

Country Report on the implementation of the
International Treaty on Plant Genetic
Resources for Food and Agriculture
(ITPGRFA)

MALAYSIA

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FIRST COUNTRY REPORT ON COMPLIANCE - ITPGRFA

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Date of submission:

ANNEX 2

***STANDARD REPORTING FORMAT PURSUANT TO SECTION V.1 OF THE
PROCEDURES AND OPERATIONAL MECHANISMS TO PROMOTE COMPLIANCE AND
ADDRESS ISSUES OF NON-COMPLIANCE***

International Treaty on Plant Genetic Resources for Food and Agriculture

Draft

Standard Voluntary Reporting Format

Introduction

1. Pursuant to Article 21 of the Treaty, the Governing Body has adopted a resolution that includes, amongst others, provisions on monitoring and reporting (Resolution 2/2011). Pursuant to this Resolution, each Contracting Party is to submit to the Compliance Committee, through the Secretary, a report on the measures it has taken to implement its obligations under the Treaty in one of the six languages of the United Nations (Section V.1).
2. The first report is to be submitted within three years from the approval of this standard format. The Governing Body approved this standard format at its Fifth Session.
3. This standard format has been developed to facilitate reporting and monitoring of the implementation of the Treaty. The use of this standard format is voluntary. A Contracting Party may use another reporting format if it so wishes.

Article 4: General Obligations

1. Are there any laws, regulations procedures or policies in place in your country that implement the Treaty?

Yes

No

If your answer is 'yes', please provide details of such laws, regulations, procedures or policies:

Access to Biological Resources and Benefit Sharing Act 2017

2. Are there any other laws, regulations, procedures or policies in place in your country that apply to plant genetic resources?

- Yes
- No

If your answer is 'yes', please provide details of such laws, regulations, procedures or policies:

1. New Plant Variety Protection Act 2004
2. Access to Biological Resources and Benefit Sharing Act 2017

3. Is there any law, regulation, procedure or policy in place in your country that needs to be adjusted / harmonized¹ to ensure conformity with the obligations as provided in the Treaty?

- Yes
- No

If your answer is 'yes', please provide details of such adjustments and any plans to make those adjustments:

Article 5: Conservation, Exploration, Collection, Characterisation, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture

4. Has an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA) been promoted in your country?

- Yes
- No

¹ For the purpose of this report, a Contracting Party may choose whichever term (adjusted or harmonized) is appropriate in relation to their legal systems.

5. Have PGRFA been surveyed and inventoried in your country?

Yes

No

If your answer is 'yes', please provide details of your findings, specifying species, sub-species and/or varieties, including those that are of potential use:

Wild species – 4 genus , 101 accessions
Underutilized fruit – 170 species, 3,062 accessions
Traditional vegetable – 163 species, 1781 accessions
Rice – 1 species, 13,100 accession

If your answer is 'no', please indicate:

- Any difficulties encountered in surveying or inventorying PGRFA;
- Any action plans to survey and inventory PGRFA;
- The most important PGRFA that should be surveyed and inventoried:

6. Has any threat to PGRFA in your country been identified?

Yes

No

If your answer is 'yes', please indicate:

- The species, subspecies and/or varieties subject to such threats;
- The sources (causes) of these threats;
- Any steps taken to minimise or eliminate these threats;
- Any difficulties encountered in implementing such steps:

Crop wild relatives – Wild Musa spp., wild Oryza spp.

Underutilized fruit – Mangifera spp, Garcinia spp., Nephelium spp., Durio spp.,
Vegetables – solanum spp., Cucurbitaceae, Fabaceae.
Sources – human (urbanization, settlement)
Unavoidance threats. Collect PGR planting material i.e. seed, plantlet. Explore new method
i.e cryopreservation
Difficulties: Access to th genetic material since most of it in naturally grew in marginal area,
slope

7. Has the collection of PGRFA and relevant associated information on those plant genetic resources that are under threat or are of potential use been promoted in your country?

Yes
No

If your answer is 'yes', please provide details of the measures taken:

8. Have farmers and local communities' efforts to manage and conserve PGRFA on-farm been promoted or supported in your country?

Yes
No

If your answer is 'yes', please provide details of the measures taken:

Through a GEF project, six locations in Malaysia were identified as biodiversity hot-spots for on-farm conservation and being monitored by Department of Agriculture (DOA)

9. Has *in situ* conservation of wild crop relatives and wild plants for food production been promoted in your country?

Yes

No

If your answer is 'yes', please indicate whether any measures have been taken to:



Promote *in situ* conservation in protected areas;



Support the efforts of indigenous and local communities.

If such measures have been taken, please provide details of the measures taken:

To gazette areas involving virgin forests or permanent reserve areas

10. Are there any *ex situ* collections of PGRFA in your country?

Yes

No

If your answer is 'yes', please provide information on the holder and content of such collections:

MARDI – rice, vegetables, fruits, sweet potato, cassava, herbs, coconut, bananas

DOA – fruits, herbs, vegetables

11. Has the development of an efficient and sustainable system of *ex situ* conservation of PGRFA been promoted in your country?

Yes

No

If your answer is 'yes', please indicate the measures taken to promote *ex situ* conservation, in particular any measures to promote the development and transfer of technologies for this purpose:

1. Establishment of National Agrofood Genebank.
2. Consultation and awareness programs with stakeholders

12. Has the maintenance of the viability, degree of variation, and the genetic integrity of *ex situ* collections of PGRFA been monitored in your country?

Yes



No



If your answer is 'yes', please provide details of the main conclusions of these monitoring activities:

Monitorings are regularly conducted by the National Agrofood Genebank. There is no national system in monitoring *ex situ* collections in Malaysia. However, MARDI is responsible to conduct conservation and utilisation activities of PGRFA.

13. Has your country cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA?

Yes



No



If your answer is 'yes', please indicate the other Contracting Parties with whom the cooperation was undertaken (where additional to cooperation through the Governing Body or other Treaty mechanisms) and, where possible, details of any relevant projects:

Cooperations through projects basis, for example with Millenium Seed Bank, Royal Botanic Garden, UK where exchanging of materials are through SMTA (Treaty mechanism)

Article 6: Sustainable Use of Plant Genetic Resources for Food and Agriculture

14. Are there any policy and legal measures² in place in your country that promote the sustainable use of PGRFA?

- Yes
- No

If your answer is 'yes', please indicate whether such policy and legal measures include:

- Pursuing fair agricultural policies that promote the development and maintenance of diverse farming systems that enhance the sustainable use of agricultural biological diversity and other natural resources;
- Strengthening research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers;
- Promoting plant breeding efforts, with the participation of farmers, that strengthen the capacity to develop varieties particularly adapted to social, economic and ecological conditions, including in marginal areas;
- Broadening the genetic base of crops and increasing the range of genetic diversity available to farmers;
- Promoting the expanded use of local and locally adapted crops, varieties and underutilised species;
- Supporting the wider use of diversity of varieties and species in on-farm management, conservation and sustainable use of crops and creating strong links to plant breeding and agricultural development;
- Reviewing and adjusting breeding strategies and regulations concerning variety release and seed distribution.

If such policy and legal measures are in place, please provide details of the measures taken and any difficulties encountered in implementing them:

² For the purpose of this report, legal measures may include regulations.

1. provides guidelines to access of genetic resources from farmers under purview Act 795 ABS Law.
2. Encourages public including farmers to register any varieties developed under Act 634 Protection of New Plant Varieties Act

Article 7: National Commitments and International Cooperation

15. Has the conservation, exploration, collection, characterization, evaluation, documentation and sustainable use of PGRFA been integrated into your country's agriculture and rural development programmes and policies?

- Yes
- No

If your answer is 'yes', please provide details of the integration of such activities into the agriculture and rural development programmes and policies:

1. National Agrofood Policy 2011 – 2020
2. Establishment of Sarawak Biodiversity Centre and Sabah Biodiversity Centre to manage and regulate PGRFA in the state of Sarawak and Sabah
3. National Strategic and Action Plans on Conservation and Sustainable Utilisation of PGRFA 2012-2020

16. Has your country cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA?

- Yes
- No

If your answer is 'yes', please indicate whether the aim of such cooperation is to:



Strengthen the capability of developing countries and countries with economies in transition with respect to conservation and sustainable use of PGRFA;

- Enhance international activities to promote conservation, evaluation, documentation, genetic enhancement, plant breeding, seed multiplication, and sharing, providing access to and exchanging PGRFA and appropriate information and technology, in conformity with the Multilateral System of Access and Benefit-Sharing under the Treaty.

If, in addition to cooperation through the Governing Body or other Treaty mechanisms, your country has cooperated with other Contracting Parties directly or through FAO and other relevant international organizations, please indicate such other Contracting Parties and, where possible, details of any relevant projects:

Most of the activities are through the FAO and funder (such Japan) projects

Article 8: Technical Assistance

17. Has your country promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the Treaty?

Yes

No

If your answer is 'yes', please provide details of the measures taken:

18. Has your country received technical assistance with the objective of facilitating the implementation of the Treaty?

Yes

No

If your answer is 'yes', please provide details of such technical assistance:

Technical supports in awareness program from governing body and Bioversity International. Capacity building workshops were organised by MARDI to impelement the SOP of genebank management (Funded by Crawford Fund, Australia and the Crop Trust)

Article 9: Farmers' Rights

19. Subject to national law, as appropriate, have any measures been taken to protect and promote farmers rights in your country?

- Yes
- No

If your answer is 'yes', please indicate whether such measures were related to:

- Recognition of the enormous contribution that local and indigenous communities and farmers of all regions of the world have made and will continue to make for the conservation and development of plant genetic resources;
- The protection of traditional knowledge relevant to PGRFA;
- The right to equitably participate in sharing benefits arising from the utilisation of PGRFA;
- The right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA;
- Any rights that farmers have to save, use, exchange, and sell farm-saved seed / propagating material.

If such measures were taken, please provide details of the measures taken and any difficulties encountered in implementing them:

1. Protection of traditional knowledge, equitable sharing - Act 795 ABS Law, Sarawak Biodiversity Ordinance 1997, Sarawak Biodiversity Regulations 2016, Sabah Biodiversity Enactment 2000
2. Farmers rights - Act 795 ABS Law, Act 634 Protection of New Plant Varities

Article 11: Coverage of the Multilateral System

20. Has your country included in the Multilateral System of Access and Benefit-Sharing (MLS) all PGRFA listed in Annex I to the Treaty that are under the management and control of your Government and in the public domain?

All

Partially

None

If your answer is 'all', please provide details of any difficulties encountered in including Annex I PGRFA in the MLS:

If your answer is 'partially', please provide details of:

- The extent to which Annex I PGRFA have been included in the MLS;
- The crops that have been included in the MLS; and
- The difficulties encountered in including Annex I PGRFA in the MLS:

1. Passport data, morphological data and genetic materials
 2. Rice (IRRI and MSB, UK), sweetpotato (including wild)(CIP and MSB, UK), cassava (CIAT), wild banana (MSB, UK), wild solanum (eggplant)(MSB, UK)

If your answer is 'none', please provide details of the difficulties encountered in including Annex I PGRFA in the MLS:

21. Has your country taken measures to encourage natural and legal persons within your jurisdiction who hold Annex I PGRFA to include those resources in the MLS?

Yes

No

If your answer is 'yes', please provide details of:

- The natural or legal persons within your jurisdiction that included Annex I PGRFA in the MLS;
- The crops that have been included in the MLS by these persons; and
- Any difficulties these persons encountered in including Annex I PGRFA in the MLS:

<ol style="list-style-type: none">1. Private seed company (Sime Darby Seed sdn. bhd.)2. 400 rice line to genebank3. To convince natural and legal person to deposit materials in national genebank
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If your answer is 'no' please provide details, in particular details of any difficulties encountered in encouraging these persons to include Annex I PGRFA in the MLS:

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Article 12: Facilitated access to plant genetic resources for food and agriculture within the Multilateral System

22. Has your country taken measures to provide facilitated access to Annex I PGRFA, in accordance with the conditions set out in Article 12.4 of the Treaty?

Yes

No

If your answer is 'yes', please provide details of such measures:

Through the National Agrofood Genebank to provide available materials through SMTA

If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex I PGRFA:

23. Has facilitated access been provided in your country to Annex I PGRFA pursuant to the standard material transfer agreement (SMTA)?

Yes

No

If your answer is 'yes', please provide the number of SMTAs entered into:

2017 – August 2018 : 20 SMTA

If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex I PGRFA pursuant to the SMTA:

24. Has the SMTA been used voluntarily in your country to provide access to non-Annex I PGRFA?

Yes

No

If your answer is 'yes', please indicate the number of such SMTAs entered into:

25. Does the legal system of your country provide an opportunity for parties to material transfer agreements (MTAs) to seek recourse in case of contractual disputes arising under such agreements?

Yes

No

If your answer is 'yes', please provide details of the relevant laws, regulations or procedures:

Access to Biological Resources and Benefit Sharing Act 2017

26. Does the legal system of your country provide for the enforcement of arbitral decisions related to disputes arising under the SMTA?

Yes

No

If your answer is 'yes', please provide details of the relevant laws, regulations or procedures:

27. Have there been any emergency disaster situations in respect of which your country has provided facilitated access to Annex I PGRFA for the purpose of contributing to the re-establishment of agricultural systems?

Yes

No

If your answer is 'yes', please provide details of such emergency disaster situations and the Annex I PGRFA to which access was provided:

Article 13: Benefit-sharing in the Multilateral System

28. Has your country made any information available regarding Annex I PGRFA?

Yes

No

If your answer is 'yes', please provide details of any information made available regarding Annex I PGRFA (e.g. catalogues and inventories, information on technologies, results of scientific and socio-economic research, including characterisation, evaluation and utilisation):

Datasets of available materials (rice) are published in the Genesys Portal and some of the materials already registered in GLIS for DOI number.

29. Has your country provided or facilitated access to technologies for the conservation, characterisation, evaluation and use of Annex I PGRFA?

Yes

No

If your answer is 'yes', please indicate whether your country:

Has established or participated in crop-based thematic groups on utilisation of PGRFA;

Is aware of any partnerships in your country in research and development and in commercial joint ventures relating to the material received through the MLS, human resource development and effective access to research facilities.

If access to technologies was provided, please provide details of the access provided:

The genebank is working together with Centre for Molecular Marker and Validation (CMDV) to do fingerprinting of accessions for easy management and duplication of gene pools.

30. Has your country provided for and/or benefitted from capacity building measures in respect of Annex I PGRFA?³

Yes

No

If your answer is 'yes', please indicate whether such measures were related to:

Establishing and/or strengthening programmes for scientific and technical education and training in conservation and sustainable use of PGRFA;

Developing and strengthening facilities for conservation and sustainable use of PGRFA;

Carrying out scientific research and developing capacity for such research.

If your country provided for and/or benefitted from such measures, please provide details:

1. Training on rice related workshop/ programs in Bogor Indonesia (DOI workshop),
2. Training on Seed Conservation Technique at MSB, UK mainly for crop wild relatives
3. Workshop on genebank management (GOAL) conducted in India and Malaysia
4. Training on genebank management in Japan and Korea

³ Please note that this question differs from question 15 as it only concerns Annex I PGRFA and is more specific.

Article 14: Global Plan of Action

31. Has your country promoted the implementation of the Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture?

- Yes
- No

If your answer is 'yes', please indicate whether the implementation of the plan was promoted through:

- National actions;
- International cooperation;

If the implementation of the plan was promoted, please provide details:

Seminars and publications

Article 15: Ex Situ Collections of Plant Genetic Resources for Food and Agriculture held by the International Agricultural Research Centres of the Consultative Group on International Agricultural Research and other International Institutions

32. Has facilitated access to Annex I PGRFA been provided in your country to the International Agricultural Research Centres of the Consultative Group on International Agricultural Research (IARCs) or other international institutions that have signed agreements with the Governing Body of the Treaty?

- Yes
- No

If your answer is 'yes', please indicate:

- To which IARCs or other international institutions facilitated access was provided;
- The number of SMTAs entered into with each IARC or other international institution:

IRRI (1), CIP (1), CIAT (1), MSB, Kew Garden (4)

If your answer is 'no', please provide details of any difficulties encountered in providing facilitated access to Annex I PGRFA to IARCs and other international institutions that have signed agreements with the Governing Body of the Treaty:

33. Has access to non-Annex I PGRFA been provided in your country to IARCs or other international institutions that have signed agreements with the Governing Body of the Treaty?

Yes

No

If your answer is 'yes', please indicate:

- To which IARCs or other international institutions access was provided;
- The number of MTAs entered into with each IARC or other international institution:

If your answer is 'no', please provide details of any difficulties encountered in providing access to non-Annex I PGRFA to IARCs and other international institutions that have signed agreements with the Governing Body of the Treaty:

Issues related to benefit sharing and plant variety protection as well as patent. Some of the states mainly Sabah and Sarawak which have their own Biodiversity Law, permit and prior informed consent (PIC) are used.

Article 16: International Plant Genetic Resources Networks

34. Has your country undertaken any activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in the international plant genetic resources networks?

Yes

No

If your answer is 'yes', please provide details of such activities:

Seminar and awareness programs

Article 18: Financial Resources

35. Has your country provided and/or received financial resources for the implementation of the Treaty through bilateral, regional or multilateral channels?

Yes

No

If your answer is 'yes', , where possible, please provide details of such channels and the amount of the financial resources involved:

1. Governing Body ITPGRFA Implementaion project - USD 5,000
2. Granted BSF Third Cycle Project (2012) – R&D in bambara groundnut (Crop for The Future)
3. Granted BSF Fourth Cycle Project (2018) - multicountry project on conservation and utilisation of Taro.

36. Has your country provided financial resources for national activities for the conservation and sustainable use of PGRFA?

Yes

No

If your answer is 'yes', please provide details of such national activities and the amount of the financial resources involved:

1. Granted development project fund approximately MYR 20,000,000 since 2006.

About this reporting format

37. Have you encountered any difficulties in completing this reporting format?

Yes

No

If your answer is 'yes', please provide details on such difficulties:

1. Could not access the online version
2. Some of redundant questions
3. Some of the information needed is in detail.

If you have suggestions for improvement of this reporting format, please share them:

General remarks on the implementation of the ITPGRFA

38. You may use this box to share any advice you may have arising from your country's experience with implementation of the Treaty:

Malaysia is in infancy on the implementation of the Treaty due to lack of human resources and funding. However, the system is already in place. Nationally, exchange of materials already taken place using SMTA. The newly established National Agrofood Genebank is to help implementing the Treaty in the country.

39. You may use this box to share any additional information that may be useful to provide a broader perspective of difficulties in implementation of the Treaty:

As we are using Malay as our national language, some of the treaty publications or videos are needed to be translated to Malay from English to inform our local farmers, industry and stakeholders.

40. You may use this box to share any additional information that may be useful to provide a broader perspective of measures that could help to promote compliance: