



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



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

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Item 13 of the Provisional Agenda
SIXTH SESSION OF THE GOVERNING BODY
Rome, Italy, 5 – 9 October 2015
Report on Compliance

Executive Summary

This document reports on activities related to compliance that have been undertaken during this biennium. Since the last meeting of the Governing Body no matter of concern which needed to be brought to the attention of the Compliance committee arose and in consequence the Committee did not have any meetings. The Chair of the Compliance Committee attended a meeting that was part of an ongoing broader dialogue among the compliance bodies of multilateral environmental agreements. The document also provides information on the election of new members of the Compliance Committee and on the work being undertaken by the Secretary to significantly improve the reporting process.

Guidance Sought

The Governing Body is invited to review and adopt the draft Resolution that is contained in the *Appendix*.

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I. INTRODUCTION

1. The Governing Body, at its Fourth Session, approved the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*¹(Compliance Procedures).
2. At its Fifth Session, the Governing Body approved the *Rules of Procedure of the Compliance Committee*², as well as the *Standard Reporting Format Pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance*.³
3. With these documents in place, the compliance mechanism of the Treaty is now fully operational.
4. The present document reports on activities that have been undertaken on compliance during this biennium and indicates areas that may need political guidance by the Governing Body.

II. THE WORK UNDERTAKEN BY THE COMPLIANCE COMMITTEE DURING THIS BIENNIUM

5. In December 2013, the Chair of the Compliance Committee attended the tenth meeting of the Basel Convention Implementation and Compliance Committee (BCICC), which has taken the initiative to establish a dialogue with the compliance bodies of other multilateral environmental agreements (MEAs) to address cross-cutting issues, such as timely and complete reporting. He particularly highlighted the Compliance Committee's mandate to review reports submitted by Contracting Parties and the possibility for a Contracting Party to submit statements and questions concerning the implementation of its own obligations.⁴The Secretariat had provided information to the Executive Secretary of the Basel Convention on the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance* of the Treaty.⁵
6. The meeting also raised common issues among various compliance regimes, including efforts to facilitate reporting and the relationship between the development of the reporting format and the review of compliance with parties' reporting obligations.⁶ As one possible option for facilitating and improving the reporting process, the development of a standardized, easy to use and inexpensive online reporting system was referred to.⁷
7. Since the last meeting of the Governing Body no matter of concern which needed to be brought to the attention of the Compliance Committee arose and in consequence the Committee did not have any meeting.

III. REPORTING BY CONTRACTING PARTIES ON THE IMPLEMENTATION OF THEIR OBLIGATIONS UNDER THE TREATY

8. 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 such report is due by October 2016,

¹ Resolution 2/2011, Annex

² Resolution 9/2013, Annex 1

³ Resolution 9/2013, Annex 2

⁴ UNEP/CHW/CC.10/14, Report of the tenth meeting of the Basel Convention Implementation and Compliance Committee (Paris, 5–6 December 2013)

⁵ UNEP/CHW/CC.10/7, National reporting: dialogue with other compliance bodies

⁶ UNEP/CHW/CC.10/14

⁷ UNEP/CHW/CC.10/INF/3

within three years after the approval of the Standard Reporting Format by the Governing Body. Until now no reports have been received.

9. The Secretary, based on the experience accumulated by other international instruments and in the existing tools, is setting an Online Reporting System (ORS), to provide Contracting Parties with a flexible electronic platform to streamline reporting. The System is based on a framework reporting system developed by the World Conservation Monitoring Centre (WCMC)- also used by CMS, AEWA and CITES and other Multilateral Environmental Agreements- which facilitates the creation of questionnaires according to different reporting formats, their distribution and the collation of the responses.

10. Contracting Parties will be allowed to securely submit data over time and delegate sections of the questionnaires to different national institutions, as needed. Streamlining the reporting process through the use of electronic means is critical nowadays both at national and global levels. The Online Reporting System will make the reporting easier and also the output of the reporting more valuable to the Compliance Committee and the Governing Body.

11. The overall aim of the System, which will follow the standard voluntary reporting format and will become available before the end of 2015, is to become an incentive for Contracting Parties to report quality data, reduce the time needed to manage the reporting process and improve the sustainability and the inter-operability of the non-confidential information with other information systems like the Global Information System of Article 17⁸.

12. During the 2016-2017 biennium the Secretary will issue a Notification to Contracting Parties on the need to report and with information on how to use the System.

13. In this context, the Secretariat will continue its collaboration with other international instruments to identify further synergies for the development and maintenance of the system and its documentation.

IV. ORGANIZATIONAL MATTERS

14. At its Fifth Session, the Governing Body elected the members of the Compliance Committee to serve for staggered terms. Six members were elected for a half term (i.e. two years) and seven members for a full term (i.e. four years). The list of members of the Compliance Committee is contained in *the Annex* to the draft Resolution.

15. The terms of those six members, who have been elected for a half term, will therefore end on 31 December 2015 and, according to the Compliance Procedures, the Governing Body shall elect, as appropriate, new members for a full term to replace them, bearing in mind that no member shall serve for more than two consecutive terms.⁹

16. At the time of preparation of this document the Secretary has not received any information about possible additional vacancies among those members whose term is due to expire in 2017.

17. When electing the members of the Compliance Committee for the new term, the Governing Body may wish to take into account that pursuant to the Compliance Procedures, the Compliance Committee shall consist of a maximum of 14 members, being up to two from each of the FAO regions and not more than one from a Contracting Party. The members shall be elected

⁸ See IT/GB-6/15/7, Vision paper on the development of the Global Information System.

⁹ Compliance Procedures, Section III.4

by the Governing Body on the basis of up to two nominations from each of the seven FAO regions.¹⁰

18. According to Rule III of the Rules of Procedures of the Committee, each member of the Committee shall perform his or her duties and exercise his or her authority as member of the Compliance Committee honourably, faithfully, impartially and conscientiously and seek to avoid any conflict of interest.

19. Moreover, the Governing Body may wish to consider that members of the Compliance Committee shall have recognized competence in the field of genetic resources or other fields relevant for the International Treaty, including legal or technical expertise, and they shall serve objectively and in their individual capacity.¹¹

V. BUDGETARY MATTERS

20. In Resolution 9/2013, the Governing Body reiterated the importance of maintaining sufficient resources for the operation of the Compliance Procedures and the functioning of the Compliance Committee. It also decided that costs of meetings of the Compliance Committee, including those to facilitate the participation of members of the Committee, shall be included in the Core Administrative Budget as may be adopted by the Governing Body, supplemented by any voluntary contributions made available for that purpose, and requested the Secretary to include such costs into the Core Administrative Budget that is presented to the Governing Body for approval at its regular sessions. The *Draft Work Programme and Budget for the 2016-17 Biennium*¹² accordingly includes the estimated costs of meetings of the Compliance Committee, based on similar criteria and assumptions used for the estimate in the 2014-2015 period.

VI. GUIDANCE SOUGHT

21. The Governing Body is invited to review and adopt the draft Resolution contained in the *Appendix* and its *Annex*.

¹⁰ Compliance Procedures, Section III.2

¹¹ Compliance Procedures, Section III.3

¹² IT/GB6/15/25

*Appendix****DRAFT RESOLUTION **/2015******COMPLIANCE*****The Governing Body,**

Recalling its previous decisions on compliance adopted at the Fourth and Fifth Sessions,

1. ***Requests*** 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;
2. ***Takes*** note of the Online Reporting System being developed by the Secretariat to streamline the reporting process through electronic means, and ***Requests*** the Secretary to support Contracting Parties in fulfilling their reporting obligations under the Treaty.
3. ***Elects*** the members of the Compliance Committee for the 2016-2019 term in accordance with section III.4 of the Compliance Procedures as contained in the *Annex*;

*Annex***MEMBERS OF THE COMPLIANCE COMMITTEE¹³**

Region	Expiring on 31 December 2015	Expiring on 31 December 2017	1 January 2016 31 December 2019
AFRICA	Ms Maria Antonieta COELHO	Ms Angeline MUNZARA	
ASIA	Ms Tashi DORJI	Ms Amparo AMPIL	
EUROPE	Mrs Clare HAMILTON	Mr René LEFEBER	
LATIN AMERICA AND THE CARIBBEAN	Mr Armando Bustillo CASTELLANOS	Ms Lianne Fernandez GRANDA	
NEAR EAST	Mr Mustapha Ali ELAGEL	Mr Ali CHEHADE	
NORTH AMERICA		Ms Felicitas KATEPA- MUPONDWA	
SOUTH WEST PACIFIC	Mr Douveri Mavaru HENAO	Mr Geoff BUDD	

¹³ IT/GB-5/13/Report, Appendix A, page 63