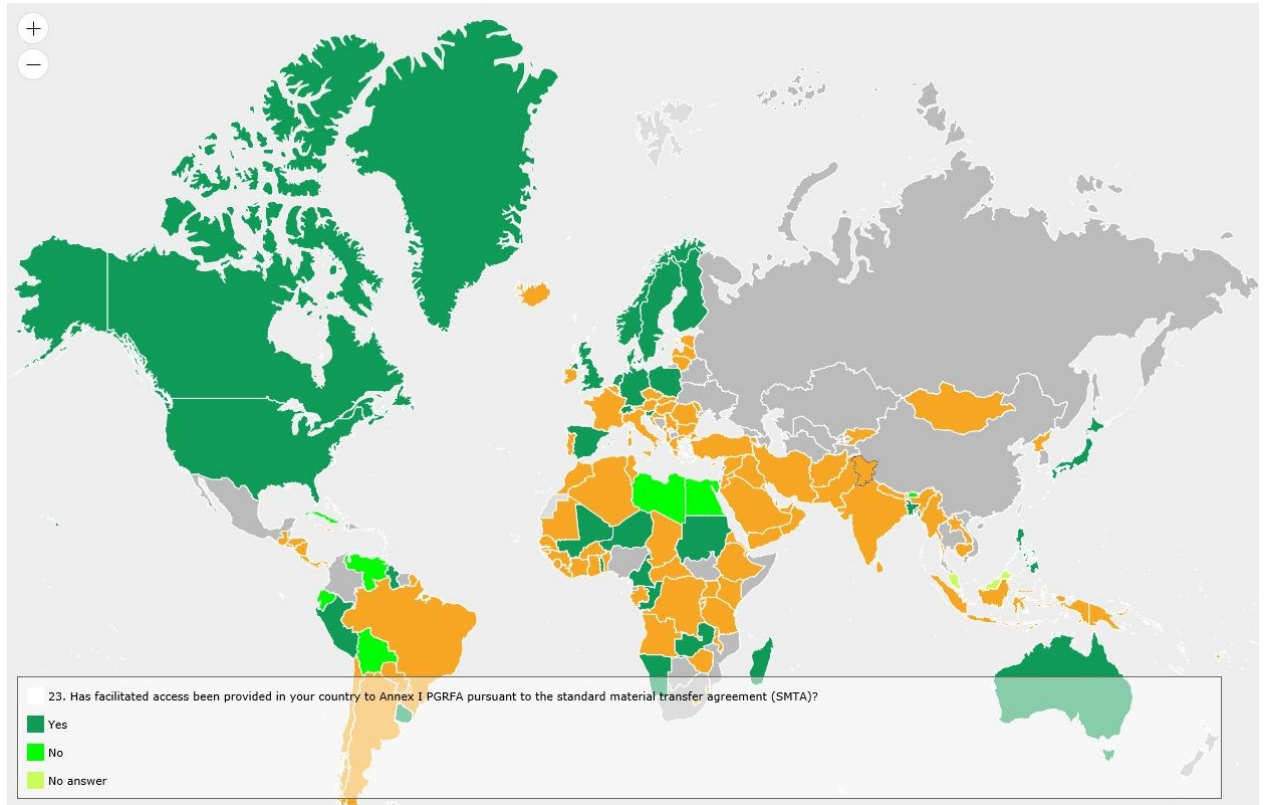
49. On the other side, seven developing country Contracting Parties that indicate that no measures have been taken – but three of them have facilitated access with the SMTA and information on their collections. The main barriers are the lack of a genebank, the limited capacity of the operations of the genebank, or the lack of an enabling regulatory framework. In detail, two of them indicate that are working on the development of the legal framework, a third one that it is considering the establishment of an interministerial coordination mechanism, and two more that there is no genebank and no resources to do it directly in the country – although national materials have been made available through international genebanks.

50. Furthermore, up to 31 Contracting Parties report that facilitated access has been provided to *Annex I* PGRFA using the Standard Material Transfer Agreement (SMTA). Some of these provide the total figures of the agreements concluded – one Party reported more than 7,000 SMTAs transferring almost 140,000 materials, another 409 shipments transferring 4,287 samples, while others indicate that they have difficulties in getting the numbers because the distribution of material is decentralized. Many of these Contracting Parties state that the national providers are reporting to the Governing Body through EASY-SMTA,<sup>5</sup> and that the figures can be easily generated from that System by the Secretariat.

<sup>5</sup> Easy-SMTA is available at <https://mls.planttreaty.org/itt/>



51. In total, seven Contracting Parties report that they have not used the SMTA during the reporting period. In detail, three Contracting Parties report that no requests were received so far. Two of them refer to the lack of an enabling national regulation. One Contracting Party report that there is the need to increase awareness among policy makers. Another Contracting Party without a national genebank indicates the lack of financial resources as the main reason for not using the SMTA.



*Figure 23 Showing the replies to question 23 in the form for a world map –whether or not facilitated access to Annex I PGRFA have been done using the SMTA.*

52. Half of the reports indicate that Contracting Parties have used the SMTA voluntarily to provide access to non-*Annex I* PGRFA. Some of the reports contain the number of agreements concluded or the number of samples sent. Several Contracting Parties refer to a regional political commitment in the context of their ongoing cooperation to facilitate PGRFA exchange regardless of their inclusion in *Annex I* when used for research, training and breeding – excluding for private hobby or similar use. Other countries have already integrated this approach in the national policy, as a way to reduce transactions and handling costs by using the same approach for both *Annex I* and non-*Annex I* material. Overall, 61 percent of those reports indicate that Contracting Parties that have used the SMTA for *Annex I* have also used it for non-*Annex I* material on a voluntary basis.

53. Regarding the possibility for parties to the material transfer agreements to seek recourse in case of contractual disputes arising under such agreements, twenty Contracting Parties report that this is possible under their civil codes and the regulation of private contracts, and that a civil litigation process may be brought before a court. On the other side, fifteen Contracting Parties report that the recourse is not possible.

54. In response to question 26, up to 19 Contracting Parties state that their national legal systems provide for the enforcement of arbitral decisions related to disputes arising from the SMTA. On the other side, the same fifteen Contracting Parties report that the enforcement is not possible. The figure shows the relation between the replies to questions 25 and 26. It is to be noted that four countries did not respond to question 25 and five did not to question 26. Some reporting officers have indicated to the Secretariat that they have difficulties in understanding these questions or in getting the necessary legal expertise to respond.



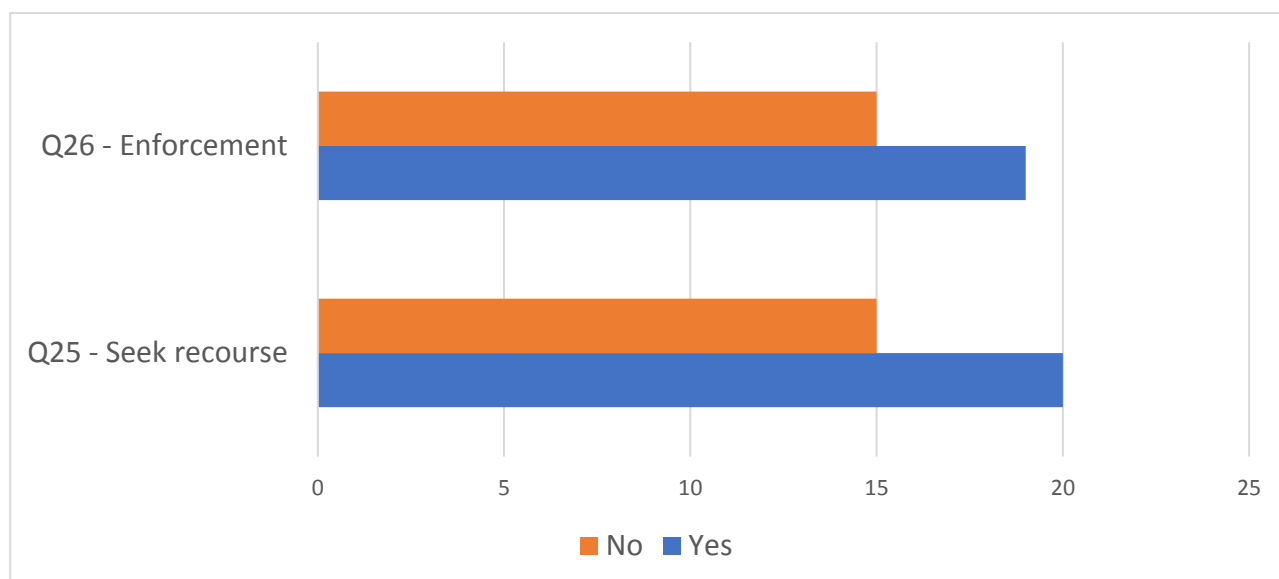


Figure 24. Showing the replies to question 25 and 26 regarding the possibility to seek recourse in the legal system of the Contracting Party in case of contractual disputes arising under the SMTA and the possibility to get enforced he arbitral decisions related to the SMTA.

55. Three Contracting Parties report that have provided facilitated access to *Annex I* PGRFA for the purpose of contributing to the re-establishment of agricultural systems in cases of national emergency disaster situation. One Contracting Party does not provide further details. Two Contracting Parties indicate that the access has been facilitated in these types of situations at the national level. One of them further indicates that national genebanks and projects have distributed seeds to national farmers severely affected by hurricanes. The distribution of seed after the emergency situation included both material previously collected in those regions and new varieties of *phaseolus vulgaris*, *phaseolus lunatus*, *zea mays*, *oryza sativa*, *ipomea batata*, *brassica rapa*, and *raphanus sativus*. In this case, the national programme on urban and suburban family agriculture had recommended the distribution of short-cycle crops. Nevertheless, the reporting officers recognize that there was no detailed information on the amount of material distributed.

#### c) Benefit-sharing in the Multilateral System

56. In total, up to 25 Contracting Parties report having made information available regarding *Annex I* PGRFA through several channels and resources:

- a) national online inventories on PGRFA;
- b) regional and global data repositories;
- c) reports sent to FAO for the monitoring of the second GPA and catalogues;
- d) doctoral theses on characterization, evaluation and use of PGRFA;
- e) scientific and academic articles;
- f) leaflets, magazines, posters and websites;
- g) media (radio, TV, internet) and educational events.

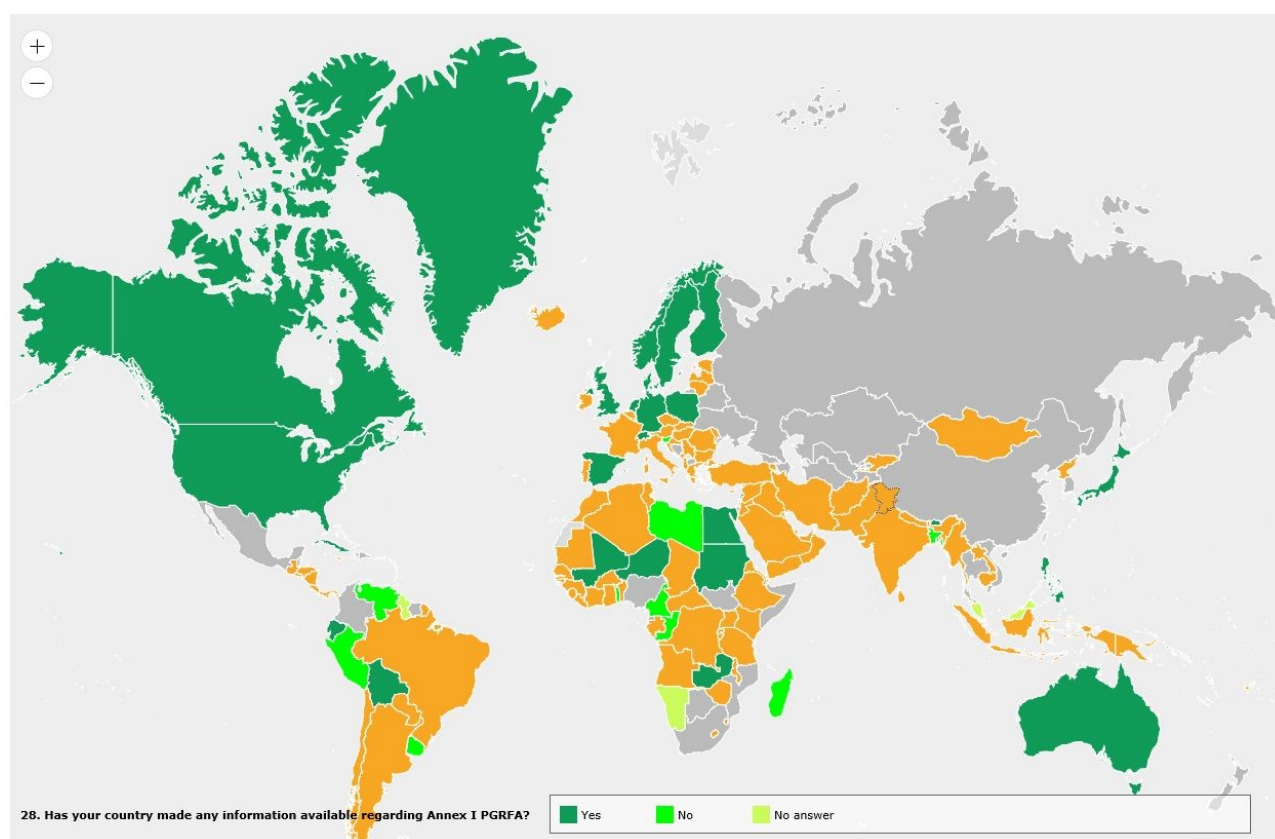


Figure 25. Showing the geographic distribution of the replies to question 28 indicating whether the Contracting Party has made any available information on Annex I PGRFA.

57. Eighteen Contracting Parties inform through their national reports about the facilitated access they provide to technologies for the conservation, characterization, evaluation and use of *Annex I* PGRFA. Some Contracting Parties have established or participated in crop-based working groups on the utilization of PGRFA – through ECPGR and its crop-based working groups and the NordGen, in Europe. In Asia, one Contracting Party indicates that it provides support through technologies related to the exploration, characterization, evaluation and pre-breeding of *solanaceae*, *cucurbitaceae* species, and other crops through collaborative research projects. In the South West Pacific, one Contracting Party indicates that it provides support to several networks that combine both technology transfer and capacity building activities. Finally, Contracting Parties in other regions refer to their support or participation in regional and crop-based networks with technology transfer and capacity building activities.

58. Through several reports, the reporting officers indicate being aware of partnerships in their countries on research and development in commercial joint ventures related to the material received through the MLS. In the reports, there is information on a number of relevant national initiatives on documentation of PGRFA, including the development of databases on banana, barley, coconut, maize, wheat, but also on grains and other crops.

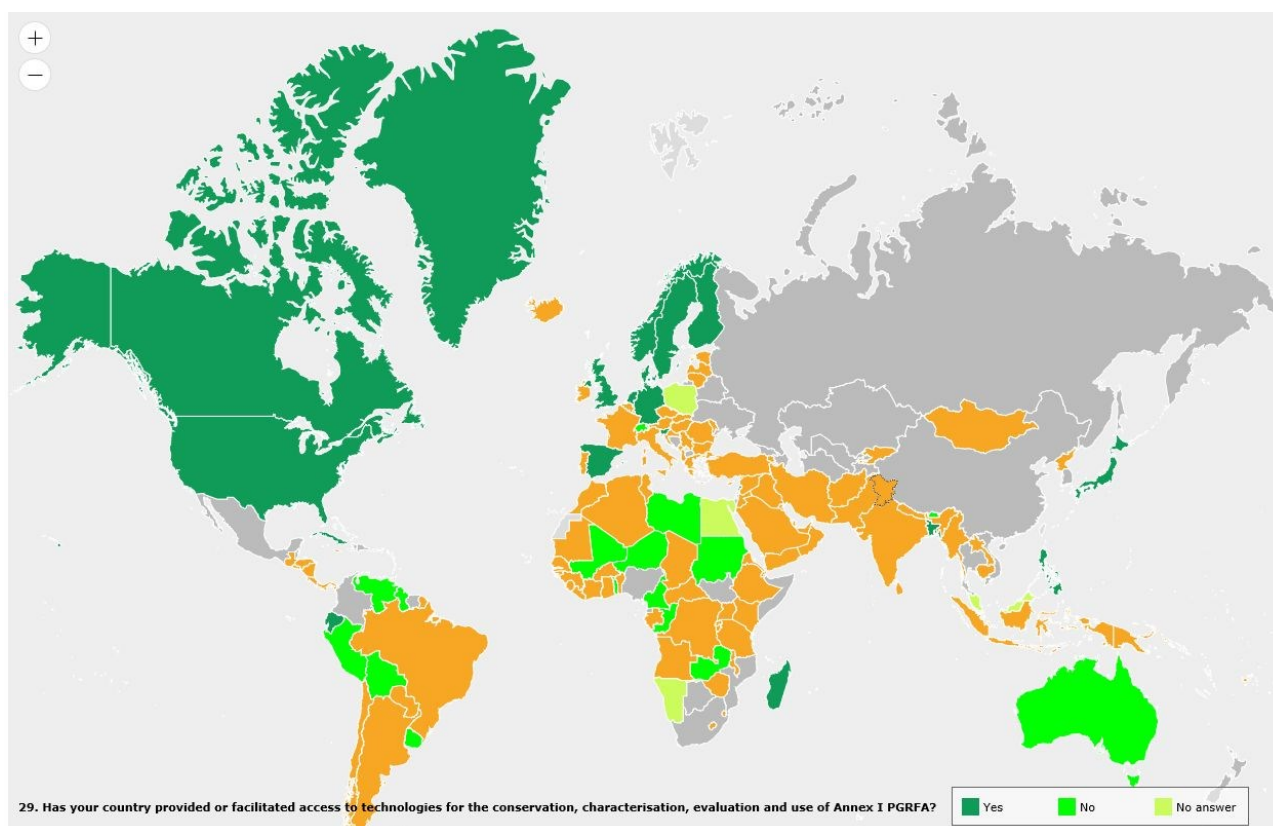


Figure 26. Showing the geographic distribution of the replies to question 29 indicating whether the Contracting Party has provided access to technologies for the conservation, characterization, evaluation and use of Annex I PGRFA.

59. In total, up to 25 Contracting Parties report that they have provided or benefitted from capacity building measures. Eight Contracting Parties from various regions declare that they are carrying out scientific research and collaborating with other Parties, in particular, for the development of capacity through various programmes for scientific and technical education and training in conservation and sustainable use of PGRFA. There are different levels of details in the description of those initiatives and some of them are funding mechanisms on research, capacity building, and technology transfer.

60. Several Contracting Parties report that they have supported the development and strengthening of facilities for conservation and sustainable use of PGRFA and have also linked back to their replies under questions 13, 16 or 17 of their reports.

61. Without being exhaustive, the reports refer to capacity development opportunities in the Southern African Development Community (SADC) through its Plant Genetic Resource Center (SPGRC) and the East Africa Plant Genetic Resources (EAPGREN) for both infrastructure development and technical support. In Central Asia and Southeast Europe, the reports refer to several collaborative projects. In the South West Pacific, the reports refer to the Centre for Pacific Crops and Trees (CePaCT) and the Pacific Agricultural Plant Genetic Resources Network (PAPGREN), among others.<sup>6</sup>

62. In Europe, most Contracting Parties refer to their participation in the working groups of the European Cooperative Programme for Genetic Resources (ECPGR). In this region, four reports also refer to the work on capacity building of NordGen through projects involving Nordic universities and plant breeding companies for the establishment of genebank facilities in the Baltic countries. Several Contracting Parties also refer to recent and ongoing collaboration through projects funded by the European Union.

63. It is worth mentioning, for example, three initiatives of different nature highlighted by Contracting Parties of Europe: a) One Contracting Party indicates that a national research centre organizes a 3-week post-

<sup>6</sup> This information is also relevant in relation to Article 16, question 34, see below.

graduate course dealing with plant genetic resources management and policies, including access and benefit-sharing under the International Treaty and it encourages the participation of researchers from developing countries; b) another Contracting Party refers to the impact of the Programme for the Strengthening of Capabilities in National Plant Genetic Resources Programmes (CAPFITOGEN) and its analysis tools which have allowed for the training of researchers from Albania, Argentina, Ecuador, Jordan, Mexico, Norway, Portugal, Spain, South Africa and Brazil, among many others; and c) another Contracting Party refers to the Darwin Initiative as a grant scheme helping to protect biodiversity and the natural environment through locally based projects, many of which are on capacity building.

64. Several Contracting Parties report on various technical activities with FAO, the Commission on Genetic Resources for Food and Agriculture (CGRFA), the Consultative Group for International Agricultural Research (CGIAR), the International Fund for Agricultural Development (IFAD), the Global Crop Diversity Trust (GCDT), and the Secretariat of the International Treaty. Furthermore, several Contracting Parties report that they have benefited from projects of the Benefit-sharing Fund of the International Treaty under different cycles in support of capacity on a wide range of crops and forages. Also, several Contracting Parties refer to their collaborations with the Centers of the CGIAR through research projects on conservation and use of PGRFA with capacity building components.

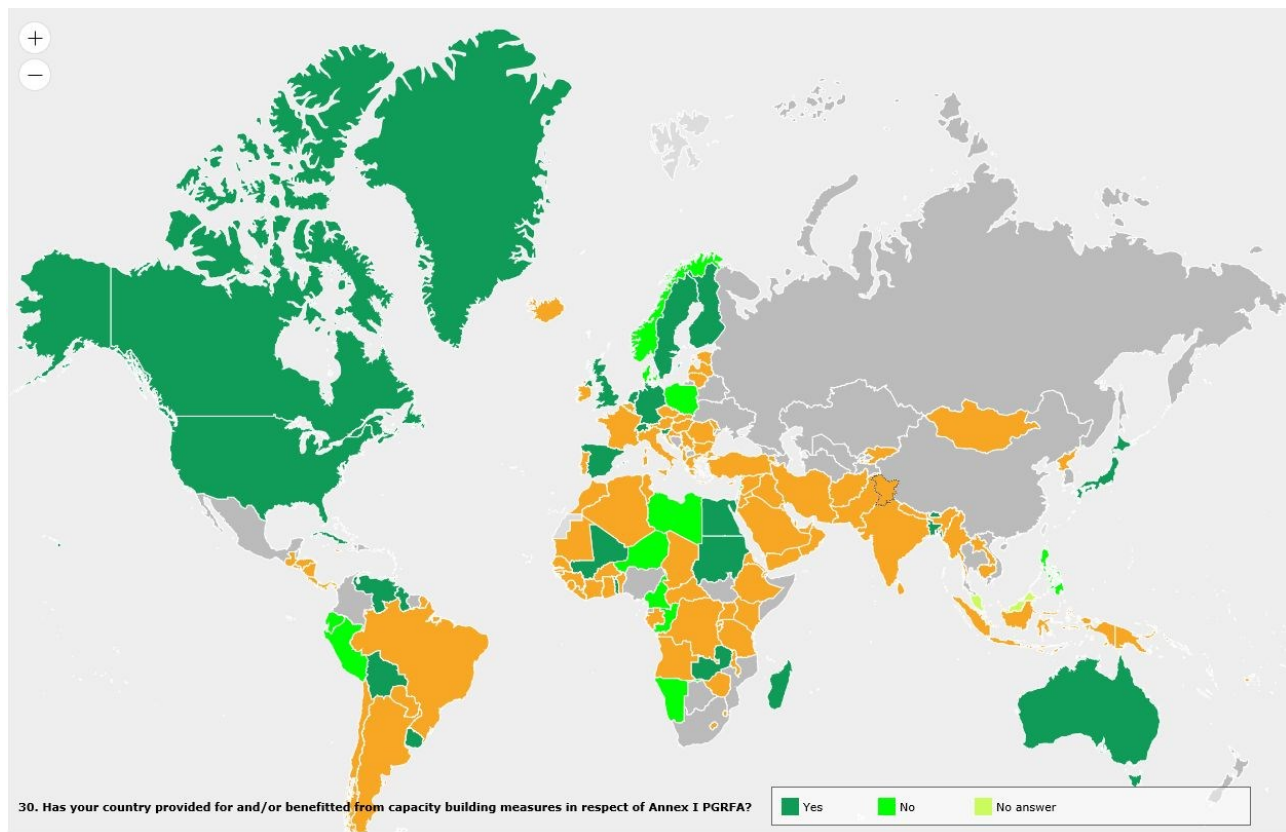


Figure 27. Showing the geographic distribution of the replies to question 30 indicating whether the Contracting Party has provided or benefitted from capacity building measures in respect of Annex I PGRFA.

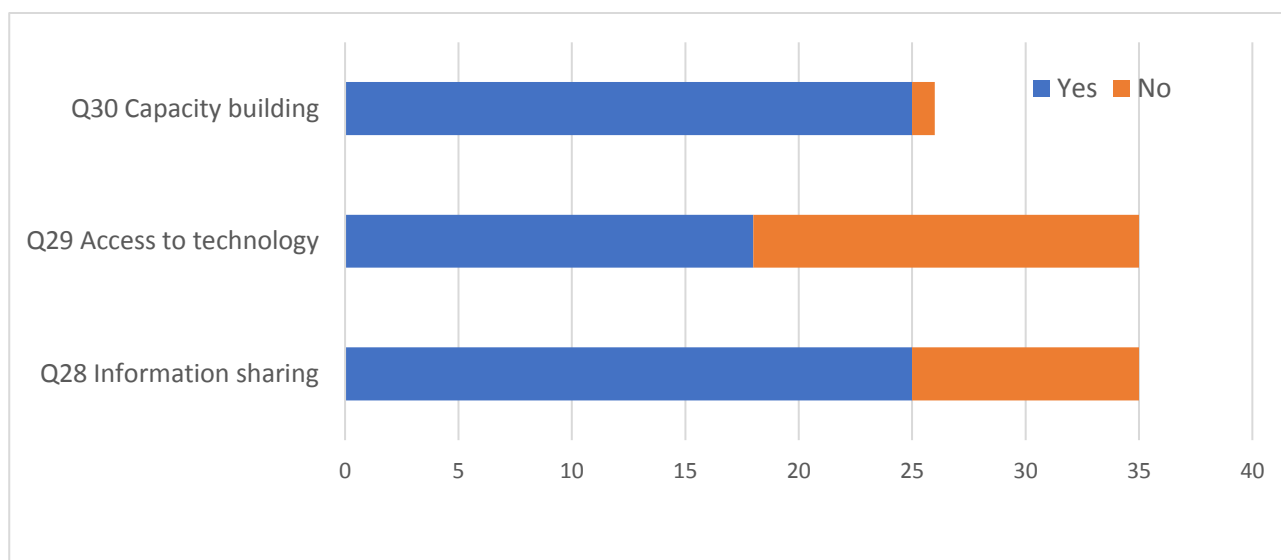


Figure 28. Showing the replies to question 28, 29 and 30 regarding information sharing, access to technology and capacity building related to Annex I PGRFA, respectively.

### I. The Global Plan of Action (Article 14)

65. In their reports, up to 34 Contracting Parties declare that they are promoting the implementation of the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture, and most of them report doing so through national and international cooperation. At the country level, many Contracting Parties report, under this section, the existence of national conservation and biodiversity strategies, policies and plans and ongoing activities on sustainable use. Only three Contracting Parties replied in the negative.

66. Some Contracting Parties remark that the information required for Question 11 of the *Standard Reporting Format* related to priority activities 6 (sustaining and expanding *ex situ* conservation of germplasm) and 7 (regenerating and multiplying *ex situ* accessions) of the GPA.

### J. Ex Situ Collections (Article 15)

67. Twenty-seven Contracting Parties report that they have facilitated access to Annex I PGRFA to the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (IARCs) or other international institutions that have signed agreements with the Governing Body of the Treaty. In this context, several Contracting Parties provide the number of STMAs and the crops or indicate that the information is contained in Easy-SMTA. Other Contracting Parties reply positively to the question but note that no requests had been received so far. Finally, ten Contracting Parties state that they have not provided any material. In the comments, these Contracting Parties indicated that they do not have a genebank or that they have not received any request.

68. Fourteen Contracting Parties report that they have provided access to non-Annex I PGRFA to IARCs or other international institutions that have signed agreements with the Governing Body of the International Treaty and that the information is available in Easy-SMTA. The figure below represents the replies to both questions 32 and 33 of the reporting format.



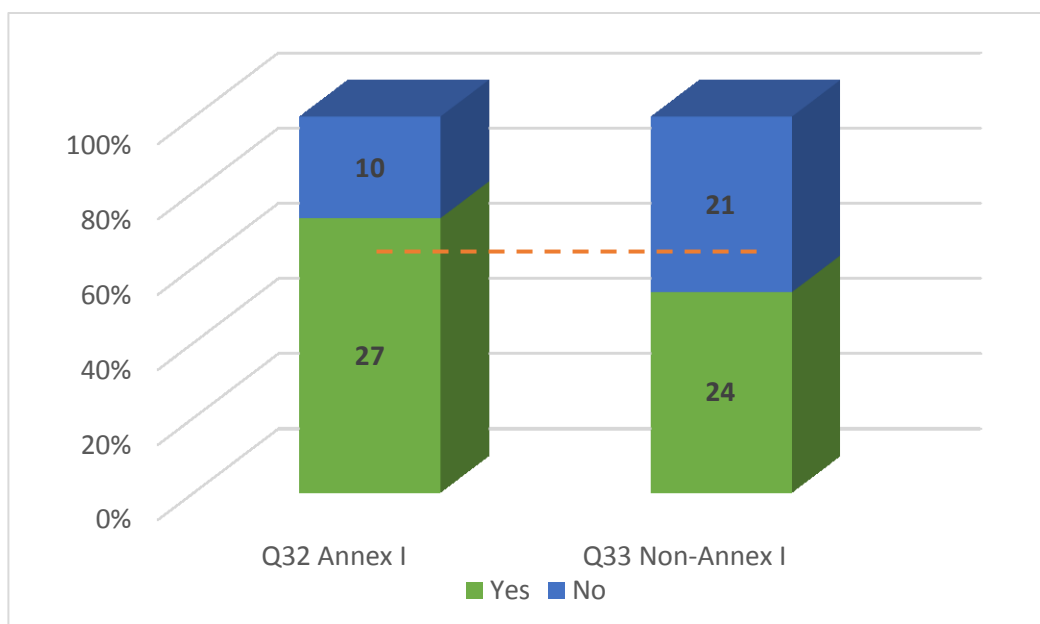


Figure 29. Showing the replies to questions 32 regarding facilitated access to Annex I PGRFA provided in the country to IARCs and other Art. 15 institutions, and 33 regarding facilitated access to non-Annex I PGRFA to IARCs or other international institutions that have signed Agreements pursuant to Art. 15.

#### K. International Plant Genetic Resources Networks (Article 16)

69. Three-quarters of the Contracting Parties report activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in the international plant genetic resources networks. In their replies to this question, the Contracting Parties list two types of networks: a) regional or subregional, and b) crop or multi-crop specific. Some Contracting Parties also inform of their participation in workshops or bilateral projects on the documentation of PGRFA or plant breeding. Not much information is provided in the comments to the negative replies. It is to be noted that at least two Contracting Parties that reply negatively to this question are members of one or more regional research networks, as indicated in other sections of their reports.

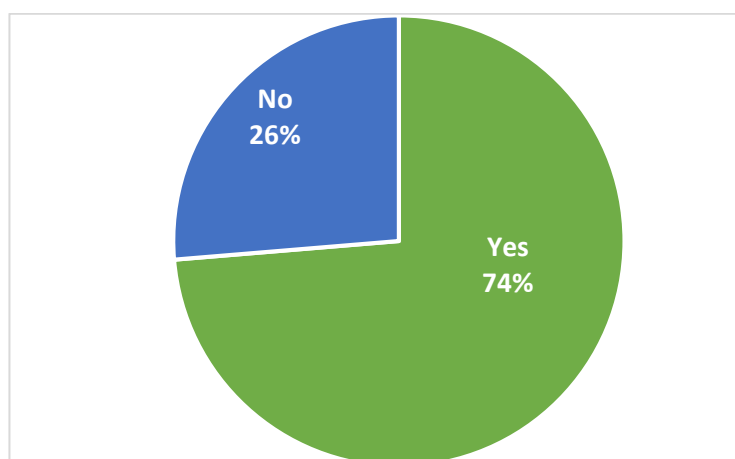


Figure 30. Showing the replies to question 34 and displays, in green, the percentage of countries that have undertaken activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in the international plant genetic resources networks.

#### **L. Financial Resources (Article 18)**

70. Sixteen Contracting Parties do not reply positively to the question of whether they have provided or received financial resources for the implementation of the International Treaty through bilateral, regional or multilateral channels, four of them are developed countries. Several developing country Contracting Parties report direct financial support from the Benefit-sharing Fund (BSF) of the International Treaty. They also report support from the CGIAR Centers, from FAO through technical cooperation projects, from the Secretariat through projects or trust funds, from research institutions through bilateral funding, from the Global Crop Diversity Trust, and the Global Environment Facility (GEF).

71. Under this question, some reports refer to technical interventions rather than to direct financial contributions. Several developing country Contracting Parties report on the support provided to institutions and projects with activities at the regional level. Some of the reports contain detailed information from donor countries on the channels, amounts and objectives of the funding.

72. Analysing the replies in detail, several Contracting Parties report contributions to the Benefit-sharing Fund of the International Treaty of several million US dollars. In particular, one Party reports on a mechanism to provide predictable and sustainable income to the Benefit-sharing Fund on an annual basis. Some Contracting Parties also report on their support to the Core Administrative Budget (CAB) of the Treaty. Several Contracting Parties refer to their contributions to the Special Fund to Support the Participation of Developing Countries in Treaty meetings. Furthermore, one Contracting Party reports direct financial and technical support to the Global Seed Vault since 2008 as the facility provides backup storage for all *ex situ* collections worldwide.

73. Several developed and developing country Contracting Parties report the funding of national activities related to the conservation and sustainable use of PGRFA, in particular, the national genebanks and research and breeding of PGRFA. Some of the reports provide information on the funding of several projects and initiatives on genomics.

#### **M. Observations and recommendations on the reporting format**

74. The observations and recommendations on the use of the reporting format are contained in document IT/GB8/CC-3/19/5, *Review of the Standard Reporting Format*.

#### **N. General remarks on the implementation of the ITPGRFA**

75. Several Contracting Parties indicate that the application of the International Treaty requires time, financial resources, policy and legal measures, more capacity building actions, the development or strengthening of one or various national coordinating mechanisms and networks, and the involvement of farmers, breeders and the civil society. In particular, attention is drawn to the need to develop and sustain capacity building activities at various levels and topics, possibly in collaboration with the IARCs. Several Contracting Parties suggest the development of more guidelines by the Governing Body on specific issues in order to assist countries with their implementation.

76. Concerning the Multilateral System, several Contracting Parties comment that the SMTA is not self-explanatory, especially for users not speaking one of the six official languages of the United Nations, and that some of the terms are complex and difficult to explain to users. These Contracting Parties indicate that the improvement and simplification of the SMTA would improve its adoption. Furthermore, they suggest the provision of courtesy translations into other national languages, the development of explanatory notes and the elaboration of frequently asked questions. It also proposes the development of guidelines on how to include material in the Multilateral System.

77. Another Contracting Party remarks that the interests of Contracting Parties are very different and while developed countries put the emphasis on access to germplasm, developing countries put more emphasis on the implementation of Farmers' Rights, conservation and sustainable use and fair and equitable distribution of benefits. This Contracting Party suggests that compliance has to go hand in hand with the provision of international support to developing countries that are centres of origin of crops.

78. Several Contracting Parties indicate that for the implementation at the national level, and in addition to the legal framework, there is the need to get a compromise or strategy, maybe an agricultural biodiversity strategy or plan, that may facilitate the sharing of the objectives of the International Treaty with the national reality and help to sustain the allocation of resources for the related activities. The existence of a national coordinating committee (of very diverse nature) or authority is remarked in various reports.

79. Increasing awareness raising on the International Treaty, access to additional funding opportunities and broadening the opportunities for capacity building are key recommendations of most respondents. One of the recommendations for the successful implementation of the International Treaty is the early organization of workshops and information events regarding the International Treaty, the SMTA, and the list of crops listed in *Annex I*.

80. One Contracting Party indicated that it would be good if the International Treaty could support more on-farm conservation activities in countries that are rich in PGRFA. Without such support, continues the same Party, more and more farmers are opting for cash crops and could result in the loss or disappearance of PGRFA, especially under-utilized cereals. Another Contracting Party indicates that the International Treaty should intensify efforts to recognise and capture the traditional and ancestral knowledge related to the conservation and use of PGRFA as a supporting component for the implementation of Farmer's Rights.

81. Some Contracting Parties indicate what kind of advanced technical training they need for the application of the International Treaty as a tool to adapt PGRFA to climate change (e.g. the use of marker-assisted selection and bioinformatics). They indicate that such training could be organized at the regional level.

#### IV. SUMMARY PRELIMINARY CONCLUSIONS

82. A number of preliminary conclusions may be drawn from the reports received:

- The information provided by Contracting Parties during the extended reporting period agreed by the Governing Body has enabled a notable increase in the number of reports received. The training activities undertaken by the Secretariat in 2018 with the funding of the Government of Germany have contributed to these results.
- The use of the *Standard Reporting Format* and the analysis provided in the summary report is very valuable to provide an overview of the state of implementation of the International Treaty as of the end of 2018;
- The vast majority of reporting Contracting Parties have established measures for the conservation and sustainable use of PGRFA, with most reports containing detailed information on such measures, and are cooperating with other Contracting Parties in this area;
- The majority of reporting Contracting Parties has taken measures to promote Farmers' Rights, with a slight tendency to focus on measures related to the participation in decision-making and less on those related to sharing benefits arising from the utilization of PGRFA;
- More than 76 percent of the respondents have notified of material that is in the Multilateral System through notifications or through the Global Information System. Half of them have already notified all their Annex I material as included.
- More than 80 percent of the Contracting Parties have taken measures to provide facilitated access to *Annex I* PGRFA and have used the SMTA to provide access to *Annex I* PGRFA. Most of those that have not yet taken measures have indicated that they are in the process of improving the national legislation, regulations or procedures. Other Contracting Parties have either not received any requests for the transfer of Annex I PGRFA so far or indicate that they have no genebanks.
- A majority of reporting Contracting Parties has provided or received non-monetary benefits from the utilization of PGRFA in the MLS. More than 65 percent of the respondents have provided or benefited from capacity building measures in respect of *Annex I* PGRFA. Some Contracting Parties joined the Treaty recently and have requested information and technical support to better understand the operations of the Multilateral System and their options for implementation at the national level.



- More than 91 percent of the Contracting Parties are promoting the implementation of the Global Plan of Action. In total, 73 percent have facilitated access to *Annex I* PGRFA to International Agricultural Research Centers of the CGIAR or other international institutions that have signed agreements with the Governing Body of the Treaty, and 40 percent have also provided access to Non-*Annex I* PGRFA.
- Most reports offer valuable details on the funding provided or received for the implementation of the International Treaty. While many developing country Contracting Parties have reported support from the BSF and other mechanisms of the International Treaty, the reports also refer to an extensive list of funding and technical organizations that are supporting the conservation and use of PGRFA, among them, the GEF, the GCDT, FAO programmes, IFAD, and NGOs. The reports also provide useful information on various bilateral mechanisms and programmes that are very relevant to the Implementation of the International Treaty. In general terms, the information provided is helpful, and could benefit from further refinements and updates in the context of the ongoing review of the Funding Strategy.
- A publication could be produced in the form of an information document for the Eighth Session of the Governing Body containing an update of the graphs and charts contained in this document, without the analysis. Such update could, for example, contain the information received from Contracting Parties up to 1 May 2019.

## V. GUIDANCE SOUGHT

83. The Compliance Committee is invited to consider the analysis of reports received pursuant to Section V of the *Compliance Procedures* provided in this document, as a potential basis for preparing its synthesis report for the consideration of the Governing Body at its Eighth Session.

84. The Committee is also invited to review the elements of a draft Resolution on Compliance, as provided below, for the consideration of the Governing Body at its Eighth Session, and to include the finalized draft elements in its report to the Governing Body.

## VI. ELEMENTS OF A DRAFT RESOLUTION ON COMPLIANCE

85. On the basis of the analysis of reports received pursuant to Section V of the *Compliance Procedures* by the Compliance Committee, the Governing Body:

- a) *Thanks* those Contracting Parties that have submitted their reports pursuant to Section V of the *Compliance Procedures* on time;
- b) *Thanks* the Government of Germany for the generous financial support provided for the capacity building activities for the preparation and submission of the national reports, and *invites* other Contracting Parties and Donors to provide similar support during the next reporting cycle;
- c) *Invites* Contracting Parties to submit their second report, pursuant to Section V of the *Compliance Procedures*, and *emphasizes*, in this context, that the such reports should be submitted by 1 October 2023;
- d) *Thanks* the Compliance Committee for the analysis provided in the document IT/GB8/18/xx, *Report of the Compliance Committee*;
- e) *Requests* the Secretary to maintain and keep updated the Online Reporting System and to continue providing assistance to Contracting Parties during their reporting process;
- f) *Elects* the members of the Compliance Committee for the 2020-2023 term in accordance with Section III.4 of the *Compliance Procedures*, as contained in the *Annex* to this Resolution.

***Appendix 1: List of Contracting Parties that submitted a report pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance***

Australia	Netherlands
Bangladesh	Niger
Bhutan	Norway
Bolivia (Plurinational State of)	Peru
Cameroon	Philippines
Canada	Poland
Congo	Slovenia
Cuba	Spain
Denmark	Sudan
Ecuador	Sweden
Egypt	Switzerland
Finland	The Co-operative Republic of Guyana
Germany	Togo
Japan	United Kingdom of Great Britain and Northern Ireland
Lebanon	Ireland
Libya	United States of America
Madagascar	Uruguay
Malaysia	Venezuela (Bolivarian Republic of)
Mali	Zambia
Malta	
Namibia	