



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



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

Item 9.1 of the Provisional Agenda

TENTH SESSION OF THE GOVERNING BODY

Rome, Italy, 20–24 November 2023

Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other reviews under the Multilateral System

Executive Summary

This document contains an updated summary of the comprehensive report provided in the document, IT/GB-9/22/9.1.2, *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*.

It reports on:

- (1) the reviews and assessments under Article 11.4 of the International Treaty and on possible measures to encourage natural and legal persons to include material in the Multilateral System of Access and Benefit-sharing; and
- (2) the reviews in Article 13.2d(ii) of the International Treaty regarding payment rates and mandatory payments.

The document, IT/GB-10/23/9.1, *Report on the Implementation and Operations of the Multilateral System of Access and Benefit-sharing* provides the most recent figures on plant genetic resources for food and agriculture (PGRFA) held by natural and legal persons and voluntarily included in the Multilateral System.

Guidance Sought

The Governing Body is invited to consider the reports in this document and to adopt a Resolution on the reviews and assessments foreseen under Articles 11.4 and 13.2d(ii) of the International Treaty.

I. INTRODUCTION

1. The Multilateral System of the International Treaty contains specific in-built review mechanisms and milestones, explicitly giving the Governing Body the capacity to assess the status of the Multilateral System and progress in its implementation, and to adopt measures and decisions to enhance its operations.
2. The Governing Body has repeatedly postponed these reviews and assessments, as well as the related decisions.
3. At its Ninth Session, the Governing Body requested the Secretary to monitor progress on the voluntary inclusion of material in the Multilateral System by natural and legal persons and to report to the Governing Body at its Tenth Session, so that it could undertake the assessments and consider any decisions foreseen under Article 11.4 of the International Treaty. The Governing Body also decided to further postpone the reviews and assessments foreseen under Article 13.2d(ii) of the International Treaty, to its Tenth Session.¹
4. This document provides an updated summary of the comprehensive reports in the document, IT/GB-9/22/9.1.2, *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*.² Given that there have been minimal changes in the situation since its publication, and for more comprehensive information, the Governing Body is invited to also take the earlier document into consideration in its discussion of this agenda item.

II. ARTICLE 11.4 OF THE INTERNATIONAL TREATY AND POSSIBLE MEASURES TO ENCOURAGE NATURAL AND LEGAL PERSONS TO INCLUDE MATERIAL IN THE MULTILATERAL SYSTEM

5. At its Ninth Session, the Governing Body requested the Secretary to report to the Governing Body, at its Tenth Session, on the voluntary inclusion of material in the Multilateral System by natural and legal persons, so that it could undertake the assessment and consider any decisions foreseen under Article 11.4 of the International Treaty.³

a. Background

6. According to Article 11.3 of the International Treaty –
Contracting Parties [...] agree to take appropriate measures to encourage natural and legal persons within their jurisdiction who hold plant genetic resources for food and agriculture listed in Annex I to include such plant genetic resources for food and agriculture in the Multilateral System.
7. Article 11.4 of the International Treaty provides that -
Within two years of the entry into force of the Treaty, the Governing Body shall assess the progress in including the plant genetic resources for food and agriculture referred to in paragraph 11.3 in the Multilateral System. Following this assessment, the Governing Body shall decide whether access shall continue to be facilitated to those natural and legal persons referred to in paragraph 11.3 that have not included these plant genetic resources for food and agriculture in the Multilateral System, or take such other measures as it deems appropriate.
8. The Governing Body has repeatedly urged natural and legal persons to include their plant genetic resources for food and agriculture listed in Annex I to the International Treaty in the Multilateral System. It has also urged Contracting Parties to take appropriate incentive measures, in accordance with Article 11.3 of the International Treaty.⁴

¹ [Resolution 2/2022](#), *Implementation and Operations of the Multilateral System of Access and Benefit-sharing*, Part V.

² [IT/GB-9/22/09.1.2 Rev.1](#), *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*.

³ [Resolution 2/2022](#), *Implementation and Operations of the Multilateral System of Access and Benefit-sharing*, Part V.

⁴ [Resolution 2/2006](#), para. 7; [Resolution 4/2009](#), para. 10; [Resolution 4/2011](#), para. 5; [Resolution 1/2013](#), paras. 14, 16; [Resolution 1/2015](#), paras. 10, 11 and 12; [Resolution 1/2017](#), para. 6; [Resolution 4/2017](#), para. 3; [Resolution 2/2019](#), para. 2; [Resolution 2/2022](#), para. 20.

9. The Governing Body has repeatedly postponed the assessment and decision under Article 11.4 of the International Treaty.

b. Notification of material by natural and legal persons

10. The Secretary provides regular updates and information on the material known to be available under the Multilateral System, particularly in the biennial reports to the Governing Body. These updates and reports also include information on plant genetic resources for food and agriculture held by natural and legal persons and voluntarily made available in the Multilateral System. They draw on the notifications and information received from Contracting Parties, and natural and legal persons, as well as on information systems, online catalogues, databases and other sources.⁵

11. The document, IT/GB-9/22/9.1.2, *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*, provides extensive information on how to notify material voluntarily included by natural and legal persons, including through the Global Information System and through the assignment of digital object identifiers (DOIs).

c. Measures taken by and experiences of Contracting Parties

12. Contracting Parties have taken a variety of measures to encourage natural and legal persons within their jurisdiction to include the plant genetic resources for food and agriculture they hold in the Multilateral System.

13. The document, IT/GB-9/22/9.1.2 *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*, also provides a comprehensive report of the measures described by Contracting Parties in their national reports, and of measures reported by Contracting Parties and stakeholders in reply to a notification issued by the Secretary in the last biennium. The document further contains information on some challenges encountered.

d. Possible further measures

14. At its Ninth Session, the Governing Body invited Contracting Parties to capitalize on the measures already taken to encourage and support natural and legal persons to make material available in the Multilateral System, and to adopt additional measures.⁶

15. The Governing Body also requested the Secretary (subject to the availability of financial resources) to continue capacity development activities and awareness-raising efforts on the voluntary inclusion of PGRFA in the Multilateral System by natural and legal persons, with the participation of National Focal Points and relevant stakeholders; and to prepare a briefing note to support natural and legal persons who are interested in including their PGRFA in the Multilateral System, including a description of the advantages in this note.⁷

16. The Secretary continued capacity development and awareness-raising efforts and included the voluntary inclusion of material by natural and legal persons therein.⁸ Moreover, various activities have also been undertaken by the Secretary in the framework of the Benefit-sharing Fund (BSF), to support project partners in including project germplasm in the Multilateral System.⁹

17. During the current biennium, the Secretary prepared a briefing note as a supporting tool for natural and legal persons interested in including their material in the Multilateral System. The briefing note will be made available to interested users and National Focal Points, who could use it as a basis and, if needed, adapt

⁵ See, for example, the documents prepared for the Seventh, Eighth and Ninth Sessions of the Governing Body, [IT/GB-7/17/9](#), *Implementation and Operations of the Multilateral System*; [IT/GB-7/17/Inf.4](#), *Report on Availability of Material in the Multilateral System*; [IT/GB-8/19/8.1 Rev.1](#), *Report on the Implementation and Operations of the Multilateral System*; and [IT/GB-9/22/9.1](#), *Report on Implementation and Operations of the Multilateral System*.

⁶ [Resolution 2/2022](#), para. 20.

⁷ [Resolution 2/2022](#), para. 19.

⁸ IT/GB-10/23/9.1, *Report on the Implementation and Operations of the Multilateral System of Access and Benefit-sharing*.

⁹ IT/GB-10/23/10/Inf.1, *Report on the Benefit-sharing Fund*; IT/GB-9/22/10/Inf.2, *The Benefit-sharing Fund: 2020-2021 Report*.

it to their specific national circumstances and priorities. The briefing note includes information on the objectives, operations and main elements of the Multilateral System, practical suggestions on how natural and legal persons can contribute to reaching its goals, and practical information about the inclusion of material by natural and legal persons.

18. The document, IT/GB-9/22/9.1.2, *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*, contains additional measures that could be implemented.

19. Furthermore, the Governing Body may wish to consider setting up an inclusive consultation process, potentially involving a small focus group composed of representatives from Contracting Parties and stakeholder groups. The Secretary could issue a notification to call for further inputs on the matter from Contracting Parties and relevant stakeholders, gather additional information from Contracting Parties who have accumulated experiences in encouraging natural and legal persons to include their collections in the Multilateral System, and synthesize this information for the focus group. Based on the synthesis, the focus group could prepare a set of recommendations for the consideration of the Governing Body, at its Eleventh Session.

III. ARTICLE 13.2d(ii) OF THE INTERNATIONAL TREATY: PAYMENT RATES AND MANDATORY PAYMENTS

20. At its Ninth Session, the Governing Body decided to further postpone the reviews and assessments foreseen under Article 13.2d(ii) of the International Treaty, to its Tenth Session.¹⁰

21. The document, IT/GB-9/22/9.1.2, *Report on Possible Measures to Encourage Natural and Legal Persons to Include Material in the Multilateral System and other Reviews and Assessments under the Multilateral System*,¹¹ contains a comprehensive summary of the discussions held by the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System (Working Group) between 2013 and 2019, as they relate to the reviews and assessments foreseen in Article 13.2d(ii) of the International Treaty. The document also provides a synthesis of inputs received from Contracting Parties and stakeholders in reply to a notification issued by the Secretary.

22. At its Ninth Session, the Governing Body decided to re-establish the Working Group with a view to finalizing the enhancement by the Eleventh Session of the Governing Body in 2025.¹² It also decided that the process should build upon previous progress and achievements, both in terms of structure and content and integrating new ideas, if relevant. The Governing Body requested the Co-Chairs to accord early attention to key issues, including payment rates.¹³

23. The Working Group held its tenth meeting in July 2023. The Co-Chairs will report on progress in their checkpoint report to the Tenth Session of the Governing Body.¹⁴

IV. GUIDANCE SOUGHT

24. The Governing Body is invited to consider the information in this document and to adopt a Resolution on the reviews and assessments foreseen under Articles 11.4 and 13.2d(ii) of the International Treaty. The Governing Body may wish to consider the elements of a draft Resolution provided in the *Annex* to this document.

25. The Governing Body may also wish to provide further guidance to the Secretary on the support that he could provide in undertaking activities to encourage natural and legal persons to include plant genetic resources for food and agriculture in the Multilateral System. This could include further contributions by Contracting Parties and stakeholders gathered through a notification and a synthesis of inputs received for consideration of the Governing Body at its Eleventh Session. The Secretariat could also undertake further

¹⁰ [Resolution 2/2022](#), para. 22.

¹¹ [IT/GB-9/22/09.1.2 Rev.1](#)

¹² [Resolution 3/2022](#), para. 3.

¹³ [Resolution 3/2022](#), paras. 4 and 10.

¹⁴ IT/GB-10/23/9.2, *Checkpoint report of the Co-Chairs of the Ad Hoc Open-ended Working Group to Enhance the Functioning of the Multilateral System*.

research on possible incentives and lessons learned, with the support of a small focus group, with representatives from Contracting Parties and stakeholder groups.

DRAFT RESOLUTION **/2023
IMPLEMENTATION AND OPERATIONS OF THE MULTILATERAL SYSTEM OF
ACCESS AND BENEFIT-SHARING

THE GOVERNING BODY,

[...]

PART [X]: REVIEWS AND ASSESSMENTS UNDER THE MULTILATERAL SYSTEM

1. ***Requests*** the Secretary to continue capacity development activities and awareness-raising efforts on the voluntary inclusion of plant genetic resources for food and agriculture in the Multilateral System by natural and legal persons, with the participation of National Focal Points and relevant stakeholders, subject to the availability of financial resources;
2. ***Decides*** to undertake the reviews and assessments foreseen under Articles 11.4 and 13.2d(ii) of the International Treaty at its Eleventh Session, and ***requests*** the Secretary to prepare the relevant documentation;
3. ***Requests*** the Secretary to undertake further research on possible measures to encourage national and legal persons to make plant genetic resources for food and agriculture available in the Multilateral System, including through the convening of a small focus group, subject to the availability of resources.
4. [...]