



Food and Agriculture  
Organization of the  
United Nations



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

<b>Item 6 of the Provisional Agenda</b>
<b>INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE</b>
<b>FOURTH MEETING OF THE COMPLIANCE COMMITTEE</b>
<b>3 – 4 February 2021 (Teleconference-1)</b>
<b>FUTURE WORK OF THE COMMITTEE</b>

## I. INTRODUCTION

1. The functions of the Compliance Committee are stipulated under Section IV of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance (Compliance Procedures)*.<sup>1</sup> They include monitoring, offering advice or assistance to Contracting Parties, including legal advice or legal assistance, when needed and requested, in particular to developing countries and countries with economies in transition.
2. The functions of the Committee also include the promotion of compliance with the provisions of the International Treaty and addressing possible issues of non-compliance. As per the *Compliance Procedures*, the Compliance Committee shall hold meetings as necessary and shall exercise its functions under the overall guidance of the Governing Body, which may also assign to it further functions pursuant to Article 21 of the Treaty.
3. Furthermore, the Compliance Committee shall consider any questions concerning the implementation of obligations under the International Treaty referred to it by decision of the Governing Body. As requested by the Governing Body, in Resolution 2/2011, the Compliance Committee prepared, in 2013, Draft Rules of Procedure of the Compliance Committee and Draft Standard Reporting Format.
4. The Governing Body approved the *Rules of Procedure of the Compliance Committee*<sup>2</sup> and the (voluntary) *Standard Reporting Format Pursuant to Section V.1 of the Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance (Rules of Procedure)*.<sup>3</sup>
5. The Committee can only carry out many of its functions upon receipt of submissions or reports from Contracting Parties.
6. At its Eighth Session, the Governing Body "encourage[d] Contracting Parties to submit, pursuant to Section IX of the Compliance Procedures, additional technical questions related to the implementation of the International Treaty to the Committee for their consideration and response."<sup>4</sup>
7. Moreover, the Governing Body made specific recommendations on capacity development, taking note of the related recommendations made by various Contracting Parties. It encouraged the integration of specific options for capacity building regarding monitoring and reporting on implementation of the International Treaty in the future activities and programmes, as detailed in Section IV below.<sup>5</sup>

<sup>1</sup> [Resolution 2/2011](#), Annex.

<sup>2</sup> [Resolution 9/2013 Rev. 1](#), Annex 1.

<sup>3</sup> [Resolution 9/2013 Rev. 1](#), Annex 2.

<sup>4</sup> [Resolution 7/2019](#), para. 7.

<sup>5</sup> [Resolution 7/2019](#), para. 5.

8. Information on the Draft Capacity Development Strategy currently under elaboration is contained in the document, IT/GB-9/CC-4/21/6/Inf.1, *Draft Capacity Development Strategy for the Implementation of the International Treaty*. The document IT/GB-9/CC-4/21/4/2, *Global Indicators Relevant to the Implementation of the International Treaty*, provides information on the possible use of available data to measure the contribution of Contracting Parties to the implementation of the International Treaty in the context of their global commitments.

9. This document is provided with a view to assisting the Committee with the work it may wish to undertake in the current biennium and the support it may wish to receive from the Secretary.

## **II. PROMOTING COMPLIANCE BY ADDRESSING QUESTIONS SUBMITTED BY CONTRACTING PARTIES (SECTION IX OF THE COMPLIANCE PROCEDURES)**

10. Pursuant to Section IX of the *Compliance Procedures*, any Contracting Party may, through the Secretary, address to the Committee statements and questions concerning the implementation of its own obligations under the International Treaty. The statement or question shall be addressed in writing to the Secretary together with:

- (a) the relevant provision of the International Treaty; and
- (b) any relevant supporting information clarifying the statement or question.

11. At its Eighth Session, the Governing Body "encourage[d] Contracting Parties to submit, pursuant to Section IX of the Compliance Procedures, additional technical questions related to the implementation of the International Treaty to the Committee for their consideration and response".<sup>6</sup>

12. Through Notification NCP GB9-013, the Secretary recalled this decision of the Governing Body and clarified that such questions can be submitted at any time.

13. Nevertheless, no technical questions pursuant to Section IX of the *Compliance Procedures* were received as at the time of the preparation of this document.

14. The Committee is invited to discuss possible ways to encourage Contracting Parties to submit technical questions, so as to further enhance compliance with and implementation of the International Treaty.

15. Recalling its important role to provide assistance and advice to Contracting Parties on the implementation of the International Treaty, the Committee may wish to discuss how it could best offer advice and/or facilitate assistance to Contracting Parties on matters relating to compliance with a view to assisting it to comply with its obligations under the International Treaty (Section IV.1b of the *Compliance Procedures*).

16. At its last meeting, the Committee held preliminary discussions on the support that each Committee member could provide to this role of the Committee. Each member of the Committee shall perform his or her duties and exercise his or her authority "honourably, faithfully, impartially and conscientiously and seek to avoid any conflict of interest" (Rule 3.1 of the *Rules of Procedure*). The Committee discussed that this rule could provide a basis for Committee members to facilitate the Committee's advisory and assistance function, especially in their respective Regions, and thus enhance the implementation of the International Treaty by Contracting Parties, upon their request.

## **III. MEASURES TO PROMOTE COMPLIANCE AND ADDRESS ISSUES OF NON-COMPLIANCE (SECTIONS VI AND VII OF THE COMPLIANCE PROCEDURES)**

17. Under Sections VI and VII of the *Compliance Procedures*, the Committee shall receive, through the Secretary, any submissions relating to issues of non-compliance from (a) any Contracting Party with respect to itself; (b) any Contracting Party with respect to another Contracting Party; or (c) the Governing Body.

18. At the time of the preparation of this document, no submissions pursuant to Sections VI and VII of the *Compliance Procedures* were received.

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<sup>6</sup> [Resolution 7/2019](#), para. 7.

19. The Committee may wish to discuss how to consider, in the future, measures to promote compliance and address issues of non-compliance that are brought to its attention and provide guidance to the Secretary on the support it may wish to receive to this process.

#### IV. DRAFT CAPACITY DEVELOPMENT STRATEGY

20. At its Eighth Session, the Governing Body welcomed the initiative to prepare a Capacity Development Strategy for the implementation of the Treaty and requested "the Secretary to develop a draft Strategy on the basis of the Draft Framework for the Capacity Development Strategy of the International Treaty (2022–2025), with inputs from stakeholders and in consultation with relevant subsidiary bodies, for consideration by the Governing Body at its Ninth Session."<sup>7</sup>

21. In December 2020, the Secretary convened a meeting of an informal group of expert stakeholders to gather experiences and insightful views on capacity development, including in the context of other relevant multilateral processes, so to prepare a first complete draft of the strategy. Following such first complete draft, the Secretary will consult the relevant subsidiary bodies, including the Compliance Committee, and, based on the views and inputs received, finalise the draft strategy for submission to the Governing Body. The draft framework that the Governing Body approved at the Eighth Session as the basis for the draft strategy, is available to the Committee in the document, IT/GB-9/CC-4/21/6/Inf.1.

22. At its last meeting, the Committee recommended to the Governing Body possible ways of continuing, sustaining and enhancing capacity development for the implementation of the International Treaty, both by Contracting Parties and by the Secretary, in collaboration with relevant partners and stakeholders.

23. Based on these recommendations, the Governing Body at its Eighth Session placed a lot of emphasis on capacity development in its decisions. In Resolution 7/2019, *Compliance*, the Governing Body took note "of the recommendations made by various Contracting Parties in relation to capacity building and the support needed, including through:

- a. the provision of advice, technical options, and experiences for the review of mechanisms and policies for the implementation of the International Treaty;
- b. establishing or strengthening national coordination mechanisms and supporting national focal points;
- c. the development of implementation plans for the International Treaty at the national level;
- d. capacity building in national institutions in various technical areas, including the use of the Standard Material Transfer Agreement (SMTA), Easy-SMTA, the notification of material that is available in the Multilateral System, and the Global Information System; and
- e. taking advantage of existing, and creating new, opportunities for collaboration at the regional level."<sup>8</sup>

24. The Governing Body accordingly "encourage[d] the integration of the following options for capacity building regarding monitoring and reporting on the implementation of the International Treaty in the future activities and programmes, subject to the availability of financial resources:

- a. The organization of capacity building workshop at regional and sub-regional levels for national focal points and other relevant stakeholders;
- b. The development of training resources on various topics, including through appropriate multimedia;
- c. The inclusion of a section on the International Treaty's website with frequently asked questions and answers;
- d. Leveraging the activities and operations of existing regional and sub-regional plant genetic resources centres and networks;

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<sup>7</sup> [IT/GB-8/19/Report](#), page 6.

<sup>8</sup> [Resolution 7/2019](#), para. 4.

- e. Exploring opportunities in the regions for the organization of training meetings and other events back-to-back in collaboration with FAO and other relevant organizations; and
- f. The publication of information notes on the reporting options for national focal points and reporting officers."<sup>9</sup>

25. Finally, the Governing Body invited donors to provide support and resources for capacity development activities.<sup>10</sup>

26. Given the strong focus on capacity development by the Committee and its comprehensive recommendations to the Governing Body, the Committee may wish to take note of the process for preparing the draft strategy and, once the Secretary circulates the first complete draft of the strategy, provide advice and inputs for its further elaboration as well as consider the Committee's possible future role in the implementation of the strategy.

## **V. NATIONAL REPORTS ON MEASURES TAKEN TO IMPLEMENT OBLIGATIONS UNDER THE TREATY (SECTION V OF THE COMPLIANCE PROCEDURES)**

27. Following the advice of the Committee, all reports received by the Secretary are published online in the form and language in which they were received.

28. Furthermore, the document, IT/GB-9/CC-4/21/3, *Synthesis of reports received from Contracting Parties on measures taken to implement the provisions of the International Treaty*, contains a synthesis of the 57 reports received from Contracting Parties pursuant to Section V of the *Compliance Procedures* up to 15 December 2020. As of 10 December 2018, 39 Contracting Parties had submitted reports and by 31 May 2019, 53 reports were received and considered in the report of the Committee to the Eighth Session of the Governing Body.<sup>11</sup>

29. As only four additional reports were received since May 2019, the Committee may wish to discuss possible actions to further encourage and facilitate reporting by Contracting Parties, considering the information contained in the analysis and the reports.

30. The draft synthesis report prepared for this meeting in the document, IT/GB-9/CC-4/21/3, is the third since the establishment of the Committee. In the preparation of the synthesis report, the Secretary took into account the guidance received from the Committee on the methodology and on its structure. The Committee may therefore wish to take stock and discuss potential adjustments to the methodology or structure, as well as practical aspects in the preparation of the reports, and provide guidance to the Secretary where necessary. For instance, the Committee has so far not discussed its potential role in processing national reports received during the biennium.

31. The Committee may also wish to discuss how, in the future, it intends to consider compliance issues following the submission of reports pursuant to Section V of the *Compliance Procedures*, as well as the expected assistance it wishes to receive from the Secretary in this regard. This might relate both to issues of general non-compliance that are brought to the attention of the Committee through the reports received or to indications by a Contracting Party of difficulties in complying with its obligations under the Treaty.

32. Finally, the Committee may want to discuss how to follow up on requests to Contracting Parties for further information, following the identification of questions by the Committee at its meetings, and provide advice to the Secretary on how to handle and process the replies.

## **VI. GUIDANCE SOUGHT**

33. The Compliance Committee is invited to consider the information provided in this document and agree on any action it wishes to take, indicating, as appropriate, any support it might wish the Secretary to provide to assist its work. In anticipation of the preparation of its Report to the Governing Body, initial elements of a draft Resolution have also been provided for the consideration of the Committee, as contained in the Annex to this document.

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<sup>9</sup> [Resolution 7/2019](#), para. 5.

<sup>10</sup> [Resolution 7/2019](#), para. 2.

<sup>11</sup> [IT/GB-8/19/Report](#), page 5.

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**ANNEX****ELEMENTS OF A DRAFT RESOLUTION**

The Governing Body:

*Recalling* that one of the functions of the Compliance Committee is to "offer advice and/or facilitate assistance, as appropriate, to any Contracting Party, on matters relating to compliance with a view to assisting it to comply with its obligations under the International Treaty";

*Recalling* that the Compliance Committee also has a mandate to "promote compliance by addressing statements and questions concerning the implementation of obligations under the International Treaty";

*Recalling* the recommendations made by various Contracting Parties in relation to capacity development and the support needed, as recorded in Resolution 7/2019;

*Reiterating* the options for capacity development regarding monitoring and reporting on the implementation of the International Treaty for integration in future activities and programmes in Resolution 7/2019;

- a) *Encourages* Contracting Parties to avail themselves of the opportunities that the functions of the Compliance Committee provide, including by submitting to the Committee, through the Secretary, statements and questions concerning the implementation of the International Treaty;
- b) *Emphasizes* that the overall aim of the Capacity Development Strategy approved in Resolution \*\*/2021 is to enhance implementation of the International Treaty;
- c) *Requests* the Compliance Committee to include an assessment of the implementation of the Capacity Development Strategy in its future reports to the Governing Body;
- d) *Invites* Contracting Parties and other donors to consider providing support and financial resources for the capacity development activities for the implementation of the Treaty;
- e) *Thanks* the Compliance Committee for the analysis provided in the document IT/GB-9/21/xx, Report of the Compliance Committee;
- f) *Thanks* those Contracting Parties that have submitted their reports pursuant to Section V of the Compliance Procedures on time as well as those that submitted or updated their reports subsequently;
- g) *Invites* all Contracting Parties to continue submitting and updating their reports, pursuant to Section V of the Compliance Procedures, and *urge* those Contracting Parties which have not yet done so to submit their own reports, and *reiterates* that the second reports shall be submitted by 1 October 2023;
- h) *Requests* the Secretary to send regular reminders to Contracting Parties to submit and/or update their reports pursuant to Section V of the Compliance Procedures;
- i) *Requests* the Secretary to maintain and keep updated the Online Reporting System and to continue providing assistance to Contracting Parties during the reporting process;
- j) *Invites* Contracting Parties to provide or update the contact details of their National Focal Points and, possibly, nominate an alternate reporting officer;
- k) *Elects* the members of the Compliance Committee in accordance with Section III.4 of the Compliance Procedures, as contained in the Annex to this Resolution.