



The International Treaty
ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



E

Item 8 of the Provisional Agenda
INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
THIRD SESSION OF THE GOVERNING BODY
Tunis, Tunisia, 1 – 5 June 2009
COMPILATION AND ANALYSIS OF SUBMISSIONS MADE BY CONTRACTING PARTIES AND OBSERVERS ON PROCEDURES AND MECHANISMS TO PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE

Table of Contents

	Paragraphs
I. Introduction	1-6
II. Compilation and Analysis of Submissions	7-9

Annex 1: Submissions by Contracting Parties on Compliance received after the Second Session of the Governing Body

I. INTRODUCTION

1. Article 21 of the Treaty provides that:

The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Treaty and to address issues of non-compliance. These procedures and mechanisms shall include monitoring, and offering advice or assistance, including legal advice or legal assistance, when needed, in particular to developing countries and countries with economies in transition.

2. Prior to the First Session of the Governing Body, several Contracting Parties had made submissions which are contained in documents IT/GB-1/06/Inf.7 and IT/GB-1/06/Inf.7 Add.1, entitled *Compilation of submissions and comments on the draft procedures and mechanisms to promote compliance and to address issues of non-compliance*¹ and presented to the First Session of the Governing Body.

3. In its Resolution 3/2006, the Governing Body decided, *inter alia*:

2. *pursuant to Article 21 of the Treaty, to consider and approve procedures and operational mechanisms on compliance at its second session, on the basis of the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance, which are contained in Appendix I to [the] Report,*² *and the submissions made by Parties and observers, no later than three months before the commencement of the second session of the Governing Body, if possible.*

4. Pursuant to this decision, on 3 November 2006 a Circular State Letter was issued, inviting Contracting Parties and observers to make submissions, *inter alia*, on the procedures and operational mechanisms to promote compliance and address issues of non-compliance. Submissions from Canada, Ecuador, Egypt, El Salvador, the United Kingdom on behalf of the European Region, Lesotho, Madagascar, Niger, Pakistan and Uruguay were received and presented to the Second Session of the Governing Body in document IT/GB-2/07/Inf.5.

5. In its Resolution 1/2007, the Governing Body decided, *inter alia*:

(i) **Decide[d]**, pursuant to Article 21 of the Treaty, to consider and approve procedures and operational mechanisms on compliance at its Third Session, on the basis of the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance, which are contained in *Appendix I* to the Report of the First Session of the Governing Body, and the submissions made by Parties and observers;

(ii) **Request[ed]** the Secretary to compile submissions by Contracting Parties and observers;

6. Pursuant to that request, on 11 June 2008 a Circular State Letter was issued, inviting Contracting Parties and observers to make submissions, *inter alia*, on the procedures and operational mechanisms to promote compliance and address issues of non-compliance. At the time of preparing this document, submissions had been received from Ecuador, Kenya, Mali, Niger, Syria, and Zambia.

¹ IT/GB-1/06/Inf.7.

² IT/GB-1/06/Report

II. COMPILATION AND ANALYSIS OF SUBMISSIONS

7. The further submissions contained in this document generally address the text of the *Draft procedures and operational mechanisms to promote compliance and address issues of non-compliance*, which are contained in *Appendix I* to the *Report of the First Session of the Governing Body*. These further submissions are issued for the continued negotiations on compliance procedures and operational mechanisms.

8. Specific views submitted have been compiled in the *Annex* to this document. A number of countries made more general comments. These have not been incorporated in the *Annex*. New text, modifications or preferred options regarding the *Draft procedures and operational mechanisms to promote compliance and to address issues of non-compliance*, as proposed by Contracting Parties, have been reproduced in the *Annex* to this document.

9. The Governing Body is invited to take into account, as appropriate, the submissions of Contracting Parties and observers contained in the *Annex* to this document, as well as those contained in documents IT/GB-1/06/Inf.7, IT/GB-1/06/Inf.7 Add.1, IT/GB-2/07/Inf.5 when considering approving procedures and operational mechanisms.

**ANNEX I: SUBMISSIONS BY CONTRACTING PARTIES ON
COMPLIANCE RECEIVED AFTER THE SECOND SESSION
OF THE GOVERNING BODY**

INTRODUCTION

This annex is a compilation of the submissions by Contracting Parties on *the draft procedures and operational mechanisms to promote compliance and address issues of non-compliance*, which are contained in *Appendix I to the Report of the First Session of the Governing Body*.

All submissions contained in this annex were received by the Secretariat of the Treaty before 31 August 2008.

The submissions have been inserted into this annex in the form and language in which they were received. Minor editorial changes include formatting, the full rendering of acronyms and the correction of spelling.

ECUADOR

Se ha enviado a varias instituciones relacionadas con el tema, pero hasta la fecha no existe una respuesta positiva sobre comentarios u observaciones a dicho documento.

KENYA

Process should be open and transparent. A system of regular updates should be devised to monitor both compliance and non-compliance

MALI

Le Mali n'a pas d'observations particulières à signaler.

NIGER

Les procédures et mécanismes opérationnels visant à promouvoir l'application et à régler les problèmes de non application, pour le Niger, doivent inclure:

L'opérationnalité des points focaux nationaux pour une large information ou sensibilisation des acteurs sur la mise en œuvre du Traité. Cela comprendra également une gestion des informations relatives à cette application.

La gestion et l'analyse des informations en provenance des différents pays, ainsi que leurs diffusions/facilitation d'accès pour les autres pays. Cela se fera au niveau du Secrétariat qui centralise, diffuse les informations sur les situations d'exécution des directives ou recommandations de l'Organe directeur. Le Secrétariat doit aussi pouvoir effectuer des vérifications sur le terrain.

La définition d'un mécanisme de traçabilité et de contrôle des mouvements des ressources phytogénétiques obtenues du Système multilatéral en vue de la facilité d'identification des résultats pertinents pouvant être partagés.

SYRIA

The Public Authority for Agriculture Scientific Research in Syria undertook a survey of all planted and non-planted species, in addition to the collection, conservation, and assessment of a great number of inputs from various plant breeds.

The following factors will promote the implementation of the Treaty by developing countries:

The expected assistance through the implementation of projects for the conservation of the germplasm, assistance in capacity-building, equal work opportunities, and equitable sharing of the benefits arising from the use of genetic resources (objective of the Treaty), will help guarantee the countries' commitment and their compliance with the Treaty.

ZAMBIA

Zambia supports the establishment of a permanent compliance committee.