



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
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REVIEW OF THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM

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REVIEW OF THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM

I. INTRODUCTION

1. Part IV of the Treaty establishes the Multilateral System;¹ Part V covers the supporting components; and Article 18, *Financial Resources*, specifies that the financial benefits arising from Article 13.2d are part of the Treaty's Funding Strategy.

2. This document provides an overview of the status of development of the Multilateral System of Access and Benefit-sharing, five years after the entry into force of the Treaty, and three years after the first meeting of the Governing Body. The Multilateral System comprises a number of elements, some of which are still being set in place. At its First Session, for example, the Governing Body adopted the Standard Material Transfer Agreement, and it will, during the present Session, consider draft Third Party Beneficiary Procedures.

3. The present document addresses the Multilateral System as a whole. Its primary focus is on the provisions of the Treaty, particularly Part IV of the Treaty and Article 15, and on the measures that Contracting Parties are taking to bring the Multilateral System into full operation. A number of other matters regarding the implementation of the Multilateral System are dealt with under other items of the agenda, for which other documents have been prepared. In those cases, the present document will not enter into the matter in depth, but a cross-reference will, where relevant, be made to the relevant document. These are:

- IT/GB-3/09/11 Rev. 1, *Report of the Chair of the Third Party Beneficiary Committee*;
- IT/GB-3/09/12, *Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural or legal persons*;
- IT/GB-3/09/14, *Review of the implementation and operation of the Standard Material Transfer Agreement*; and
- IT/GB-3/09/17, *Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture, and coordination of their fields of intergovernmental work*.

4. The document concludes with a brief over-all picture of the implementation status of the Multilateral System, and identifies possible elements of an enabling Resolution by the Governing Body on the implementation of the Multilateral System.

II. COVERAGE OF THE MULTILATERAL SYSTEM (ARTICLES 11 AND 15.1a)**A. Plant genetic resources held by Contracting Parties**

5. The Treaty provides that all Contracting Parties' plant genetic resources of the crops in *Annex 1* and meeting the criteria of the Treaty's Article 11.2 are in the Multilateral System. The availability of plant genetic resources for facilitated access is the first building block of the Multilateral System. By a Circular State Letter of 3 November 2006, the Interim Secretary accordingly requested Contracting Parties to provide information on all plant genetic resources for food and agriculture that had been made available.

6. At its Second Session, the Governing Body "*requested the Secretary to continue gathering information on the assessment of progress in the inclusion of plant genetic resources in the Multilateral System*".

¹ Article 11, *Coverage of the Multilateral System*, Article 12, *Facilitated access to plant genetic resources for food and agriculture within the Multilateral System*, and Article 13, *Benefit-sharing in the Multilateral System*.

7. By a further Circular State Letter of 11 June 2008, the Secretary accordingly drew Contracting Parties' attention to the outstanding request for such information. A sample letter of notification of inclusion of material in the multilateral system was distributed with the Circular State Letter, and is attached as *Appendix 1* to the current document.

8. However, only a limited number of Contracting Parties have as yet formally notified the Secretary of having taken the steps necessary to give effect to this provision, and of what these resources are. At the time of preparing this document (March 2009), the following Contracting Parties had provided such information, in differing levels of detail:² Canada; Denmark, Finland, Iceland, Norway and Sweden (The Nordic Genetic Resource Centre); Switzerland; Germany; Namibia Netherlands and Zambia.

9. The information available on Contracting Parties' plant genetic resources that are in the Multilateral System is therefore very imperfect. In official communications, and through informal contacts, moreover, a number of Contracting Parties—both developing and developed countries—have brought to the notice of the Secretariat a variety of difficulties they are facing in interpreting the relevant provisions of the Treaty, and a number have asked for advice and assistance, which, as far as possible, the Secretary has provided, on an *ad hoc* basis.

B. Plant genetic included by natural and legal persons within the jurisdictions of Contracting Parties

10. This matter is considered in detail in document IT/GB-3/09/12, *Assessment of progress in the inclusion in the Multilateral System of plant genetic resources for food and agriculture held by natural or legal persons*.

11. By Article 11.2 of the Treaty:

“With a view to achieving the fullest possible coverage of the Multilateral System, the Contracting Parties invite all other holders of plant genetic resources for food and agriculture listed in Annex 1 to include these plant genetic resources for food and agriculture in the Multilateral System”.

12. By Article 11.3, they undertake to encourage such persons to do so.

13. At its First Session, the Governing Body decided to defer the assessment of progress in the inclusion of plant genetic resources for food and agriculture held by natural and legal persons in the Multilateral System, provided for in Article 11.4 of the Treaty, until the present session.

14. A few Contracting Parties have provided information on the collections that are technically legal persons separate from the Government, but which they regard as forming part of their national plant genetic resources system. No Contracting Party has provided information on plant genetic resources held in the private sector, by commercial companies and breeders, or by private sector non-governmental organizations.

15. The first and so far only direct notification of inclusion, by a natural or legal person, of plant genetic resources in the Multilateral System was received in March 2009.³

16. There have also been a number of expressions of interest by private sector and non-governmental organizations in including their plant genetic resources in the Multilateral System. Many have, however, raised various legal and technical questions regarding the interpretation of

² Information on notifications related to the material included in the Multilateral System of Access and Benefit-sharing is posted on the Treaty's website at http://www.planttreaty.org/inclus_en.htm.

³ PRO-MAÏS, a private maize-breeders' association for maize study and improvement in France, and the French National Institute of Agronomic Research (INRA), informed the Secretary that they were including a collection of 500 accessions from maize populations and of maize lines in the Multilateral System.

the their rights and obligations under the Standard Material Transfer Agreement, which will need to be resolved, if they are to do so.

C. Plant genetic resources held by International Institutions, under Article 15

17. The following international institutions have included their collections of plant genetic resources for food and agriculture of the crops in *Annex 1* to the Treaty in the Multilateral System, by agreements with the Governing Body:

<i>International Institution</i>	<i>Agreement Signed</i>
Africa Rice Centre	16 October 2006
Bioversity International	16 October 2006
International Maize and Wheat Improvement Centre	16 October 2006
International Centre for Agricultural Research in the Dry Areas	16 October 2006
International Crops Research Institute for the Semi-Arid Tropics	16 October 2006
International Institute of Tropical Agriculture	16 October 2006
International Livestock Research Institute	16 October 2006
International Potato Centre	16 October 2006
International Rice Research Institute	16 October 2006
World Agroforestry Centre	16 October 2006
Tropical Agricultural Research and Higher Education Centre	16 October 2006
International Coconut Genebank for African and the Indian Ocean	5 February 2007
International Coconut Genebank for the South Pacific	9 May 2007
Mutant Germplasm Repository of the FAO/IAEA Joint Division	18 July 2007

18. The Governing Body at its last session welcomed the negotiations underway with the South Pacific Community Genebank and the International Cocoa Centre Genebanks, and it is expected that these will have been completed by the time the Governing Body meets.

19. The document, IT/GB-3/09/18, *Report on the status of cooperation with other international organizations, including Agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions*, provides more information on this subject.

20. The collections of these international institutions form by far the largest group of resources currently known to be in the Multilateral System, and being exchanged through the Standard Material Transfer Agreement. Those held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research alone comprise some 600,000 accessions. Other international Institutions have also contributed a significant number of accessions.

D. Plant genetic resources received from the Multilateral System, which recipients are obliged to make available

21. Article 6.3 of the Standard Material Transfer Agreement provides that:

“In the case that the Recipient conserves the Material supplied, the Recipient shall make the Material, and the related information [...], available to the Multilateral System using the Standard Material Transfer Agreement”.

22. The effectiveness of this clause depends on a person looking for plant genetic resources knowing that a previous Recipient has the material he wants. In this context, it is notable that the practice of the International Agricultural Research Centres of the Consultative Group on

International Agricultural Research is to make public the Recipient of Material, which makes this possible.⁴ Information has not been gathered on the practice of other Providers.

E Documenting the plant genetic resources within the Multilateral System

23. The formal notification of plant genetic resources for food and agriculture included in the Multilateral System is one measure of what it comprises. For plant breeding and conservation, however—which are the purposes of facilitated exchange—full, easily consultable information on individual accessions is necessary, or they are not usable. In this sense, material can only be said to be effectively “in” the Multilateral System if it is adequately and publicly documented.

24. For this reason, the *sample letter of notification of inclusion of material in the Multilateral System* (in *Appendix I*) requests information about the website⁵ where “*detailed data on the composition of the collection and user procedures to order samples are readily available*”, and “*the website [url address] that provides access to the collection’s database*”.

25. Major international collections, and those of developed country Contracting Parties, usually have web-sites that provide such information,⁶ and some of the larger developing countries also provide such services to breeders. It must, however, be recognized that many smaller developing countries face substantial financial, technical and institutional problems in providing public—preferably on-line—information on resources that they include in the Multilateral System, and will require assistance in order to do so effectively.

26. A webpage has been established on the Treaty website, where notifications received from Contracting Parties and natural and legal persons regarding material that they have included in the Multilateral System are posted.⁷ The webpage currently provides full-text copies of all notifications received, as well as and a downloadable form-letter of notification.

III. FACILITATED ACCESS TO PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE WITHIN THE MULTILATERAL SYSTEM (ARTICLE 12)

A. Legal and other appropriate measures to provide access through the Multilateral System

27. By Article 12.2 of the Treaty:

“The Contracting Parties agree to take the necessary legal or other appropriate measures to provide such access to other Contracting Parties through the Multilateral System. To this effect, such access shall also be provided to legal and natural persons under the jurisdiction of any Contracting Party, subject to the provisions of Article 11.4”.

28. There has been no request from the Governing Body to Contracting Parties to report on the legal and other appropriate measures that they are taking to provide access, through the Multilateral System, to other Contracting Parties and to legal and natural persons within the jurisdiction of any Contracting Party. While some Contracting Parties have clearly done so, some Contracting Parties—as noted in Section II.1 above—have brought to the notice of the Secretariat the difficulties they are they are facing in interpreting the relevant provisions of the Treaty, and in harmonizing these with other elements of their legal systems. This is one of the major factors

⁴ See, for example, http://www.planttreaty.org/smta/irri_en.htm

⁵ Available at ftp://ftp.fao.org/ag/agp/planttreaty/agreements/models/inclu_e.doc

⁶ See, for example, the International Rice Research Institute’s database, at <http://www.iris.irri.org/>, or the German National plant genetic resources system portal at <http://www.genres.de/pgrdeu/>.

⁷ http://www.planttreaty.org/inclus_en.htm.

behind the low level of reporting on plant genetic resources for food and agriculture that in the Multilateral System. It also means that facilitated access, by many Contracting Parties, is not yet functional.

29. One matter that has been raised by a number of Contracting Parties is that of harmonizing access and benefit-sharing legislation with the provisions of Article 12.3h of the Treaty, where:

“Without prejudice to the other provisions under this Article, the Contracting Parties agree that access to plant genetic resources for food and agriculture found in in situ conditions will be provided according to national legislation or, in the absence of such legislation, in accordance with such standards as may be set by the Governing Body”.

30. In this context, the Governing Body may wish to consider the role that could be played by the *Code of Conduct for Plant Germplasm Collecting and Transfer*,⁸ which was negotiated by the Commission on Genetic Resources for Food and Agriculture and adopted by the FAO Conference in 1993. The Commission, in its Tenth Regular Session in 2004:

“noted the continued usefulness of the various elements of the Code including in developing national legislation. The Commission endorsed the recommendation [...] that, in light of other priorities in the work of the Commission and in the development of the International Treaty, it was inappropriate, at present, to update the Code of Conduct, while noting that consideration of the Code remained on the Commission’s agenda”.

31. The Governing Body may wish to consider now cooperating with the Commission in the revision of the *Code*.⁹

B. Implementation of the Standard Material Transfer Agreement

32. The implementation of the Standard Material Transfer Agreement is considered in document IT/GB-3/09/14, *Review of the implementation and operation of the Standard Material Transfer Agreement*.

C. Emergency disaster situations

33. Article 12.6 provides that

“In emergency disaster situations, the Contracting Parties agree to provide facilitated access to appropriate plant genetic resources for food and agriculture in the Multilateral System for the purpose of contributing to the re-establishment of agricultural systems”.

34. The availability of appropriate seeds following emergencies is an important element in restoring production and livelihoods. In the last five years, FAO has supported over 400 emergency projects that included seed supply. This work—particularly when national seed supplies have been disrupted—often draws on plant genetic resources from collections that are part of the Multilateral System, particularly those of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research,¹⁰ as the following table illustrates:

⁸ <http://ftp.fao.org/ag/cgrfa/GS/CCgermpE.pdf>.

⁹ See also IT/GB-3/09/17, *Cooperation between the Governing Body and the Commission on Genetic Resources for Food and Agriculture, and coordination of their fields of intergovernmental work*.

¹⁰ See Varma, Surendra and Winslow, Mark, *Healing Wounds: How the International Agricultural Research Centers of the CGIAR Help Rebuild Agriculture in Countries Affected by Conflict and Natural Disasters*. 2005. Consultative Group on International Agricultural Research (CGIAR), Washington, DC. Available on the Internet at <http://www.cgiar.org/pdf/healingwounds.pdf>.

**Rehabilitating collections or providing materials
(crops covered by the Multilateral System)**

<i>Country</i>	<i>Crop</i>	<i>Year</i>	<i>Source of germplasm or seed supplied</i>
Afghanistan	Wheat, dry nuts	Late 1990s	ICARDA, Syria
Banda Aceh, Indonesia	Rice, vegetables	2004	Indonesia
Darfur, Sudan	sorghum,	2007	Syria
East Timor	Rice and maize	2004	Indonesia, Australia
Iraq	Wheat	2002	ICARDA, Syria
Liberia	Rice, cassava,	2004	ICARDA, Sierra Leone
Maldives	banana, sweet potato, fruit trees	2004	Local
Sierra Leone	Rice	2002	WARDA
Sri Lanka	Rice	2004	Myanmar, India,

IV. BENEFIT-SHARING IN THE MULTILATERAL SYSTEM (ARTICLE 13)

A. Sharing the benefits of the use of plant genetic resource for food and agriculture: information exchange, access to and transfer of technology; and capacity-building

35. The benefit-sharing provisions of Article 13.2 of the Treaty, considered here, are primarily obligations on Contracting Parties. The contractual benefit-sharing obligations on parties to Standard Material Transfer Agreements are considered separately, in document IT/GB-3/09/14, *Review of the implementation and operation of the Standard Material Transfer Agreement*.

36. By Article 13.2 of the Treaty:

“The Contracting Parties agree that benefits arising from the use, including commercial, of plant genetic resources for food and agriculture under the Multilateral System shall be shared fairly and equitably through the following mechanisms: the exchange of information, access to and transfer of technology, capacity-building, and the sharing of the benefits arising from commercialization, taking into account the priority activity areas in the rolling Global Plan of Action, under the guidance of the Governing Body”.

37. Articles 13.2 a, b and c, contain substantial and detailed provisions for the realization of such benefit-sharing, for all three mechanisms, and states that information will be exchanged through the information system provided for in Article 17 of the Treaty. Moreover, by Article 13.2d(i):

“The Contracting Parties agree, under the Multilateral System, to take measures in order to achieve commercial benefit-sharing, through the involvement of the private and public sectors in activities identified under this Article, through partnerships and collaboration, including with the private sector in developing countries and countries with economies in transition, in research and technology development”.

38. While a wide variety of relevant activities undoubtedly exist, there is no clear, overall picture of the situation, by which the effectiveness of this aspect of benefit-sharing may be assessed, and policies to promote and extend it may be promoted. The Governing Body may therefore wish to request that such a review be undertaken, for consideration at its Fourth Session.

B. Sharing of monetary and other benefits of commercialization

39. Article 13.2d(ii) of the Treaty makes provision for voluntary and mandatory monetary benefit-sharing on the commercialization of a Product that incorporates Material assessed from the Multilateral System, under a Standard Material Transfer Agreement. This is implemented through the Standard Material Transfer Agreement, and therefore considered in document IT/GB-3/09/14, *Review of the implementation and operation of the Standard Material Transfer Agreement*.

C. Periodic reviews of the levels of payment

40. Article 13.2d(ii) of the Treaty provides that:

“The Governing Body may, from time to time, review the levels of payment with a view to achieving fair and equitable sharing of benefits, and it may also assess, within a period of five years from the entry into force of this Treaty, whether the mandatory payment requirement in the MTA shall apply also in cases where such commercialized products are available without restriction to others for further research and breeding”.

41. By Resolution 2/2006, the Governing Body decided *“to review the levels of payment periodically, in conformity with Article 13.2d(ii) of the Treaty, starting from the Third Session of the Governing Body.”* This matter is addressed in document IT/GB-3/09/14, *Review of the implementation and operation of the Standard Material Transfer Agreement*.

D. The Funding Strategy

42. The Funding Strategy is broader than the Multilateral System, but linked to it, in that the benefits arising from Article 13.2d of the Treaty are part of the Treaty’s Funding Strategy. As decided by the Governing Body at its Second Session, an *Ad Hoc* Advisory Committee on the Funding Strategy has met between sessions, including to develop a Strategic Plan for its implementation. The *Report of the Chair of the Ad Hoc Advisory Committee on the Funding Strategy* is contained in document IT/GB-3/09/7.

43. Article 19.3f of the Treaty foresaw the establishment of a Trust Account, for receiving and utilizing financial resources that will accrue to it, and this has been done. This is the Benefit-sharing fund established under Rule VI.3 of the *Financial Rules*. Article 18.4c of the Treaty provides that:

“The Contracting Parties that are developed countries also provide, and Contracting Parties that are developing countries and Contracting Parties with economies in transition avail themselves of, financial resources for the implementation of this Treaty through bilateral and regional and multilateral channels. Such channels shall include the mechanism referred to in Article 19.3f”.

44. The *Ad Hoc* Advisory Committee on the Funding Strategy, in the strategic plan that it has developed, has recommended that the three priorities for non-monetary benefit-sharing identified in Article 13.2 of the Treaty—the exchange of information, access to and transfer of technology, and capacity-building—which are obligations of Contracting Parties, should also be amongst the priorities of the Funding Strategy.

E. Modalities of a strategy of voluntary benefit-sharing by Food Processing Industries

45. Article 13.6 provides that:

“The Contracting Parties shall consider modalities of a strategy of voluntary benefit-sharing contributions whereby Food Processing Industries that benefit from plant genetic resources for food and agriculture shall contribute to the Multilateral System”.

46. The Contracting Parties have not yet developed for the Governing Body and no contributions have yet been received. The Governing Body may wish to consider whether and how to take some action in this regard.

V. THIRD PARTY BENEFICIARY PROCEDURES

47. The Standard Material Transfer Agreement makes provision for a Third Party Beneficiary,

“representing the Governing Body and the Multilateral System, [who] has the right [...] to initiate dispute settlement procedures regarding rights and obligations of the Provider and the Recipient under [the Standard Material Transfer Agreement].”

48. In Resolution 2/2006, it invited FAO,

“as the Third Party Beneficiary, to carry out the roles and responsibilities as identified and prescribed in the Standard Material Transfer Agreement, under the direction of the Governing Body, in accordance with the procedures to be established by the Governing Body [...]”.

49. At its Second Session, it established an *Ad Hoc* Third Party Beneficiary Committee to prepare draft Third Party Beneficiary Procedures for its consideration at the current Session. Document IT/GB-3/09/11 contains the *Report of the Chair of the Third Party Beneficiary Committee*, with draft Third Party Beneficiary Procedures and additional recommendations for its effective functioning and operation. The draft Third Party Beneficiary Procedures provide that, should the parties to an Standard Material Transfer Agreement so decide, the items of information provided to the Governing Body will be kept confidential, except in so far as required for the process of dispute-settlement.

VI. THE ROLE OF INFORMATION IN THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM

50. The Multilateral System can be seen as a “virtual and distributed genebank”, because it comprises a very large number of plant genetic resources, held by a large number of governmental and private entities throughout the world, in order, as Article 11.1 of the Treaty provides:

“both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from the utilization of these resources, on a complementary and mutually reinforcing basis”.

It is “virtual” in the sense that it is not an institution with a headquarters and dedicated staff, but relies on these entities to act for it.

51. For a plant breeder seeking useful materials, the Multilateral System is only as good as the information systems that describe these materials. Providing such information is a “distributed” function, not managed from the centre, but the task of genebank and information system managers, throughout the world. In implementing the Multilateral System, the Governing Body will need to draw on the support, creativity and goodwill of this community. A major challenge for this community will be to assist plant genetic resources managers in developing countries to play a full role in developing the international system, adequately documenting the

material they hold within the Multilateral System, and facilitating access.

52. In December 2008, a *Second Technical Consultation on Information Technology Support for the Implementation of the Multilateral System of Access and Benefit-Sharing* was held, with support from the *Centro di Ricerca per la Frutticoltura*, on behalf of the Italian Government.¹¹ Information specialists, including from Contracting Party genebanks and from the International Agricultural Research Centres, discussed a number of current initiatives that aim at improving the coverage of information systems for plant genetic resource for food and agriculture, and at integrating wider sets of participating countries and institutions. It recommended establishing a focus group to develop a vision paper that takes stock of existing information systems of relevance, and outlines a process for the establishment of the Global Information System under the International Treaty, as foreseen in Article 17.¹²

VII. Conclusions: the current state of implementation of the Multilateral System

53. The Multilateral System is already a success, in that over 100,000 accessions are being exchanged annually, through the Standard Material Transfer Agreement. On the other hand, the great bulk of this exchange is represented by the collections of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other international institutions, and of established genebanks in developed countries.

54. The Multilateral System is also a success, in that a number of its constituent elements have been or are being put in place, in particular the Standard Material Transfer Agreement, and the Third Party Beneficiary.

55. On the other hand, this review of the state of implementation of the Multilateral System suggests that there is a major information deficit, of all types and at all levels, and that improving all aspects of the information base is an immediate priority.

56. The identification and documentation of material within the Multilateral System has so far been partial and erratic. Many Contracting Parties appear to have not yet taken the steps necessary to document their relevant plant genetic resources, and to facilitate access to them. There is a need to support the relevant authorities and entities, particularly in developing countries, in improving the information base. In addition, a number of Contracting Parties and natural and legal persons have expressed the need for technical and legal advice, regarding, *inter alia*: the scope of “Material”; *in situ* Material; the type of use; benefit-sharing and availability without restriction to others for further research and breeding; reporting issues; contractual issues; and legislative, administrative and policy matters. These problems have apparently resulted in a large number of Contracting Parties not yet having taken the steps necessary to make their relevant plant genetic resources for food and agriculture available through the Multilateral System and the Standard Material Transfer Agreement.

57. There is not yet adequate information on the plant genetic resources of Contracting Parties, public sector non-governmental organizations, and private sector companies and breeders that are in the Multilateral System, for the Governing Body to be able to monitor its implementation, and undertake the reviews foreseen in the Treaty or requested by the Governing Body. The information is not yet available on which to judge if the Treaty has facilitated access to, and increased the exchange and use of, plant genetic resources for food and agriculture, which as Article 13.1 recognizes, “*constitutes itself a major benefit of the Multilateral System*”.

58. Three short-term priorities must therefore be (1) to promote the complete documentation of Materials “in” the Multilateral System, (2) to document exchange under the Multilateral System through SMTA operations, and (3) to assist users of the Multilateral System to resolve the

¹¹ IT/GB-3/09/Inf.4, *Report of the expert consultations on information technologies to support the implementation of the Multilateral System*.

¹² See document IT/GB-3/09/18.

legal and technical uncertainties that are impeding the inclusion of plant genetic resources in the Multilateral System. During the past biennium, the Secretary has worked with Contracting Parties and other users of the Multilateral System, to promote the exchange of experience and the documentation of best practices, help improve understanding of the Multilateral System and the Standard Material Transfer Agreement, and resolve problems that were identified. It is therefore proposed that, during the forthcoming biennium, this work be continued as a priority, through a “Multi-stakeholder platform for users of the Multilateral System”, aimed in particular at strengthening national capacity to implement the Multilateral System.¹³

59. With funds provided by the Swedish International Development Cooperation Agency (SIDA), the Treaty Secretariat, FAO and Bioversity International are implementing a Joint Capacity-building Programme, aimed at government officials, politicians, farmers and other stakeholders, which will extend into the 2010/2011 biennium. The Programme foresees capitalizing on experience gained to prepare practical guidelines for the implementation of the Multilateral System.¹⁴

VIII. POSSIBLE ELEMENTS OF A DECISION BY THE GOVERNING BODY

60. A draft enabling resolution for actions the Governing Body may wish to take in relation to the Standard Material Transfer Agreement follows:

RESOLUTION X/2009

Implementation of the Multilateral System

Convinced of the crucial importance for the Treaty of bringing the Multilateral System of Access and Benefit-sharing into full and effective operation;

Convinced of the need to address the various elements of the Multilateral System as an integrated whole;

The Governing Body:

- i) **Stresses** the importance of fully documenting the plant genetic resources for food and agriculture within the Multilateral System, so that they may be accessed for the purpose of utilization and conservation for research, breeding and training for food and agriculture;
- ii) **Welcomes** the efforts underway to coordinate and improve information systems documenting plant genetic resources for food and agriculture;
- iii) **Stresses** the importance of assisting developing countries in this process, bilaterally, or through existing Multilateral frameworks, such as the Joint Capacity-building Programme;
- iv) **Requests** all Contracting Parties to report on their plant genetic resources for food and agriculture that are in the Multilateral System, in accordance with Article 11.2 of the Treaty, and to take measures to make information on these resources available to potential users of the Multilateral System;
- v) **Further requests** all Contracting Parties to provide information on the appropriate measures that they are taking, in accordance with Article 11.3, to encourage natural and

¹³ Financial provision has accordingly been made in Annex 2 of document IT/GB-3/09/21, *Draft Work Programme and Budget 2010/2011*.

¹⁴ See IT/GB-3/09/18, *Report on the status of cooperation with other international organizations, including Agreements between the Governing Body and the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions*.

legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System;

- vi) **Requests** the Secretary to prepare a comprehensive report to its Fourth Session on the status of non-monetary and monetary benefit-sharing, as provided for in Articles 13.2a, b, c and d of the Treaty, and for this purpose to request information from Contracting Parties, international institutions, and private sector entities;
- vii) **Stresses** the importance of adequate information being provided to the Secretary by January 2011, so that a full report may be prepared for its Fourth Session;
- viii) **Decides** to again review the implementation of the Multilateral System at its Fourth Session;
- ix) **Requests** the Secretary to follow-up actively, with all measures required to obtain the information necessary;
- x) **Invites** the Commission on Genetic Resources for Food and Agriculture at its Twelfth Regular Session in October 2009 to establish a process for the updating the *Code of Conduct for Plant Germplasm Collecting and Transfer*, including in relation to Article 12.4h of the Treaty, and expresses its willingness to collaborate in this work.

APPENDIX 1
SAMPLE LETTER OF NOTIFICATION OF INCLUSION OF MATERIAL
IN THE MULTILATERAL SYSTEM

To the Secretary of the International Treaty
on Plant Genetic Resources for Food and Agriculture
Mr. Shakeel Bhatti
Food and Agriculture Organization of the United Nations
Viale delle Terme di Caracalla 1
00153 Rome, Italy

Subject: Notification regarding the contribution of the [name of the CP/Natural or Legal person] to the Multilateral System

The International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) has established a Multilateral System of Access and Benefit-sharing.

Regarding the coverage of the Multilateral System, Article 11 specifies that the Multilateral System shall include all plant genetic resources for food and agriculture listed in Annex I that are under the management and control of the Contracting Parties and in the public domain, and that Contracting Parties invite other holders of the plant genetic resources for food and agriculture listed in Annex I to include these in the Multilateral System.

Herewith, the [name of the CP/Natural or Legal person] wishes to notify to you that the following plant genetic resources for food and agriculture listed in Annex I and maintained in [name of the CP] have been included in the Multilateral System.

1. The collections held by [name of the collection centre], [name of the country], located in XX. Through the website [url address] detailed data on the composition of the collection and user procedures to order samples are readily available.
2. The [name of species] collection held by the [name of the collection centre] located in XX [and consisting of...]. The website [url address] provides access to the collection's database.

Germplasm held in the collections listed above will be made available to users under the conditions of the Standard Material Transfer Agreement of the International Treaty on Plant Genetic Resources for Food and Agriculture.