



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 14 – 18 March 2011

RESOLUTION 4/2011

IMPLEMENTATION OF THE MULTILATERAL SYSTEM

THE GOVERNING BODY,

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;

Recognizing that significant progress has been made in the implementation of the Multilateral System and the importance of maintaining current efforts and momentum in its implementation;

Emphasizing that, under Article 11.2 of the Treaty, the Multilateral System shall include all plant genetic resources for food and agriculture that are under the management and control of the Contracting Parties and in the public domain;

Recognizing that, under the Multilateral System, in addition to the sharing of the benefits arising from commercialization of plant genetic resources for food and agriculture, Contracting Parties shall share the benefits arising from the use of plant genetic resources through the mechanisms of information exchange, access to and transfer of technology, and capacity-building;

Recognizing that access to the information referred to in Article 13.2a of the Treaty is essential for the effective functioning of the Multilateral System and for the development of national capacity for the implementation of the Multilateral System;

Further recognizing that, for the Multilateral System to be effective, it is also essential that information on the plant genetic resources for food and agriculture that are in the Multilateral System is made available in a manner that is accessible and usable by potential users;

Recognizing that enhanced cooperation and improved coordination with other international organizations is of particular importance for the sustainable functioning of the Multilateral System;

Welcoming the development and progress of the GRIN Global project;¹

¹ This project is creating a new version of the Germplasm Resource Information System (GRIN) which will be freely available to all genebanks, providing the world's crop genebanks with a powerful, but easy-to-use plant genetic resource

Plant genetic resources held by Contracting Parties and forming part of the Multilateral System

1. **Thanks** those Contracting Parties that have notified the Secretary of the plant genetic resources for food and agriculture that are in the Multilateral System and **requests** them to continue to update their information as it becomes available;
2. **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, to take measures to make information on these resources available to potential users of the Multilateral System;

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

3. **Thanks** those Contracting Parties, and natural and legal persons that have made information available on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within their jurisdiction;
4. **Requests** Contracting Parties to provide more information to the Secretary on the inclusion of plant genetic resource for food and agriculture in the Multilateral System by natural and legal persons within the jurisdiction of Contracting Parties;
5. **Requests** Contracting Parties to take measures to encourage natural and legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, and inform the Secretary accordingly, preferably through their national focal points;

Plant genetic resources held by International Institutions, under Article 15

6. **Recognizes** the importance of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant International Institutions for the fulfilment of the objectives of the Treaty, and their valuable contributions to the development of its Multilateral System;
7. **Notes** the comprehensive report provided by the International Agricultural Research Centers of the Consultative Group on International Agricultural Research and other relevant International Institutions, the Tropical Agricultural Research and Higher Education Centre (CATIE), Secretariat of the Pacific Community Centre for Pacific Crops and Trees (CePaCT), and the Mutant Germplasm Repository of the FAO/IAEA Joint Division, and **thanks** them for providing such detailed and useful reports, and further **encourages** them to continue providing the Governing Body with similar reports in future Sessions of the Governing Body;
8. **Invites** other relevant international institutions to enter into agreements with the Governing Body to include their collections of plant genetic resources for food and agriculture in the Multilateral System;
9. **Requests** the Secretary to continue enhancing the collaboration with the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant International Institutions;
10. **Requests** the Secretary to take necessary steps to encourage further inclusion of plant genetic resources for food and agriculture in the Multilateral System by relevant international

institutions;

Documenting the plant genetic resources for food and agriculture within the Multilateral System

11. **Stresses** the importance of the continued identification and documentation of 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 using the FAO/IPGRI Multicrop Passport Descriptor List;
12. **Requests** the Secretary to continue gathering information on plant genetic resources in the Multilateral System, so that the plant genetic resources for food and agriculture may be used for plant breeding, research and training;
13. **Welcomes** the efforts underway to coordinate and improve information systems documenting plant genetic resources for food and agriculture, based on existing information systems, in order to develop and strengthen the Global Information System, foreseen in Article 17, consistent with Article 12.3b, of the International Treaty, and **requests** the Secretary to further develop the Vision Paper prepared for the current Session of the Governing Body;
14. **Recognizes** that improving access to and availability of information in the Multilateral System continues to be an important priority and that there is a need to support the relevant authorities and entities, particularly in developing countries, in improving their capacity to provide, manage or access information in respect of the Multilateral System;

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

15. **Urges** Contracting Parties, in accordance with Article 12.2, to take necessary legal and other appropriate measures to provide access to plant genetic resources for food and agriculture through the Multilateral System, within a clear time-frame, and requests them to report on such information, using the standard format to be adopted by the Governing Body ;

Implementation of the Standard Material Transfer Agreement

16. **Stresses** the need to document exchanges under the Multilateral System through Standard Material Transfer Agreement operations, including through adequate reporting on concluded Standard Material Transfer Agreements in accordance with Resolution 5/2009;
17. **Requests** the Secretary to continue collecting information 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 engage Contracting Parties and other stakeholders in providing information;
18. **Urges** Contracting Parties, international institutions having signed agreements under Article 15, and natural and legal persons to provide such information, preferably through their National Focal Points, using the standard format to be adopted by the Governing Body;
19. **Invites** Contracting Parties and other relevant stakeholder to explore innovative benefit-sharing measures within the purview of Articles 13.2a, b, and c of the Treaty;

The Work of the Ad Hoc Technical Advisory Committee on the Multilateral System and Standard Material Transfer Agreement

20. **Thanks** the Ad Hoc Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System for their advice to the Secretary as well as the useful recommendations made for the effective implementation of the Multilateral System and the operation of the SMTA;

21. *Thanks* the government of Brazil for generously hosting and supporting the second meeting of the *Ad Hoc* Technical Advisory Committee;
22. *Takes note of* the advice on the SMTA, given by the *Ad Hoc* Technical Advisory Committee on the SMTA and Multilateral System, and requests the Secretary to draw the attention of all relevant stakeholders to the decision of the Governing Body as contained in Resolution 5/2009 on the options for providing information as required from the parties to the SMTA; such information to be made available by the Governing Body to the Third Party Beneficiary for the purpose of carrying out its roles and responsibilities in accordance with the Third Party Beneficiary Procedures, as well as on the agreement of the FAO Director General for FAO to act as the Third Party Beneficiary and the Decision by the FAO Council approving the Third Party Beneficiary Procedures.
23. *Notes* the opinions and advice provided by the *Ad Hoc* Technical Advisory Committee on the Multilateral System and the SMTA at its first two meetings as helpful guidance for Contracting Parties in implementing their obligations under the Treaty;
24. *Decides* to reconvene the *Ad Hoc* Technical Advisory Committee in accordance with the terms of reference contained in the *Appendix* to this Resolution;
25. *Decides* to again review the implementation of the Multilateral System at its Fifth Session;

Support to Contracting Parties and users of the Multilateral System

26. *Requests* the Secretary, where feasible, to facilitate assistance to those Contracting Parties that may require support in identifying and reporting their plant genetic resources for food and agriculture that are in the Multilateral System;
27. *Invites* Contracting Parties, and FAO, and *requests* the Secretary to give priority to facilitating assistance to users of the Standard Material Transfer Agreement to overcome any implementation problems, including by reconvening the *Ad Hoc* Advisory Technical Committee on the Standard Material Transfer Agreement and the Multilateral System;
28. *Welcomes* the progress made with the Joint Capacity-Building Programme established by the Treaty, FAO and Bioversity International;
29. *Stresses* the crucial importance of assisting developing countries, including through existing coordinated multilateral frameworks, such as the Joint Capacity-building Programme, as well as bilateral, regional and inter-regional cooperation;
30. *Expresses* the need to further extend the duration of the joint capacity building programme as well as its geographical coverage and *Invites* Contracting Parties to consider providing additional voluntary resources for the continuation of the joint Programme;
31. *Thanks* the Governments of Indonesia and Norway for convening a Global Consultation on Benefit-sharing under the Multilateral System and *requests* the Secretary, under the guidance of the Bureau, to facilitate the necessary measures to implement the non-monetary benefit-sharing mechanisms of Articles 13.2a, b and c;

Reviews and assessments under the Multilateral System, and of the implementation and operation of the Standard Material Transfer Agreement

32. *Decides* to again postpone the reviews and assessments foreseen under Articles 11.4 and 13.2d(ii) of the Treaty to its Fifth Session;
33. In preparation for the reviews foreseen under Articles 11.4 and 13.2d(ii) of the Treaty, *requests* the Secretary to compile a report, and for this purpose to request information from

Contracting Parties, international institutions that have concluded agreements under Article 15 of the Treaty, and other natural and legal persons, preferably through the national focal points of the Contracting Parties in order to provide to its Fifth Session;

34. **Further requests** the Secretary to identify any additional information necessary, and make recommendations to the Governing Body on the organization of the reviews and assessments at its Fifth Session;

35. **Requests** Contracting Parties, in making their submissions to the Governing Body, to include summary information about their contributions to the Multilateral System:

- how many accessions;
- when the contribution was made;
- how many SMTAs that they may have entered into; and
- whether any benefits have flowed from these;

36. **Further requests** Contracting Parties, in their submissions, to provide information related to the use of the alternative payment scheme under Article 6.11 of the SMTA;

Review of SMTA used by the IARCs of the CGIAR for non-Annex I PGRFA

37. **Notes** that at its Second Session it endorsed that an interpretative footnote or series of footnotes would be included to relevant provisions of the Standard Material Transfer Agreement (SMTA) for transfers of non-Annex I material collected before the entry into force of the International Treaty to be used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research;

38. Further **notes** the continued successful use of the Standard Material Transfer Agreement by the International Treaty to be used by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research, and **decides** to further review such use of the Standard Material Transfer Agreement at its Fifth Session.

Follow-up by the Secretariat

39. **Stresses** the importance of adequate information being provided to the Secretary on all the relevant issues six months prior to the Fifth Session of the Governing Body, so that a full report may be prepared for its Fifth Session.

APPENDIX

**TERMS OF REFERENCE FOR
THE *AD HOC* ADVISORY TECHNICAL COMMITTEE ON THE STANDARD
MATERIAL TRANSFER AGREEMENT AND THE MULTILATERAL SYSTEM**

1. The *Ad Hoc* Advisory Technical Committee will advise the Secretary on implementation questions raised by users of the Standard Material Transfer Agreement and the Multilateral System, which the Secretary brings to their attention on the basis of questions addressed and forwarded to the Secretary by Contracting Parties, international centres having signed agreements with the Governing Body under Article 15 of the Treaty and other users of the Standard Material Transfer Agreement. The *Ad Hoc* Advisory Technical Committee shall take into account implementation problems.
2. The *Ad Hoc* Advisory Technical Committee will comprise up to two members designated by each Region and up to five technical experts, including representatives of the CGIAR, serving as observers. In inviting these technical experts to a meeting of the *Ad Hoc* Advisory Technical Committee, the Secretary will have regard of the specific nature of the questions brought to his notice and the expertise needed to address these. Experts will be identified with due attention to the knowledge and skills required, understanding of the International Treaty and its Multilateral System, impartiality, and geographical balance. There will be two Co-Chairs, one from a developing country and one from a developed country Contracting Party, who will be elected from the members of the *Ad Hoc* Advisory Technical Committee.
3. The *Ad Hoc* Advisory Technical Committee will hold up to two meetings subject to the availability of financial resources.
4. The opinions and recommendations provided by the *Ad Hoc* Technical Advisory Committee are not authoritative.
5. For technical matters relating solely to implementation of the SMTA:
 - (a) The Committee may provide interim opinions through the Secretary to the users. Users of the SMTA may choose to act in accordance with those interim opinions.
 - (b) The Committee shall include in its report to the Governing Body, interim opinions for consideration and approval at the next Governing Body meeting. If the Governing Body does not approve the interim opinions the Secretary and users of the SMTA should not further rely on it.
6. For matters relating to possible changes to the SMTA, or on the implementation of the Multilateral System, the Committee, in its report, may provide recommendations to the Governing Body at the next session of the Governing Body for consideration and approval by the Governing Body. The Committee's recommendations should not be relied on until approved by the Governing Body.
7. The *Ad Hoc* Advisory Technical Committee will consider, amongst others, the issues listed in the annex to these Terms of Reference, which may, from time to time be reviewed by the Governing Body.

Annex

List of issues to be considered by the *Ad Hoc* Technical Advisory Committee on the Standard Material Transfer Agreement and the Multilateral System

The Ad Hoc Advisory Technical Committee will consider any issue outstanding from the previous meetings as outlined in the Report of the Second meeting. These will include:

- a) Any issue outstanding from the previous meetings as outlined in the Report of the Second meeting as well as any issues it had identified for further development including item 9, non-food/feed uses, and item 11 transfer to farmers for direct use, and for the purposes of research, breeding and training. Contracting Parties, and IARCs of the CGIAR and other international institutions that have signed agreements with the Governing Body under Article 15 of the Treaty, are invited to provide, well in advance of the meeting, questions to the Secretary that will clarify such issues.
- b) Updates to Annex 1 of the Standard Material Transfer Agreement relating to PGRFA Under Development, taking into consideration the situation of providers of material under development who have accessed Multilateral System materials from a collection hosted by the same legal entity.