

June 2023



**Food and Agriculture  
Organization of the  
United Nations**



**International Treaty  
on Plant Genetic Resources  
for Food and Agriculture**

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE**

**EIGHTH MEETING OF THE AD HOC TECHNICAL COMMITTEE  
ON CONSERVATION AND SUSTAINABLE USE OF PLANT  
GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

**5 – 6 July 2023**

**STRATEGIES TO ADDRESS THE BOTTLENECKS AND  
CHALLENGES TO THE IMPLEMENTATION OF ARTICLES 5 AND  
6 OF THE INTERNATIONAL TREATY**

## **I. INTRODUCTION**

1. Under its Terms of Reference, the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture (ACSU or the Committee) will report to the Governing Body on its work for consideration at the Tenth Session.<sup>1</sup> The Committee will also develop suggestions on future strategies to address the bottlenecks identified in the *Background Study on the bottlenecks and challenges to the implementation of Articles 5 and 6 of the International Treaty* presented at the Ninth Session of the Governing Body.<sup>2</sup>

2. At its seventh meeting, the Committee welcomed the indicative strategies presented by the Secretariat,<sup>3</sup> shared their views, and recognized that further discussions and additional information regarding the processes were needed.<sup>4</sup> The Committee invited the Secretary to prepare a document with inputs from Members and Experts to support discussion of the proposed future strategies.

3. Accordingly, the present document has been prepared by the Secretariat to support discussion of the proposed future strategies. It presents possible activities for each of the proposed future strategies, and some elements for consideration of the Committee in providing relevant recommendations to the Governing Body, as requested.

<sup>1</sup> [Resolution 6/2022](#)

<sup>2</sup> FAO, International Treaty on PGRFA, 2022. Background Study on the Bottlenecks and Challenges to the Implementation of Articles 5 and 6 of the International Treaty (IT/GB-9/22/12/Inf.2).

<sup>3</sup> [IT/GB-10/ACSU-7/23/3](#)

<sup>4</sup> [IT/GB-10/ACSU-7/23/Report](#)

## II. POSSIBLE STRATEGIES TO ADDRESS THE BOTTLENECKS TO THE IMPLEMENTATION OF ARTICLES 5 AND 6

4. In welcoming the indicative strategies,<sup>5</sup> the Committee agreed to discuss the matter further at its eighth meeting, and requested the Secretary to prepare a document, with inputs from the members, covering the following items:

- Possible development by the Committee of voluntary guidelines or options on the implementation of Articles 5 and 6 of the International Treaty;
- Elaboration of an inclusive process to develop voluntary guidelines or options during the next biennium, possibly including a global symposium and expert input or small groups to address each type of bottleneck;
- Undertake detailed analysis of the current state of implementation of Articles 5 and 6 of the International Treaty at the regional level, and develop a mechanism to identify and support countries with the greatest challenges in implementing Articles 5 and 6, according to specific context and local needs;
- Suggest terms of reference for the Committee for the next biennium, which could include the above items.

5. A summary of the information covering the above items are provided by the Secretariat, for the consideration of the Committee.

### *a) Development of voluntary guidelines or options on the implementation of Articles 5 and 6 of the International Treaty*

*What are voluntary guidelines or options?*

6. Voluntary guidelines are non-prescriptive and can be a reference, tool, or set of principles and internationally accepted standards for responsible practices.<sup>6</sup> They are focused on promoting and facilitating better implementation by providing a framework that States can use when developing their strategies, policies, legislation, programmes, and activities. They allow government authorities, the private sector, civil society, and citizens to assess whether their proposed actions and the actions of others constitute acceptable practices.

7. In FAO, almost all sectoral programmes and thematic areas have developed and endorsed policy recommendations, frameworks of action, voluntary guidelines or options.

8. FAO has prepared voluntary guidelines on a wide range of topics related biodiversity for food and agriculture, including the right to adequate food, and many other areas in natural

---

<sup>5</sup> The indicative strategies are as follows:

- regular assessment of the gaps, needs and priorities at the regional level, including through the organization of surveys and regional workshops and the development of more country-/region-specific studies to address the poor implementation of Articles 5 and 6 of the International Treaty;
- elaboration of regional strategies, with a view to addressing the regional priority constraints in the policy and institutional environment of PGRFA conservation and use and advance the implementation of Articles 5 and 6 at the regional level;
- support the participation of farmers, local and indigenous communities in the conservation and sustainable use of PGRFA, possibly with a focus on gender and youth-responsive approaches; and
- support the implementation of the Joint Programme on Biodiversity in Agriculture for Sustainable Use of PGRFA at all levels

<sup>6</sup> Based on the existing FAO Voluntary guidelines

resources management.<sup>7</sup> Some of the voluntary guidelines and frameworks, endorsed by FAO, that are of relevance to Articles 5 and 6 of the International Treaty, are presented in Appendix 1.

9. Within the International Treaty, the most recent and relevant process that may be exemplary was the development of the *Options for encouraging, guiding and promoting the realization of Farmers' Rights as set out in Article 9 of the International Treaty*.<sup>8</sup>

*What could the voluntary guidelines or options for implementing Articles 5 and 6 cover?*

10. The voluntary guidelines<sup>9</sup> or options<sup>10</sup> for implementing Articles 5 and 6 can, for instance, primarily focus on providing practical solutions or options to address the commonly encountered bottlenecks and challenges in the conservation and sustainable use of PGRFA. The practical solutions or options shall serve as a guide and can be tailored by the intended users,<sup>11</sup> according to their specific contexts and needs.

11. In preparing the voluntary guidelines or options, it may include components or elements such as:

- Definition of key terms and concepts;
- Description of the purpose and objectives of the voluntary guidelines;
- Provision of an overview of its scope, contents, and the bottlenecks and challenges to the implementation of Articles 5 and 6;
- Description of the possible framework of the guides or options – how these options including examples, can possibly address the bottlenecks and challenges, and their linkages, relevance, and opportunities to support the broader national plans and programs as well as in support to relevant international instruments;
- Indication of how the voluntary guidelines (and/or the options) can be operationalised, implemented, monitored, and evaluated, and by whom; and
- The inclusive and participatory process/approach for the preparation of the voluntary guidelines or options, or how the guidelines were developed.

***b) Elaboration of an inclusive process to develop voluntary guidelines or options during the next biennium, possibly including a global symposium and expert input or small groups to address each type of bottleneck;***

12. At the last meeting of ACSU, members and experts expressed the following views and ideas that may be useful to ensure an inclusive process in the development of voluntary guidelines or options on the implementation of Articles 5 and 6:

- Conduct of a global symposium

<sup>7</sup> There is an extensive list of voluntary guidelines within FAO, for example:

- The Commission on Genetic Resources for Food and Agriculture develops codes, standards, guidelines, voluntary guidelines, available at: [www.fao.org/cgrfa/policies/global-instruments/codes-standards-and-guidelines/en/](http://www.fao.org/cgrfa/policies/global-instruments/codes-standards-and-guidelines/en/);
- The Committee on World Food Security develops and endorses policy recommendations and guidance on a wide range of food security and nutrition topics, available at: [www.fao.org/cfs/policy-products/en/](http://www.fao.org/cfs/policy-products/en/)

<sup>8</sup> In 2022, the *Options for encouraging, guiding and promoting the realization of Farmers' Rights, as set out in Article 9 of the International Treaty*, was noted by the Governing Body at its Ninth Session. Available at: [www.fao.org/3/cc4085en/cc4085en.pdf](http://www.fao.org/3/cc4085en/cc4085en.pdf)

<sup>9</sup> The term “voluntary guidelines” means a set guiding notes, actions and activities that can be chosen voluntarily. Guidelines and similar documents within FAO aims to assist countries to achieve objectives of international agreements or to assist countries to achieve specific objectives.

<sup>10</sup> The term “option” means “action of choosing,” originated from 16<sup>th</sup> century, from Latin (optionem), from the stem of optio means “choice, free choice, liberty to choose, “from root of optare to desire, choose”, as defined by [www.etymonline.com/word/option](http://www.etymonline.com/word/option). Several dictionaries expressed similar meaning of the word “option”, such as, the power, right, or opportunity to choose; choice; alternative; recourse; possibility; course of action; right to choose; freedom of choice; liberty; pick; preference; or can be described as one thing that can be chosen from a set of possibilities; or the freedom to make a choice.

<sup>11</sup> Such as, Contracting Parties, public and private institutions, policymakers, civil society organizations, development practitioners and interested stakeholders working on conservation and sustainable use of PGRFA.

- Conduct of regional consultations
- Call for regional expert groups by thematic area, as per identified bottlenecks in the Background Study

13. In addition to the above ideas, the Secretariat outlines an overview of possible pathways to elaborate an inclusive process, as follows:

- Commission a small team of consultants that will lead the preparation of:
  - (i) an annotated outline of the voluntary guidelines or options;
  - (ii) provide inputs to the bottlenecks and challenges that will feed into the development of the voluntary guidelines or options; and
  - (iii) a zero-draft document.
- Establish a small Working Group (or Expert Group) with regional representative experts, with terms of reference, among others, to:
  - (i) provide ideas on the process of elaborating the guidelines or options; and
  - (ii) provide expert inputs to the content of the voluntary guidelines or options.
- Develop a work plan/timeline for implementing a step-wise elaboration of developing the voluntary guidelines or options.

14. Furthermore, the development of the voluntary guidelines or options shall follow an inclusive and participatory process, including capitalizing on the analysis of each bottleneck and challenge, organizing a series of regional consultations, and a symposium, as suggested by the Committee. An outline of the possible work plan and activities to elaborate an inclusive process for developing the voluntary guidelines or options is presented in Appendix 2.

***c) Undertake detailed analysis on the current state of implementation of Articles 5 and 6 of the International Treaty at regional level, and develop a mechanism to identify and support countries with the greatest challenges in implementing Articles 5 and 6, according to specific context and local needs;***

15. The Background study identified four main types of bottlenecks to the conservation and sustainable use of PGRFA. A brief overview of the bottlenecks is reproduced below.

*Overview of the bottlenecks and challenges in the implementation of Articles 5 and 6*

<b>Policy, legal and institutional issues</b>	<b>Scientific and technical issues</b>	<b>Operational and resources constraints</b>	<b>Market issues</b>
<ul style="list-style-type: none"> <li>• lack of an enabling, efficient, integrated, and comprehensive national legal and policy framework to promote the conservation and sustainable use of PGRFA;</li> <li>• poor implementation of laws, policies, and/or strategies;</li> <li>• limited inter-sectoral coordination;</li> </ul>	<ul style="list-style-type: none"> <li>• lack of access to technologies for information management;</li> <li>• lack of reliable data and information;</li> <li>• lack of scientific interest in specific types of crops and varieties; and</li> <li>• lack of activities in certain areas of conservation and use of PGRFA, for instance, regeneration of</li> </ul>	<ul style="list-style-type: none"> <li>• lack of adequate equipment and storage facilities;</li> <li>• poor operation of gene banks;</li> <li>• lack of technical capacities and human resources; and</li> <li>• lack of financial resources</li> </ul>	<ul style="list-style-type: none"> <li>• prevalence of commercial varieties, resulting in the disappearance of traditional varieties;</li> <li>• lack of adequate marketing opportunities for landraces/farmers' varieties;</li> <li>• disconnect between farmers and the market;</li> <li>• asymmetric power</li> </ul>

<ul style="list-style-type: none"> <li>• lack of legal and policy expertise; and</li> <li>• lack of awareness of the importance of PGRFA and the International Treaty</li> </ul>	<p>ex-situ accessions and agro-morphological characterization</p>		<p>distribution in the value chain; and</p> <ul style="list-style-type: none"> <li>• lack of negotiation skills of farmers and producers</li> </ul>
--	---	--	---

16. While the above bottlenecks are found in all regions, the extent or degree of constraints, gaps, needs or challenges varies greatly among and within the regions. Based on this account, developing a mechanism to identify and support countries with the greatest challenges shall require further in-country study to understand the most pressing bottlenecks which may require attention and action.

*Developing a mechanism and detailing the bottlenecks, possibly at the country level*

17. It may be recalled that the primary sources of information used to identify the bottlenecks and challenges to Articles 5 and 6 in the Bottleneck Study were the questionnaire's responses provided by the Contracting Parties in their National Compliance Reports and other available information within the International Treaty.<sup>12</sup> Considering that these sources of information are quite limited, a detailed in-country assessment of bottlenecks and challenges may be necessary.

18. In this regard, developing a mechanism may be facilitated by the provision of a tool for an in-depth, in-country self-assessment of bottlenecks and challenges to the implementation of Articles 5 and 6.

19. The self-assessment tool could take the form of an expanded questionnaire<sup>13</sup> focusing on the state of implementation of Articles 5 and 6, including the bottlenecks and challenges presented in the Background Study. For example, the questionnaire could include three key questions:

- 1) *Are there bottlenecks, gaps, and challenges in implementing Articles 5 and 6 at the local, subnational, and national levels?*
- 2) *To achieve positive progress in the implementation of Articles 5 and 6, which bottlenecks require the most immediate, medium- and long-term attention?*
- 3) *What action/s would you recommend taking to address the bottlenecks, gaps and challenges in implementing Articles 5 and 6?*

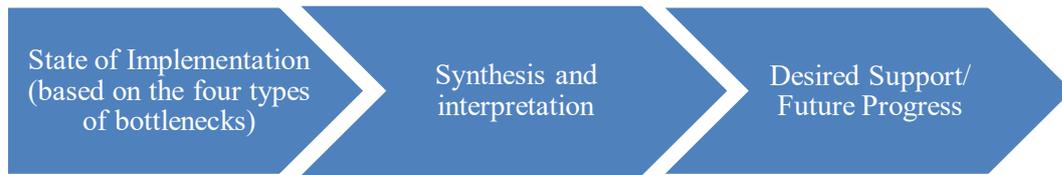
20. In doing the self-assessment of bottlenecks and challenges, countries may consider adopting a multi-stakeholder participatory process. Such a process may also be helpful for the identification of gaps and needs in the conservation and sustainable use of PGRFA.<sup>14</sup>

<sup>12</sup> Regional Treaty webinars, training workshops, and the results of the global survey held in 2015. For details, see item IV of the document IT/GB-9/22/12/Inf.2, available at: [www.fao.org/3/cc2057en/cc2057en.pdf](http://www.fao.org/3/cc2057en/cc2057en.pdf)

<sup>13</sup> ITPGRFA Country Report on Compliance, template available at: [www.fao.org/3/ca8821en/ca8821en.pdf](http://www.fao.org/3/ca8821en/ca8821en.pdf)

<sup>14</sup> Engagement of national and local institutions and stakeholders may be necessary, particularly in determining the bottlenecks and challenges, and possible capacity development needs.

*A brief overview of a possible in-country level assessment of bottlenecks and challenges*



<p>The state of implementation, bottlenecks, and challenges</p> <ul style="list-style-type: none"> <li>• Policy, legal and institutional issues</li> <li>• Scientific and technical issues</li> <li>• Operational and resources constraints</li> <li>• Market issues</li> <li>• Any other challenges</li> </ul>	<p>What are the greatest challenges?</p> <p>Define the rating, and assign a qualitative/quantitative rating for each of the identified bottlenecks.</p>	<p>Ideas and support required to address the identified bottlenecks?</p> <ul style="list-style-type: none"> <li>• Actions for addressing the bottlenecks</li> <li>• Time frame for addressing the bottlenecks: immediate- medium- and long-term.</li> </ul>
---	---	---

21. The country may wish to do a more detailed and comprehensive assessment following its priorities, needs, opportunities, and availability of resources. A possible framework of the self-assessment tool that can serve as a reference is provided in Appendix 3.

**d) Possible Terms of reference of the Committee for the next biennium**

22. Possible Terms of Reference of the Committee that include the items presented in this document are provided in Appendix 4 of this document.

### **III. GUIDANCE SOUGHT**

23. The Committee is invited to consider the information provided in this document and develop suggestions on future strategies to address the bottlenecks identified in the *Background Study*, for the consideration of the Governing Body at its Tenth Session.

*Appendix 1***Examples of voluntary guidelines and frameworks.**

<i>Voluntary Guidelines</i>	<i>Short description/Link</i>
Voluntary Guidelines for Mainstreaming Biodiversity into Policies, Programmes and National and Regional Plans of Action on Nutrition.	These guidelines, intended as reference materials for preparing a National Plan for the Conservation and Sustainable Use of Farmers' Varieties/Landraces, will contribute to addressing this continuing loss of diversity. Available at: <a href="http://www.fao.org/3/i5248e/i5248e.pdf">www.fao.org/3/i5248e/i5248e.pdf</a>
Framework for Action on Biodiversity for Food and Agriculture (BFA)	The Framework for Action on Biodiversity for Food and Agriculture was endorsed by the FAO Council in 2021. It contains more than 50 individual actions grouped into three strategic priority areas: characterization, assessment, and monitoring; management (sustainable use and conservation); and institutional frameworks. <a href="http://www.fao.org/3/cb8338en/cb8338en.pdf">www.fao.org/3/cb8338en/cb8338en.pdf</a>
Voluntary Guidelines for the Conservation and Sustainable Use of Farmers' Varieties/Landraces	These guidelines, intended as reference materials for preparing a National Plan for the Conservation and Sustainable Use of Farmers' Varieties/Landraces, will contribute to addressing this continuing loss of diversity. Available at: <a href="http://www.fao.org/3/ca5601en/ca5601en.pdf">www.fao.org/3/ca5601en/ca5601en.pdf</a>
Voluntary Guidelines for the Conservation and Sustainable use of Crop Wild Relatives and Wild Food Plants	This is intended as reference material for national government's conservation and sustainable use, preparing a National Plan for the Conservation and Sustainable Use of Crop Wild Relatives and Wild Food Plants. The focus is on <i>in situ</i> conservation and fostering linkages between it and <i>ex situ</i> conservation and, ultimately, the use of CWR and wild food plants. Available at: <a href="http://www.fao.org/3/I7788EN/i7788en.pdf">www.fao.org/3/I7788EN/i7788en.pdf</a>
Voluntary Guide for National Seed Policy Formulation	This guide explains seed policies and how they differ from seed laws; describes the participatory process of seed policy formulation; the nature and layout of seed policy documents; critical elements contained in seed policies; and addresses issues involved in their implementation. Available at: <a href="http://www.fao.org/3/i4916e/i4916e.pdf">www.fao.org/3/i4916e/i4916e.pdf</a>
The Voluntary Guidelines to Support the Integration of Genetic Diversity into National Climate Change Adaptation Planning	The guidelines aim to: (i) promote the use of genetic resources for food and agriculture (GRFA) in climate change adaptation and support their integration into national climate change adaptation planning; (ii) to support genetic resources experts and those involved in climate change adaptation to identify and address the challenges and opportunities of GRFA in adaptation; and (iii) to promote the involvement of genetic resources stakeholders in the national climate change adaptation planning process. Available at: <a href="http://www.fao.org/3/i4940e/i4940e.pdf">www.fao.org/3/i4940e/i4940e.pdf</a>
Voluntary Guidelines for Mainstreaming Biodiversity into Policies, Programmes and National and Regional Plans of Action on Nutrition.	The Guidelines aim to support countries in the integration of biodiversity into all relevant policies, programmes and national and regional plans of action addressing malnutrition in all its forms, and specifically to promote knowledge, conservation, development and use of varieties, cultivars and breeds of plants and animals used as food, as

	<p>well as wild, neglected and underutilized species contributing to health and nutrition. Available at: <a href="http://www.fao.org/3/i5248e/i5248e.pdf">www.fao.org/3/i5248e/i5248e.pdf</a></p>
<p>ABS Elements Elements to Facilitate Domestic Implementation of Access and Benefit-Sharing for Different Subsectors of Genetic Resources for Food and Agriculture with Explanatory Notes</p>	<p>The document contains the explanatory notes, as welcomed by the Commission and the FAO Conference in 2019. The ABS Elements with their explanatory notes aim to assist governments considering developing, adapting or implementing ABS measures to take into account the importance of GRFA, their special role for food security and the distinctive features of the different subsectors of GRFA, while complying, as applicable, with international ABS instruments. Available: <a href="http://www.fao.org/3/ca5088en/ca5088en.pdf">www.fao.org/3/ca5088en/ca5088en.pdf</a></p>

*Appendix 2***Possible work plan for elaborating the development of the voluntary guidelines or options.**

Activities	Year 1 (2024)				Year 2 (2025)			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Preparatory work and desk studies Updating the Background Study conducted in 2022  <ul style="list-style-type: none"> <li>Preparing the outline, checking additional information/revalidating the bottlenecks based on the additional compliance reports received, if any</li> </ul>								
Regional Consultations (7 regions)  <ul style="list-style-type: none"> <li>Conduct regional consultations, to seek common understanding/commonalities/ characteristics of each bottlenecks and challenges within the region and all the regions, to gather essential information such as approaches, practices, experiences and lessons learned that can feed into the process of developing the guidelines or options.</li> </ul> Expected output: Zero Draft document								
Global Symposium Presentation of the Zero Draft working document, Global Symposium  <ul style="list-style-type: none"> <li>Expected Output: Draft working document</li> </ul>								
Review of the Committee <ul style="list-style-type: none"> <li>Draft working document</li> </ul>								
Endorsement, GB-11 <ul style="list-style-type: none"> <li>Endorsement of the Draft document at its Eleventh Session</li> </ul>								

### *Appendix 3*

#### **Possible framework of a self-assessment tool for bottlenecks and challenges to the implementation of Articles 5 and 6.**

For the purpose of defining a mechanism to identify and support countries with the greatest challenges in implementing Articles 5 and 6, the Secretariat summarises a possible framework to do an in-depth analysis of the bottlenecks and challenges at the country level. The framework can be modified according to the specificities and contexts.

The possible framework could include the following elements:

##### *Scope, coverage, and purpose of the self-assessment*

- Defining the objectives and purpose of the self-assessment
- Provisions of Articles 5 and 6 of the International Treaty.
- Understanding the state of implementation of the different provisions under Articles 5 and 6.
- Defining the bottlenecks, challenges, gaps and needs.

##### *Methods, process and considerations in undertaking the self-assessment*

- Defining the tool, methodologies, principles and approaches in carrying the assessments, e.g. desk studies, surveys, or through dialogues and consultations, and other methods of gathering information, depending on the availability of resources.
- Selecting and agreeing on criteria of measurements and scaling of bottlenecks and challenges, or any other way to define and assign a rating for response classification.

<b>Bottlenecks and challenges</b>	<b>Degree of the challenge</b>			
	+	←————→		-
	0	1	2	3
	No challenge	Low challenge	Medium challenge	High challenge
Policy, legal and institutional issues				
Scientific and technical issues				
Operational and resources constraints				
Market issues				
Any other challenges				

- Other considerations and ideas that could be included in the assessment exercises that may be considered useful and beneficial
- Timeline for the self-assessment

##### *Synthesis and interpretation of the outcomes of the self-assessment*

- Outcomes of the assessment
- Interpretation
- Defining capacity development needs and future strategies including setting up a milestones

---

*Appendix 4*

---

**Proposed Terms of Reference for the Ad Hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture**

The Ad hoc Technical Committee on Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture will continue to advise the Secretariat on the implementation of Articles 5 and 6 of the International Treaty, in particular by:

- a) providing recommendations on the current work and future strategies to support countries in the implementation of Articles 5 and 6
- b) offering advice and promoting the implementation of the Joint Programme on Biodiversity for Sustainable Use of PGRFA;
- c) providing inputs to the development of the voluntary guidelines or options on the implementation of Articles 5 and 6; and
- d) considering the information provided in developing a mechanism or tool that will assist in identifying countries with the greatest challenges in implementing Articles 5 and 6, according to the specific context and local needs.

2. The Committee will comprise up to five members each from Africa, Region, Asia Region, Europe Region, Latin America and the Caribbean Region; three from the Near East Region; and two each from the North America Region and the South West Pacific Region; as well as technical experts designated by the Bureau, comprising of seven experts, based on proposals by the FAO Regions, and up to three representatives from relevant stakeholders, in particular farmers' organizations, taking into account the required range of technical expertise, and regional and gender balance. Two Co-Chairpersons from Contracting Parties to the International Treaty will form part of the Committee – one from a developing country and one from a developed country. The two Co-Chairpersons shall be in addition to the members of the Committee nominated by the Regions. The Governing Body delegates the authority to designate the Co-Chairpersons to the Bureau of the Eleventh Session.

3. The Committee may hold up to two meetings in the next biennium, subject to the availability of financial resources. The Secretary will facilitate the process and assist the Committee in its work.

4. The Committee will report to the Governing Body on its work for further consideration at the Eleventh Session.