



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



E

FIFTH SESSION OF THE GOVERNING BODY

Muscat, Oman, 24-28 September 2013

RESOLUTION 1/2013

IMPLEMENTATION OF THE MULTILATERAL SYSTEM OF ACCESS AND BENEFIT-SHARING

THE GOVERNING BODY,

Convinced of the urgency of bringing all elements of the Multilateral System of Access and Benefit-sharing into full and effective operation, and the need to address all the elements of the Multilateral System as an integrated whole;

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, and that real availability of these resources is crucial both for plant breeding and food security and for the generation of monetary benefits from commercialization of plant genetic resources for food and agriculture, through the use of materials governed by the Standard Material Transfer Agreement;

Recognizing that there continues to be an urgent 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, in order to fully participate in the Multilateral System;

I. DEVELOPMENTS IN THE INTERNATIONAL ENVIRONMENT OF IMPORTANCE FOR THE IMPLEMENTATION OF THE MULTILATERAL SYSTEM

1. *Requests* the Secretary to continue to follow the processes of relevance to the Treaty and its Multilateral System in other international Organizations, and to continue enhancing cooperation and coordination with relevant international Organizations;
2. *Thanks* the Council of the Union for the Protection of New Varieties of Plant for the practical support that has been provided to the International Treaty in the context of non-monetary benefit-sharing initiatives by the Office of the International Union for the Protection of New Varieties of Plants (UPOV), following the decision of its Council;
3. *Notes* the recognition, by the Conference of the Parties to the Convention on Biological Diversity during the adoption of the Nagoya Protocol, in Decision X/1, of the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture, and the

recognition of the interdependence of all countries with regard to genetic resources for food and agriculture, as well as their special nature and importance for achieving food security worldwide and for sustainable development of agriculture in the context of poverty eradication and climate change;

4. **Recalls** that the International Treaty, with its Multilateral System of Access and Benefit-sharing, is a constituent element of the International Regime on Access to Genetic Resources and Benefit-sharing, along with the Convention on Biological Diversity and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization;
5. **Welcomes** the re-affirmation by the Conference of the Parties to the Convention on Biological Diversity that “international instruments related to access and benefit-sharing should be mutually supportive”; and **requests** the Secretary to continue and expand cooperation with the Secretariat of the Convention on Biological Diversity, in particular in relation to the mutually supportive implementation of the International Regime on Access to Genetic Resources and Benefit-sharing, the Nagoya Protocol, and the Treaty, at international and at national level;
6. **Notes** the continuing work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO) towards an instrument or instruments on the protection of traditional knowledge and on the intellectual property aspects of genetic resources;
7. **Welcomes** the invitation of the Fourteenth Session of the FAO Commission on Genetic Resources for Food and Agriculture, to the Governing Body of the Treaty, in the Treaty’s continued governance of plant genetic resources for food and agriculture, to continue to closely coordinate with the Commission, in order to address in a complementary way the distinctive features and specific uses of plant genetic resources for food and agriculture, especially in light of the development of access and benefit-sharing measures at both national and international levels;
8. **Requests** the International Agricultural Research Centres to continue to provide reports to sessions of the Governing Body and, for this purpose and to the extent possible, prepare a collective or integrated report;
9. **Reiterates** that the scope of the Treaty is all plant genetic resources for food and agriculture;

II. COVERAGE OF THE MULTILATERAL SYSTEM

PLANT GENETIC RESOURCES HELD BY CONTRACTING PARTIES AND INTERNATIONAL INSTITUTIONS

10. **Thanks** those Contracting Parties and International Institutions that have notified the Secretary of the plant genetic resources for food and agriculture that are in the Multilateral System and urges them to continue to update their information as it becomes available;
11. **Notes** that delays in making their plant genetic resources for food and agriculture available through the Standard Material Transfer Agreement hinders plant breeding, and may have a long-term effect on the amount of user-based income into the Benefit-sharing Fund;
12. **Accordingly requests** all Contracting Parties that have not yet done so to urgently notify the Secretary on their plant genetic resources for food and agriculture that are in the Multilateral System, in accordance with Article 11.2 of the Treaty, including information on how such material is available;
13. **Requests** the Secretary to encourage further inclusion of plant genetic resources for food and agriculture in the Multilateral System by relevant international institutions and international plant genetic resources networks.

*PLANT GENETIC RESOURCES HELD BY NATURAL AND LEGAL PERSONS
WITHIN THE JURISDICTION OF CONTRACTING PARTIES*

14. **Urges** natural and legal persons to take steps to include plant genetic resources for food and agriculture in the Multilateral System, and to inform the Secretary accordingly;
15. **Acknowledges** that PGRFA have also been included in the Multilateral System by natural and legal persons through Contracting Parties' notifications as part of their national systems for plant genetic resources for food and agriculture;
16. **Urges** Contracting Parties to encourage natural and legal persons within their jurisdictions to include plant genetic resources for food and agriculture in the Multilateral System, and to inform the Secretary accordingly;
17. **Invites** Contracting Parties, and natural and legal persons to consider the German initiative, "Varieties for Diversity" where private breeders have included varieties currently protected by plant breeders rights into the Multilateral System, when encouraging natural and legal persons to include plant genetic resources for food and agriculture into the Multilateral System;

**III. LEGAL AND OTHER APPROPRIATE MEASURES TO PROVIDE ACCESS TO
PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE WITHIN THE
MULTILATERAL SYSTEM**

18. **Urges** Contracting Parties that have not yet done so, to take legal and other appropriate measures necessary to provide access to plant genetic resources for food and agriculture through the Multilateral System in accordance with Article 12.2, and requests them to inform the Secretary accordingly;
19. **Urges** Contracting Parties to ensure that, pursuant to the obligations established by the International Treaty on Plant Genetic Resources for Food and Agriculture, access to and the transfer of plant genetic resources for food and agriculture covered by the Treaty, and the sharing of the benefits arising from their utilization, are subject only to the conditions set out in or consistent with the said Treaty;

IV. THE ROLE OF INFORMATION IN THE MULTILATERAL SYSTEM

20. **Appeals** to all Contracting Parties and their national plant genetic resources systems, International Institutions, and all other relevant persons, to ensure that available information, as appropriate, be made publicly and easily available, 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, and to inform the Secretary accordingly;
21. **Acknowledges** the fundamental importance of the participation of the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions in the Multilateral System, and their contribution to information about both access and benefit-sharing through the Multilateral System;
22. **Welcomes** the information on the use of SMTAs now becoming available from providers using different technical means such as a direct ftp transfer, XML or the *Easy-SMTA*, on-line SMTA formation and reporting system;
23. **Thanks** providers who have used different technical means such as a direct ftp transfer, XML or the *Easy-SMTA* to report on SMTAs that they have concluded and **recommends** that providers, including the IARCS, report on SMTAs they conclude, through such means;

24. **Requests** the Treaty Secretariat, to further detail the vision paper for the Global Information System including the recommendation for an efficient system, and *further requests* that this paper is made available to the Sixth Session of the Governing Body;
25. **Appeals** to relevant institutions, and to donors, to make available the resources necessary to strengthen national and regional information systems, and expand their coverage;

V. BENEFIT-SHARING IN THE MULTILATERAL SYSTEM

26. **Thanks** the Government of Australia for having supported the project to prepare the studies in *Identifying Benefit Flows*;
27. **Reiterates** the request to Contracting Parties and other relevant stakeholders to explore and take measures to implement the non-monetary benefit-sharing mechanisms of Articles 13.2a, b and c, and *requests* the Secretary to facilitate such measures and exploration;

VI. SUPPORT TO CONTRACTING PARTIES AND USERS OF THE MULTILATERAL SYSTEM

28. **Requests** the Secretary, subject to the availability of financial resources, to provide assistance to those Contracting Parties that may seek support in the implementation of the Multilateral System, particularly developing countries, especially in identifying and reporting their plant genetic resources for food and agriculture that are in the Multilateral System;
29. **Thanks** Bioversity International for assisting a number of countries to improve their capacity to fully participate in the Multilateral System, through the Joint Capacity-building Programme;
30. **Requests** the Secretary to continue to promote partnerships and coordinate with other international Organizations and institutions engaged in capacity-building on access and benefit-sharing in order to maximize synergies and enhance the complementarity of their respective activities, and further *requests* the Secretary, subject to the availability of resources, to convene the meeting of the Capacity Building Coordination Mechanism to exchange information and coordinate capacity building initiatives for implementation of the Treaty by relevant organizations and institutions;
31. **Urges** Contracting Parties and Donors and regional organizations to contribute financial resources for the provision of assistance to those Contracting Parties that may seek support in fulfilling the requirements of the Multilateral System;

VII. THE WORK OF THE AD HOC TECHNICAL ADVISORY COMMITTEE ON THE MULTILATERAL SYSTEM AND THE STANDARD MATERIAL TRANSFER AGREEMENT

32. **Thanks** the Committee and its Co-Chairs for the important work undertaken during the biennium, which has contributed to the positive development of the Multilateral System and the implementation of the Standard Material Transfer Agreement;
33. **Thanks** the government of India for generously hosting and supporting the third meeting of the *Ad Hoc* Technical Advisory Committee;
34. **Takes note** of the opinions and advice provided by the *Ad Hoc* Technical Advisory Committee on the Multilateral System and the SMTA at its third and fourth meetings as helpful guidance for Contracting Parties in implementing their obligations under the Treaty;

35. *Requests* the Secretariat to make the opinions and advice provided by the Committee easily available, including through its website, so that users may benefit from such guidance;
36. *Decides* to reconvene the Committee, if necessary, and subject to the availability of resources, during the forthcoming biennium, with the same mandate and Terms of Reference;

**VIII. REVIEW OF THE MATERIAL TRANSFER AGREEMENT
BEING USED BY THE INTERNATIONAL AGRICULTURAL RESEARCH CENTRES
OF THE CONSULTATIVE GROUP ON INTERNATIONAL AGRICULTURAL
RESEARCH AND OTHER RELEVANT INTERNATIONAL INSTITUTIONS, FOR
PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE NOT INCLUDED
IN ANNEX I TO THE TREATY**

Recalling that at its Second Session it endorsed the inclusion of an interpretative footnote or series of footnotes to relevant provisions of the 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 and other relevant international institutions;

37. *Commends* the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other relevant international institutions for their continued use of the SMTA for the transfer and exchange of plant genetic resources for food and agriculture not included in *Annex I* to the Treaty in accordance with its terms and conditions of the Multilateral System;
38. *Decides* to further review such use of the Standard Material Transfer Agreement at its Sixth Session;

**IX. REVIEWS AND ASSESSMENTS UNDER THE MULTILATERAL SYSTEM, AND
OF THE IMPLEMENTATION AND OPERATION OF THE STANDARD MATERIAL
TRANSFER AGREEMENT**

Decides to again postpone the review foreseen under Article 11.4 of the Treaty to its Sixth Session.