



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



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

Item 14 of the Provisional Agenda

NINTH SESSION OF THE GOVERNING BODY

New Delhi, India, 19–24 September 2022

Report of the Compliance Committee

I. INTRODUCTION

1. The Compliance Committee of the International Treaty on Plant Genetic Resources for Food and Agriculture was established by Resolution 3/2006 of the Governing Body, pursuant to Articles 19.3e and 21 of the International Treaty.
2. The Governing Body, at its Fifth Session, approved the *Rules of Procedure of the Compliance Committee*¹, as well as the *Standard Reporting Format*,² pursuant to Section V.1 of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance (Compliance Procedures)*.³ The *Compliance Procedures* were approved at the Fourth Session of the Governing Body.
3. The fourth meeting of the Compliance Committee was held virtually from 3 to 4 February 2021. The meeting was convened in accordance with Section III.5 and Section V of the *Compliance Procedures* and Rule VI of the *Rules of Procedure of the Compliance Committee*.
4. The Committee re-elected Ms Angeline Munzara as Chairperson, and Ms Kim Van Seeters as Vice-Chairperson.
5. Pursuant to Section IV.g of the *Compliance Procedures*, the Committee shall submit a report to each regular session of the Governing Body reflecting (i) the work it has undertaken; (ii) its conclusions and recommendations; and (iii) the future programme of work of the Committee.
6. This report accordingly describes the work undertaken by the Committee during the current biennium and contains a number of recommendations for the consideration of the Governing Body.
7. Additionally, the Committee prepared, for the consideration of the Governing Body, the draft Resolution on Compliance contained in *Appendix 3* to this report.

¹ [Resolution 9/2013 Rev. 1](#), Annex 1.

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

³ [Resolution 2/2011](#), Annex.

II. MONITORING THE IMPLEMENTATION BY CONTRACTING PARTIES OF THEIR OBLIGATIONS UNDER THE INTERNATIONAL TREATY

8. In accordance with Section IV of the *Compliance Procedures*, the Committee considered the national reports received from **79 Contracting Parties** pursuant to Section V of the *Compliance Procedures*, as listed in *Appendix 1*. Accordingly, the Committee prepared a synthesis based on the reports received, along with an analysis, noting that the Governing Body had not set any priorities or areas of focus with regard to the analysis of the reports. This synthesis and analysis, contained in *Appendix 2*, are based on the reports received, with a view to assisting the Governing Body in monitoring implementation by Contracting Parties of their obligations under the International Treaty.
9. According to Section V.2 of the *Compliance Procedures*, the Committee shall consider reports that it has received up to 12 months before the next session of the Governing Body, taking into account any guidance given by the Governing Body.
10. The Committee agreed to consider national reports up to 15 August 2021. Therefore, the synthesis and analysis provided in *Appendix 2* to this report are based on the national reports from 79 Contracting Parties received by that date, meaning that 53 percent of Contracting Parties have reported so far.
11. Since the preparation of the report to the Eighth Session of the Governing Body, 34 new or updated national reports were received. Out of these, 26 were submitted by Contracting Parties who reported for the first time. A significant number of reports was received following the implementation of the recommendations by the Compliance Committee at its fourth meeting,⁴ namely 30 out of the 34.
12. The 79 national reports include 22 from the Africa Region, 21 from the European Region, 14 from the Latin America and the Caribbean Region, 11 from the Asia Region, 2 from the North America Region, 5 from the Near East Region and 4 from the South West Pacific Region.
13. The vast majority of the reports used the voluntary *Standard Reporting Format*, submitted through the Online Reporting System. The Secretariat provided support to Contracting Parties with the submission and processing of their reports, through emails, phone calls and videoconferences.
14. The Committee was of the opinion that all Contracting Parties are to submit reports on the measures they have taken to implement the International Treaty; Contracting Party organizations may, *mutatis mutandis*, provide information and data to the relevant sections of the Standard Reporting Format.

Methodology

15. The information presented in the synthesis report follows the structure of the *Standard Reporting Format* contained in Resolution 9/2013, as only the most recent national reports used the updated Standard Reporting Format approved through Resolution 7/2019. The synthesis aims to identify progress in and constraints to the implementation of the International Treaty at national level, as well as some general observations.
16. Where appropriate and relevant, the Committee agreed to categorize the submissions into economic and regional groupings in certain sections, including the reference to developing and developed country Contracting Parties. Where possible and useful, the Committee sought to identify regional trends.

⁴ IT/GB-9/CC-4/21/Record, para. 7.

III. REVIEWS UNDER THE MANDATE OF THE COMPLIANCE COMMITTEE

17. The Committee considered the number of reviews required under its mandate or requested by the Governing Body. Since most parts of the *Compliance Procedures* have not yet been put into practice, it agreed that the experience and information currently available is still not sufficient for the Governing Body to assess and review the effectiveness of the *Compliance Procedures*. It recommended that the Governing Body postpone the review foreseen in Section X of the *Compliance Procedures* to its Tenth Session.

IV. FUTURE WORK OF THE COMMITTEE

18. The Committee considered potential activities and approaches related to its possible future work. The Committee discussed several options and agreed on the following recommendations.

19. With regard to national reports on measures taken to implement obligations under the International Treaty, the Committee reiterated the importance of the *Compliance Procedures*, which provide that the Committee shall consider the reports received up to 12 months before the next session of the Governing Body. The Committee invited those Contracting Parties that have not yet submitted their reports to send them during the second reporting cycle ending in October 2023. It also invited those Contracting Parties that have submitted their reports to update them, as necessary. The reports will remain valid until such date as they are updated.

20. The Committee further agreed that the Secretariat would compile the number of reports received up to 12 months before the Tenth Session of the Governing Body to prepare a summary and facilitate the monitoring of the implementation by the Compliance Committee in early 2023.

21. The Committee noted with concern the limited number of reports received from Contracting Parties between the Eighth Session of the Governing Body and its fourth meeting. It identified several options to continue promoting the monitoring of and reporting by Contracting Parties under Section V of the *Compliance Procedures*, advising its members and the Secretary to take action accordingly:⁵

- a. The Secretary to send additional reminders to the Contracting Parties on the importance of reporting and on the resources and mechanisms available to support and facilitate the reporting process;
- b. The Secretary to establish a help-desk on compliance, focusing on providing support to Contracting Parties in submitting their national reports;
- c. Members of the Committee to play an active role, on a voluntary basis, for example by circulating information to national focal points of Contracting Parties in their respective regions;
- d. Subject to the availability of resources, the Secretary to organise training workshops, and virtual training and information sessions on reporting through webinars; promote the use of multimedia resources, and circulate an updated information note, in various languages, to national focal points on how to report;
- e. The Secretary to identify and develop partnerships with other organizations and regional networks, as well as synergies with other FAO units at the headquarters and in the country offices, to raise awareness and to support Contracting Parties with their reporting;

22. The Committee noted that in addition to increasing the number of national reports received, the organization of regional workshops on the implementation of the International

⁵ As reflected in the record of its fourth meeting, IT/GB-9/CC-4/21/Record, para. 7.

Treaty had in the past been useful for identifying gaps and needs, as well as possible options and solutions.

23. Following the implementation of the above options by the Secretary and members of the Committee, an additional 30 national reports were received subsequent to the fourth meeting of the Committee. These include both national reports from Contracting Parties who had not yet reported (24) and national reports from Contracting Parties who updated their earlier reports in the second reporting cycle (6).

24. In reviewing the relevance of its work for the monitoring of progress towards achieving the goals of the 2030 Agenda for Sustainable Development, the Committee discussed the global indicators relevant to the implementation of the International Treaty and how the datasets shared by Contracting Parties through their national reports effectively contributed to the monitoring of progress.

25. Consequently, the Committee emphasized the important role of information shared by Contracting Parties through their reports under Section V of the *Compliance Procedures* in the context of monitoring progress in the 2030 Agenda for Sustainable Development, as well as the Post-2020 Global Biodiversity Framework, when adopted. This may be a further incentive for Contracting Parties to submit their national reports and keep them updated.

26. The Committee considered, as one possible area for future work, the development of legal and administrative options to assist Contracting Parties in ensuring the conformity of the national legislation with the International Treaty.

27. The Committee agreed to provide inputs for the development of the draft Capacity Development Strategy, on issues related to the promotion of compliance.

V. OTHER MATTERS

28. The Committee received a request for advice by a Contracting Party on the conformity of several provisions of its draft seed law with Article 9 of the International Treaty. Following informal consultations of the Committee, the Committee Bureau sent a letter to the Contracting Party with preliminary information as well as an invitation to an informal and confidential dialogue.

29. At its Eighth Session, the Governing Body elected the members of the Committee to serve for the 2020–2021 term, in accordance with Section III.4 of the *Compliance Procedures*. The list of members of the Committee, with an indication of their respective terms, is given in *Appendix 4*.

30. According to the *Compliance Procedures*, the Governing Body shall elect, as appropriate, new members for a full term to replace those whose terms are about to expire, bearing in mind that no member shall serve for more than two consecutive terms. The members shall be elected by the Governing Body on the basis of up to two nominations from each of the seven FAO regions.

31. When electing the members of the Committee for the new term, the Governing Body would need to be cognizant that, pursuant to the *Compliance Procedures*, the Committee shall consist of a maximum of 14 members, with up to two drawn from each FAO region, and not more than one drawn from a Contracting Party.

32. According to Rule III of the *Rules of Procedures of the Committee*, each member of the Committee shall perform his or her duties and exercise his or her authority as a member of the Committee honourably, faithfully, impartially, and conscientiously, and will seek to avoid any conflict of interest.

33. The Governing Body would need to take into account that members of the Committee shall have recognized competence in the field of genetic resources or other fields relevant to the International Treaty, including legal or technical expertise, and that they shall serve objectively and in their individual capacity.

34. In previous Resolutions on Compliance, the Governing Body reiterated the importance of maintaining sufficient resources for operation of the *Compliance Procedures* and the functioning of the Committee. It also decided that costs of Compliance Committee meetings, including those to facilitate the participation of Committee members, shall be included in the Core Administrative Budget as may be adopted by the Governing Body, supplemented by any voluntary contributions made available for that purpose. The Governing Body requested the Secretary to include such costs in the Core Administrative Budget that is presented to the Governing Body for approval at its regular sessions. The Draft Work Programme and Budget for the 2022–23 biennium will, accordingly, include such costs.

VI. ELEMENTS OF A DRAFT RESOLUTION

35. The Committee prepared a draft Resolution on Compliance for the consideration of the Ninth Session of the Governing Body, as contained in *Appendix 3*.

Appendix 1

**List of Contracting Parties that submitted a report pursuant to Section V.1 of the
Procedures and Operational Mechanisms to Promote Compliance and Address Issues of
Non-Compliance**

Argentina	Guyana*
Armenia*	Honduras
Australia	India
Bangladesh	Indonesia
Bhutan	Ireland*
Bolivia (Plurinational State of)	Italy*
Brazil*	Japan
Burkina Faso*	Kuwait*
Cameroon	Lao PDR*
Canada	Latvia*
Chad*	Lebanon
Chile	Libya
Congo	Madagascar
Cook Islands*	Malaysia
Costa Rica*	Mali*
Croatia*	Malta
Cuba	Mauritius*
Denmark	Morocco*
Ecuador	Namibia*
Egypt	Nepal*
El Salvador	Netherlands
Eritrea	Niger*
Estonia*	Norway
Eswatini	Oman*
Ethiopia	Pakistan*
Fiji*	Papua New Guinea
Finland	Peru
France*	Philippines
Germany	Poland
Guatemala	

* New or updated reports received since the preparation of the report for the Eighth Session of the Governing Body, including from Contracting Parties who updated their reports under the second reporting cycle.

Republic of Moldova*

Rwanda*

Saudi Arabia*

Serbia*

Seychelles*

Slovenia

Spain*

Sri Lanka*

Sudan

Sweden

Switzerland

Syrian Arab Republic

Tanzania (United Republic of)*

Togo

United Kingdom of Great Britain and
Northern Ireland*

United States of America

Uruguay

Venezuela (Bolivarian Republic of)

Zambia

Zimbabwe*

* New or updated reports received since the preparation of the report for the Eighth Session of the Governing Body, including from Contracting Parties who updated their reports under the second reporting cycle.

*Appendix 2****SYNTHESIS AND ANALYSIS OF REPORTS RECEIVED PURSUANT TO SECTION V OF THE COMPLIANCE PROCEDURES*****I. INTRODUCTION**

1. According to Section V.3 of the *Procedures and Operational Mechanisms to Promote Compliance and Address Issues of Non-Compliance (Compliance Procedures)*,⁶ the Committee shall submit to the Governing Body, for its consideration, a synthesis based on the reports that it has received, together with an analysis that addresses any priorities set by the Governing Body. The Committee had previously noted that no priorities have, so far, been set by the Governing Body for this analysis.
2. At its third meeting, the Committee considered the reports received, by then, from Contracting Parties pursuant to Section V of the *Compliance Procedures* (national reports) and submitted a synthesis report to the Governing Body.
3. The Eighth Session of the Governing Body took note of the report and approved the updated Standard Reporting Format as reviewed and recommended by the Committee.⁷ It further requested the Secretary to update the voluntary Online Reporting System accordingly, and to continue assisting Contracting Parties during the second reporting cycle.⁸
4. This document contains the analysis of 79 reports received up to 15 August 2021. Of these, 22 were received from the Africa Region (equalling 49 percent of Contracting Parties of the Region), 21 from the European Region (54 percent), 14 from the Latin America and the Caribbean Region (67 percent), 11 from the Asia Region (61 percent), 2 from the North America Region (100 percent), 5 from the Near East Region (42 percent) and 4 from the South West Pacific Region (40 percent). The list of Contracting Parties that submitted reports is given in *Appendix I*.
5. It is to be noted that most of the national reports received so far were submitted using the version of the *Standard Reporting Format* contained in Resolution 9/2013. Accordingly, this synthesis report adheres to the structure, language and format of the *Standard Reporting Format* contained in Resolution 9/2013, as only the most recent national reports used the updated Standard Reporting Format.

II. SYNTHESIS**A. General Obligations (Article 4)**

6. Pursuant to Article 4 of the International Treaty each Contracting Party shall ensure the conformity of its laws, regulations and procedures with its obligations as provided in the International Treaty.

⁶ [Resolution 2/2011](#), Annex.

⁷ [IT/GB-8/19/13](#), *Report of the Compliance Committee*, Appendix 3.

⁸ [Resolution 7/2019](#), *Compliance*, para. 12.

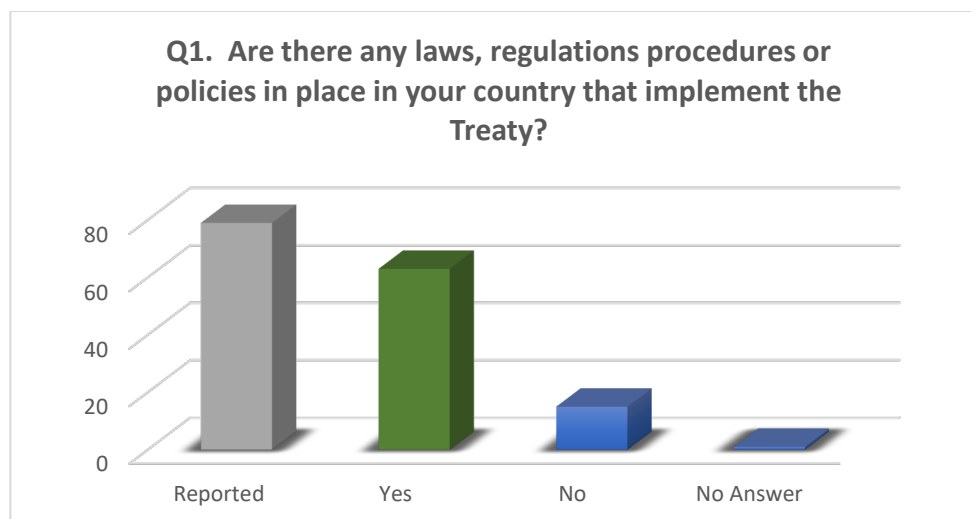


Figure 1. Reporting Contracting Parties with laws, regulations, procedures or policies in place to implement the International Treaty (by number).

7. Sixty-three Contracting Parties (or 80%) replied that they had laws, regulations, procedures or policies in place that implement the International Treaty, whereas 15 Contracting Parties do not have any such laws, regulations, procedures or policies in place.⁹

8. The further details provided in the reports show that most Contracting Parties either implement the International Treaty through laws or other legislative measures or through policies, and that the majority of such measures do not deal exclusively with the International Treaty, but rather consider the International Treaty in a broader context of biodiversity or agriculture.

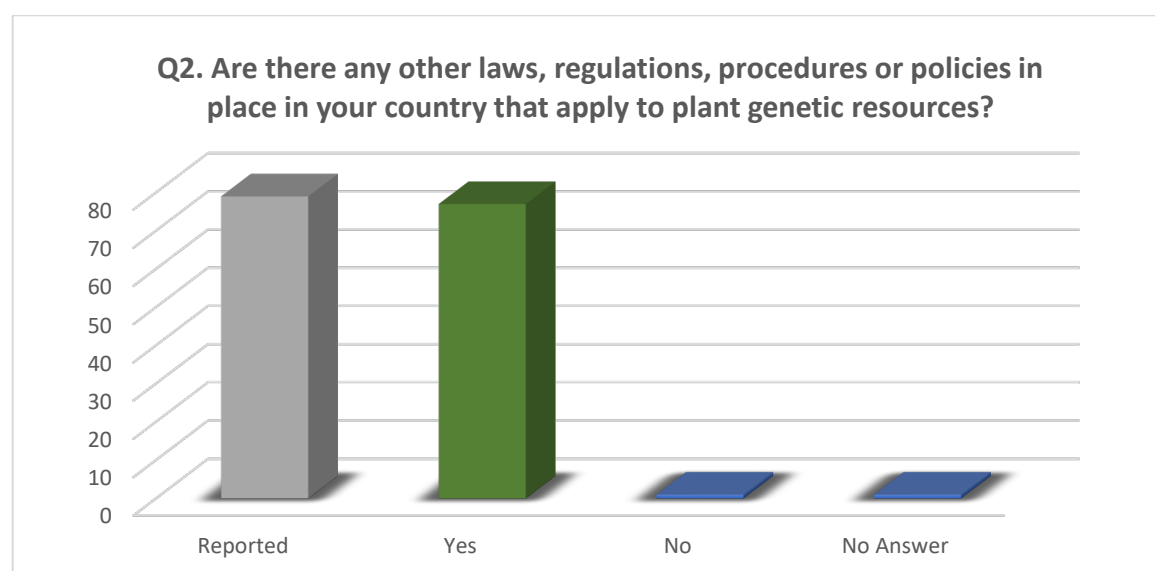


Figure 2. Reporting Contracting Parties with other laws, regulations, procedures or policies in place to that apply to plant genetic resources (by number).

⁹ One Contracting Party did not answer this question.

9. Seventy-seven Contracting Parties (or 97%) stated that they have other laws, regulations, procedures or policies in place that apply to plant genetic resources and only one Contracting Party indicated that it has none.¹⁰ These other measures are mostly in the areas of biodiversity, environment protection, biosafety, plant variety protection and marketing of seeds.

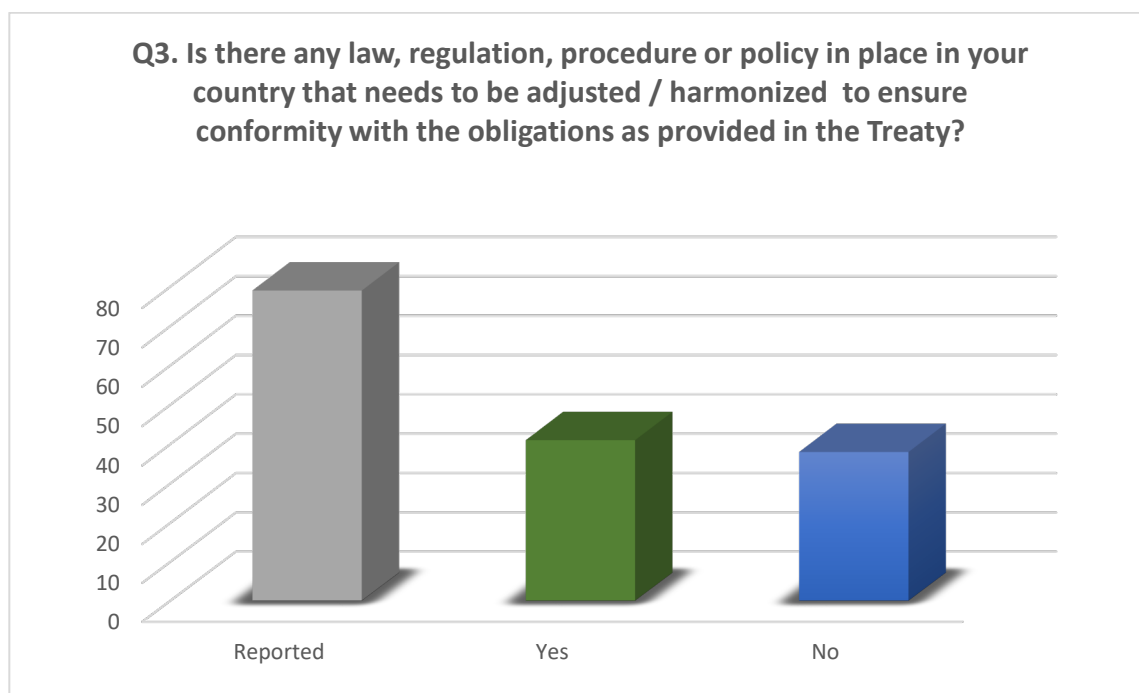


Figure 3. Reporting Contracting Parties with laws, regulations, procedures or policies that need to be adjusted/harmonized to ensure conformity with International Treaty obligations (by number).

10. Regarding changes to existing laws, regulations, procedures or policies to ensure conformity with the International Treaty, 41 Contracting Parties indicated that they would have to make changes (for example, the vast majority of reporting Contracting Parties from the Africa and GRULAC Regions), and 38 Contracting Parties indicated they would not (for example, the vast majority of reporting Contracting Parties from the European Region and the Near East Region).¹¹ The changes mostly relate to Farmers' Rights, including Article 9.3 of the International Treaty.

¹⁰ One Contracting Party did not answer this question.

¹¹ One Contracting Party did not answer this question.

B. Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture (Article 5)

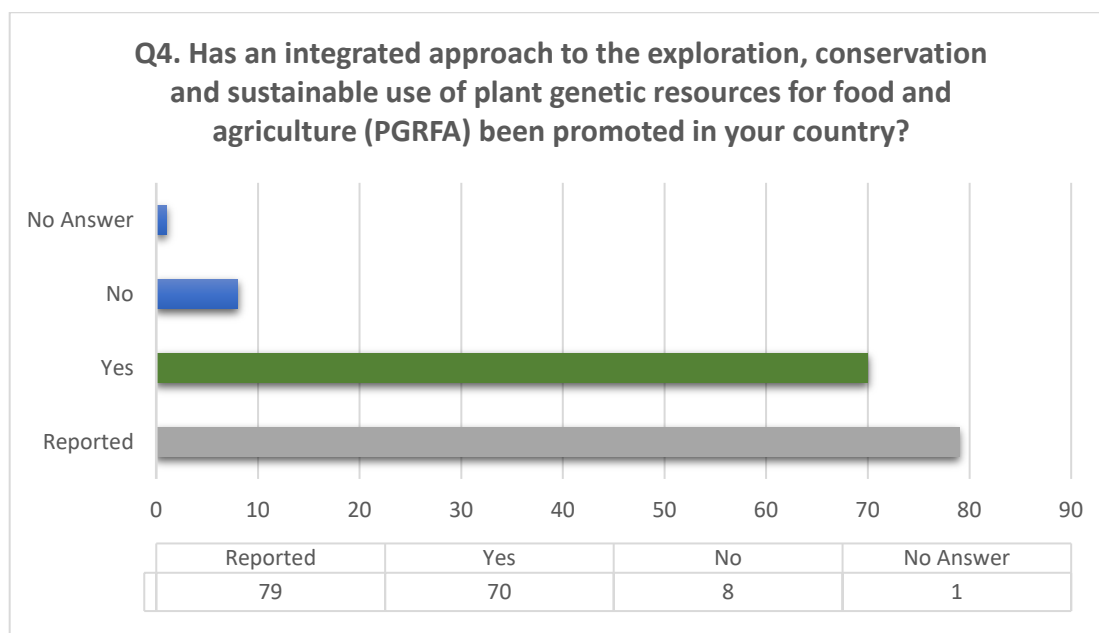


Figure 4. Reporting Contracting Parties with an integrated approach to the exploration, conservation and sustainable use of PGRFA (by number).

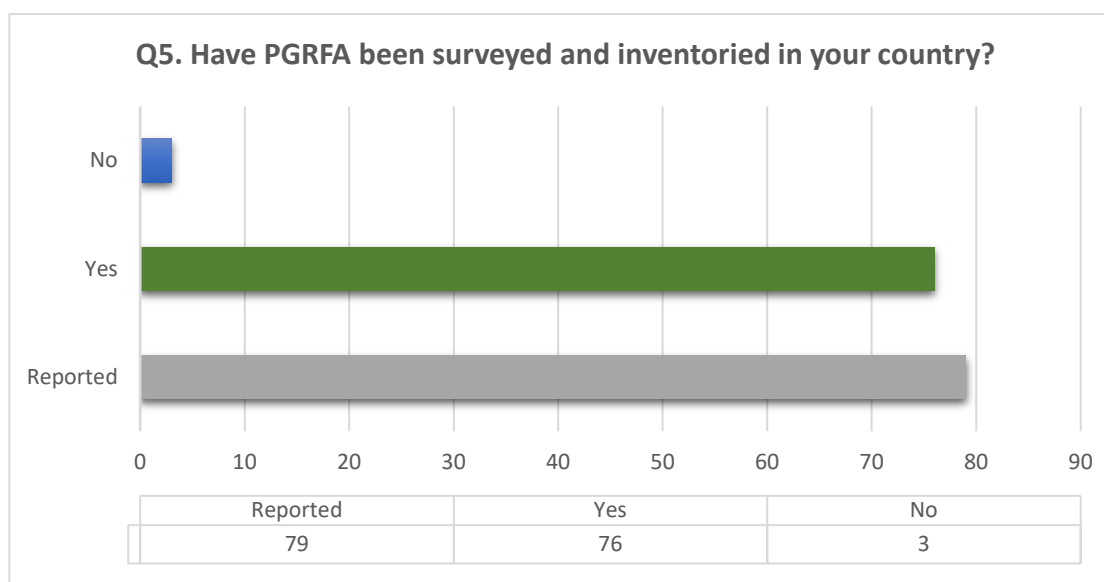


Figure 5. Reporting Contracting Parties that surveyed and inventoried PGRFA (by number).

11. Seventy reports (or 89 percent) state that they promoted an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture (PGRFA). Seventy-six reports state that PGRFA have been surveyed and inventoried in their Contracting Parties and only three reporting (developing country) Contracting Party reported not having done so. The range of crops and species is broad, including both *in situ* and *ex situ* conservation, with most Contracting Parties providing detailed and comprehensive lists in their

reports and several reports referring to the information provided in the reporting on the implementation of the Second Global Plan of Action.

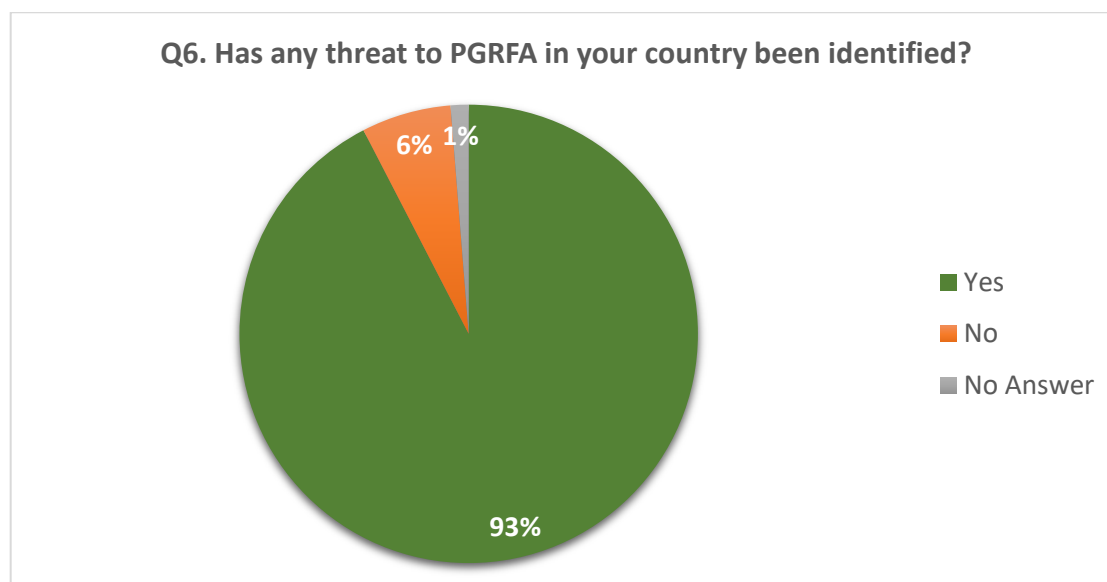


Figure 6. Reporting Contracting Parties that identified any threat to PGRFA.

12. Seventy-three Contracting Parties state that threats have been identified to PGRFA in their territories and only seven Contracting Parties report that no threats have been identified (from both developing and developed countries).

13. The threats repeatedly mentioned include diseases, climate change, droughts, floods, lack of use, need for sensitization of decision makers and farmers, changes in land management schemes, unsustainable farming practices, habitat destruction or fragmentation, funding shortfalls, limited qualified personnel and outdated technical capacity. Some of the reports provide a considerable number of details about these threats as well as the threatened crops or species.

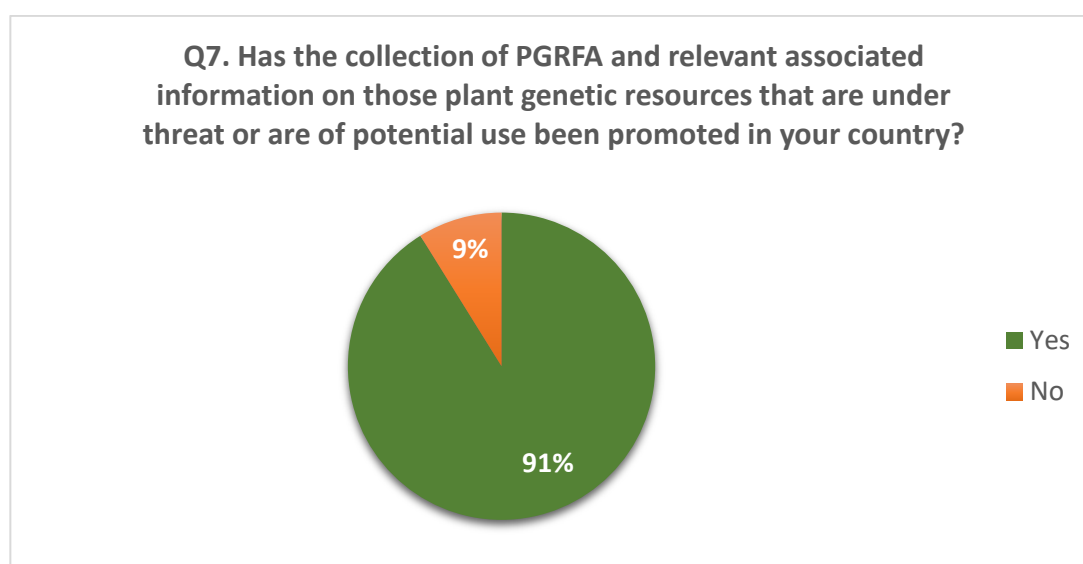


Figure 7. Contracting Parties reporting that the collection of PGRFA under threat and relevant associated information have been promoted.

14. Seventy-two Contracting Parties (from all Regions) report that the collection of PGRFA and relevant associated information that are under threat or are of potential use have been promoted. Most reports mention research, *ex situ* collections, with particular emphasis on traditional varieties, or development projects.

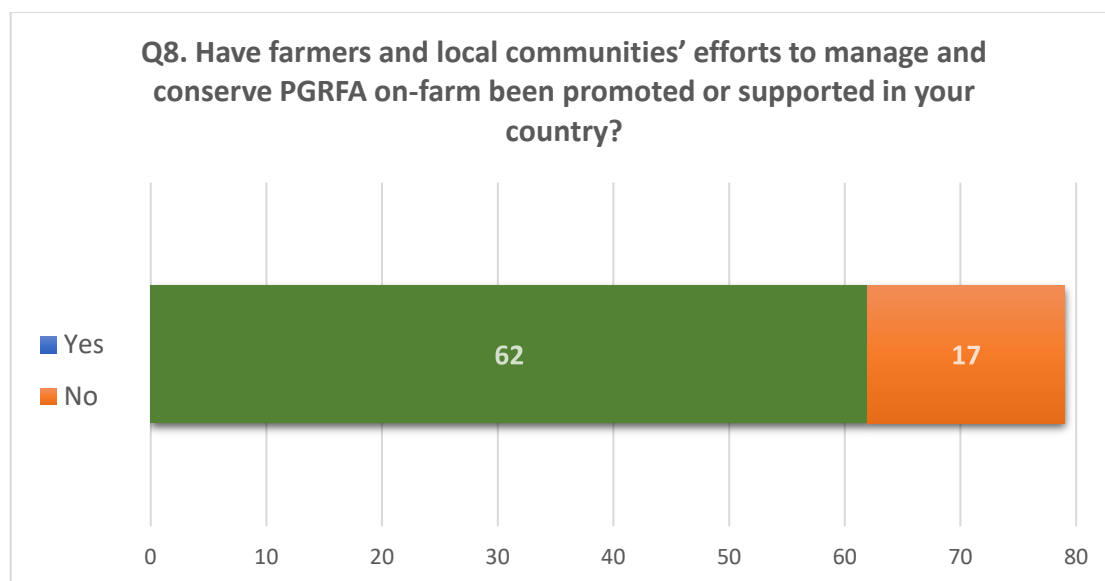


Figure 8. Reporting Contracting Parties promoting or supporting farmers and local communities' efforts to manage and conserve PGRFA on-farm (by number).

15. Sixty-two reporting Contracting Parties indicate that they have promoted or supported farmers and local communities' efforts to manage and conserve PGRFA on-farm, including through rural development programmes, training activities such as capacity-building workshops, financial support, and support for the registration of varieties in the plant variety registers. All reporting Contracting Parties of the GRULAC and North America Regions, as well as the vast majority of reporting Contracting Parties of the Asia, European and South West Pacific Regions, state having done so, whereas in the Africa and Near East Regions, no significant trend can be identified.

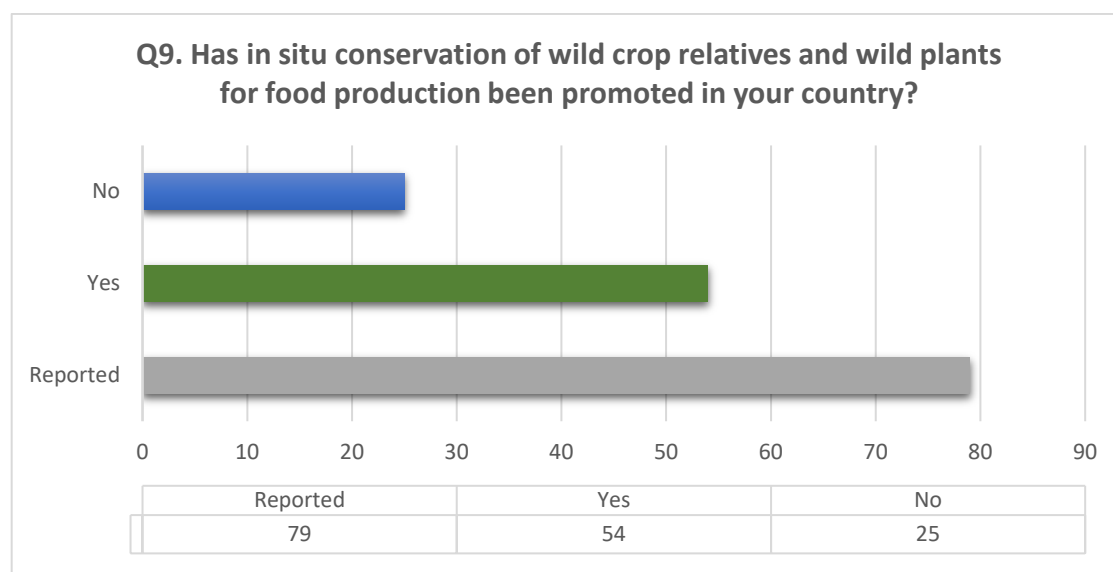


Figure 9. Reporting Contracting Parties promoting in situ conservation of CWR and wild plants for food production (by number).

16. Fifty-four Contracting Parties report that *in situ* conservation of wild crop relatives and wild plants for food production has been promoted, with 48 having taken measures to promote *in situ* conservation in protected areas and 23 having taken measures to support the efforts of indigenous and local communities, in particular awareness raising and sensitization about the importance of crop wild relatives. Twenty-five Contracting Parties, comprising both developing and developed countries, report that no such measures have been promoted by them. Whereas all or the vast majority of reporting Contracting Parties from the European, GRULAC, Near East, North America and SWP Regions replied positively to this question, no clear trend can be identified for the Africa and Asia Regions.

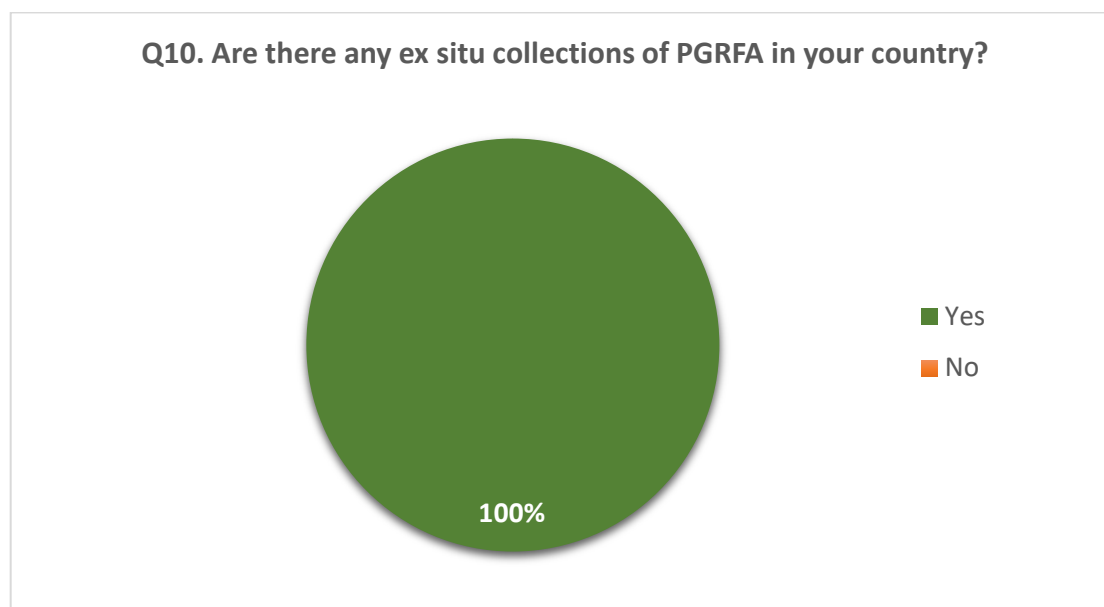


Figure 10. Reporting Contracting Parties with an ex situ collection of PGRFA.

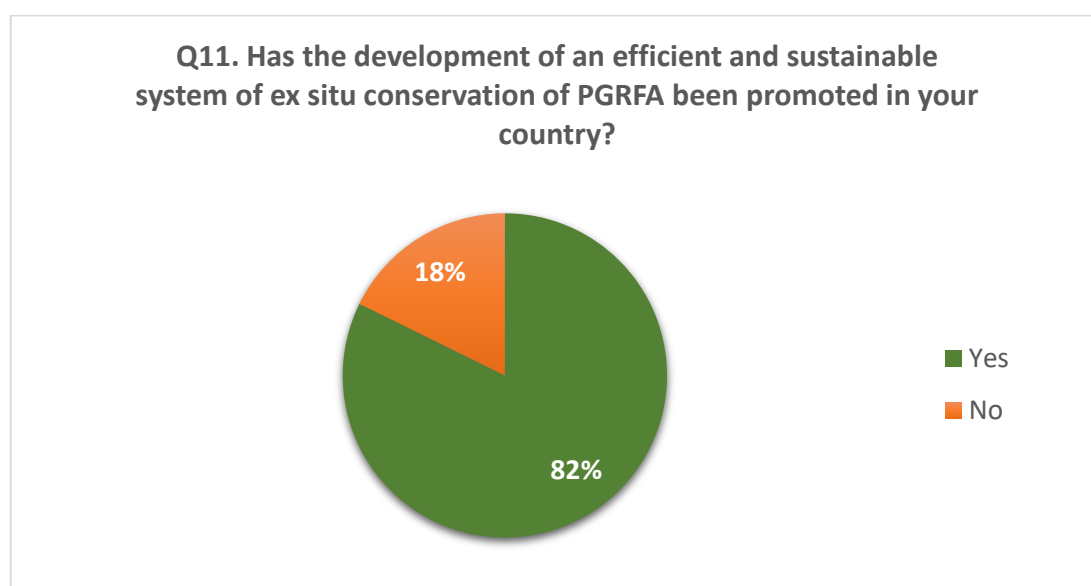


Figure 11. Reporting Contracting Parties promoting in situ conservation of CWR and wild plants for food production.

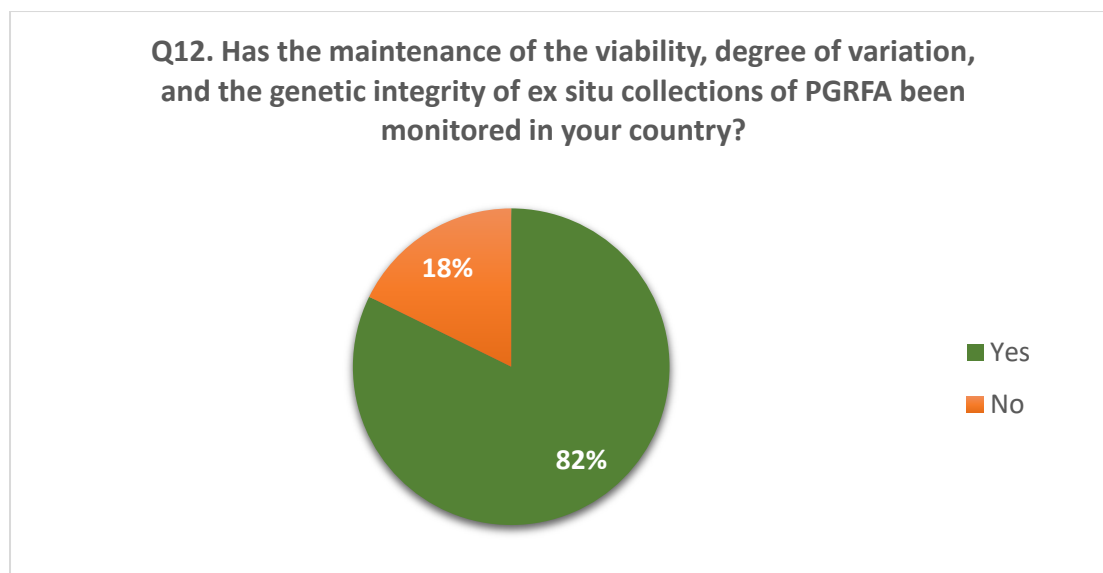


Figure 12. Reporting Contracting Parties monitoring the viability and genetic integrity of their ex situ collections of PGRFA.

17. All 79 reporting Contracting Parties state that there are *ex situ* collections in their territories and the vast majority of the reports contain detailed lists of *ex situ* collections, with most reports listing the number of accessions. Sixty-five of the reports state that the Contracting Parties have promoted the development of an efficient and sustainable system of *ex situ* conservation of PGRFA, mainly through national or regional programmes, and 65 report that the maintenance of the viability, degree of variation, and the genetic integrity of *ex situ* collections of PGRFA have been monitored.

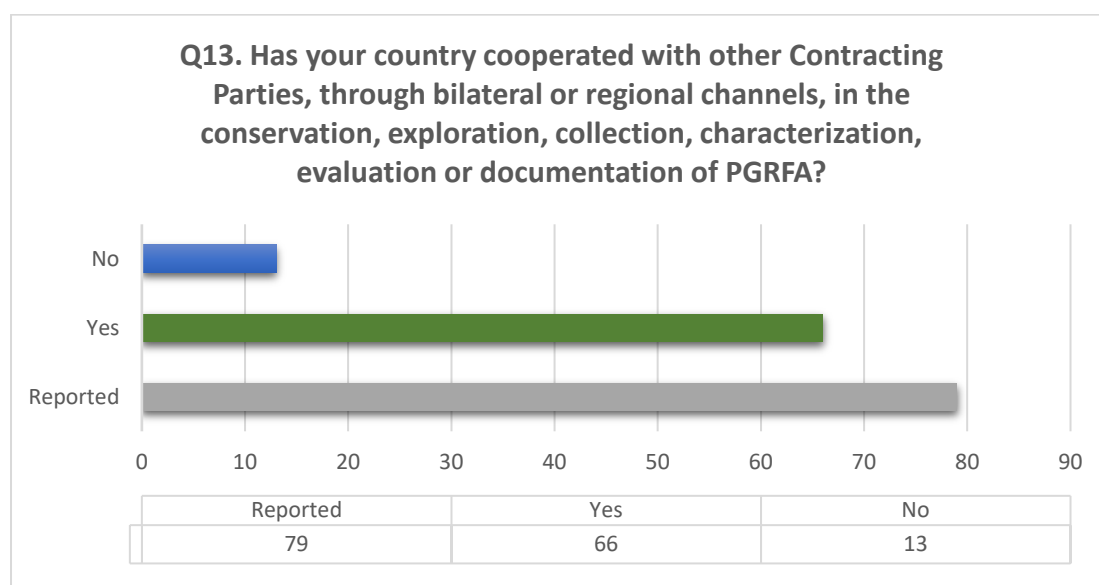


Figure 13. Reporting Contracting Parties cooperating bilaterally or regionally with other Contracting Parties on Articles 5 and 6 (by number).

18. Finally, 66 reporting Contracting Parties indicate that they have cooperated with other Contracting Parties in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA.

C. Sustainable Use of Plant Genetic Resources for Food and Agriculture (Article 6)

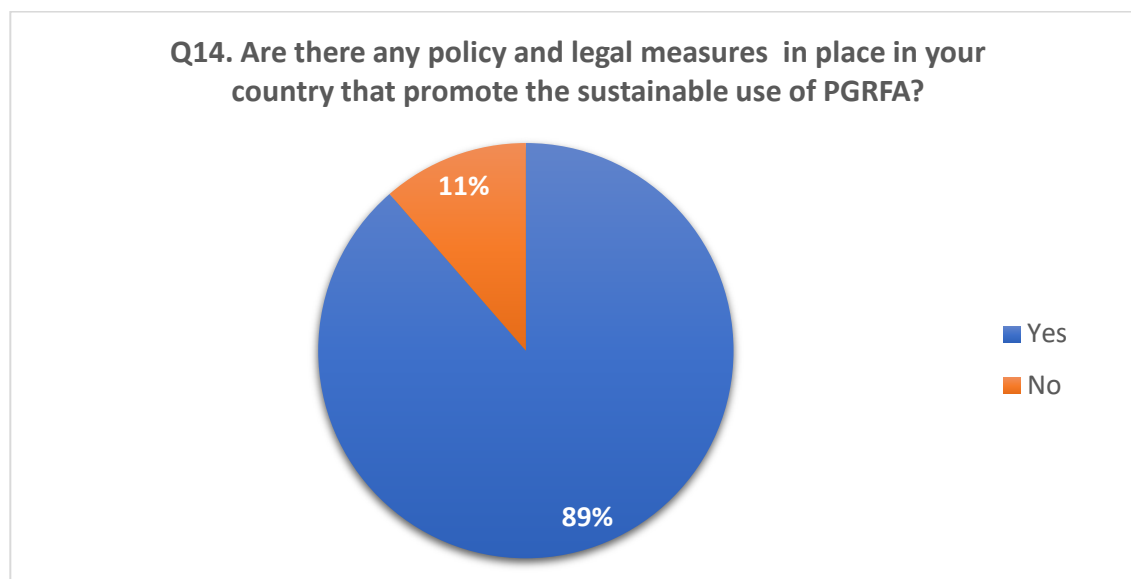


Figure 14a. Reporting Contracting Parties with policy and legal measures promoting the sustainable use of PGRFA (by percentage).

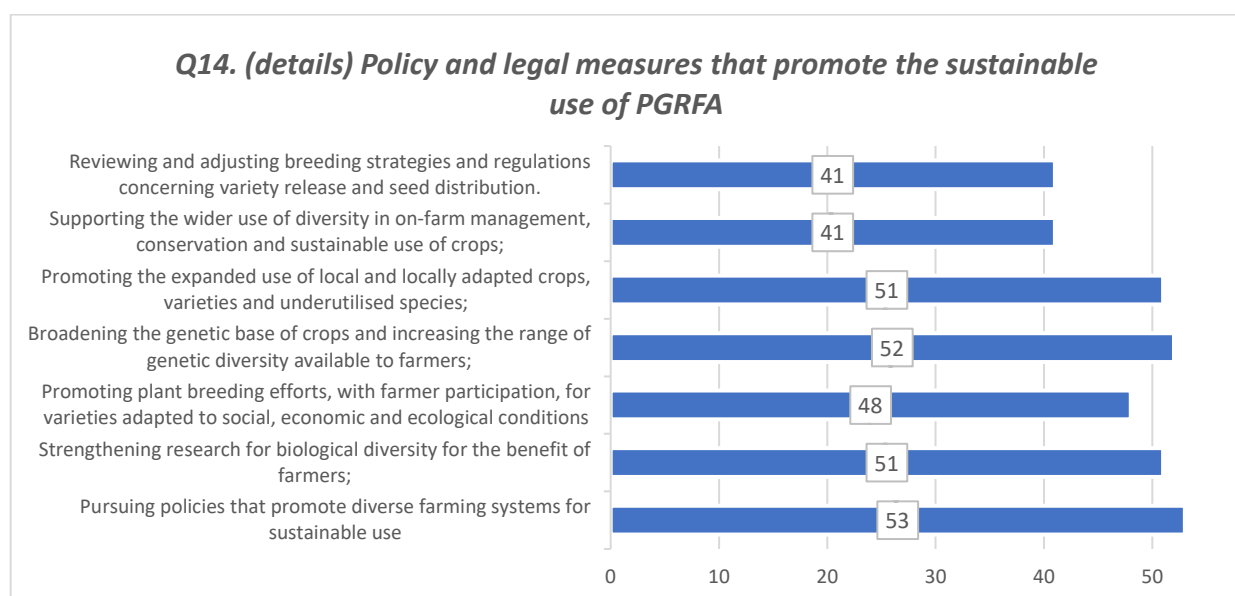


Figure 14b. Details for positive replies to Question 14 on policy and legal measures promoting the sustainable use of PGRFA (total positive replies n = 70).

19. Seventy reports indicate that policy or legal measures that promote the sustainable use of PGRFA are in place in the Contracting Parties, whereas only nine Contracting Parties report not having any such measures in place.

20. Regarding such policy and legal measures,

- fifty-three Contracting Parties report that they pursue 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;

- fifty-one that they strengthen research that enhances and conserves biological diversity by maximizing intra- and inter-specific variation for the benefit of farmers;
- forty-eight that they promote 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.
- Additionally, 52 Contracting Parties report that they have broadened the genetic base of crops and increased the range of genetic diversity available to farmers;
- fifty-one, that they promote the expanded use of local and locally adapted crops, varieties and underutilized species;
- forty-one, that they support 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; and
- forty-one, that they review and adjust breeding strategies and regulations concerning variety release and seed distribution.

D. National Commitments and International Cooperation (Article 7)

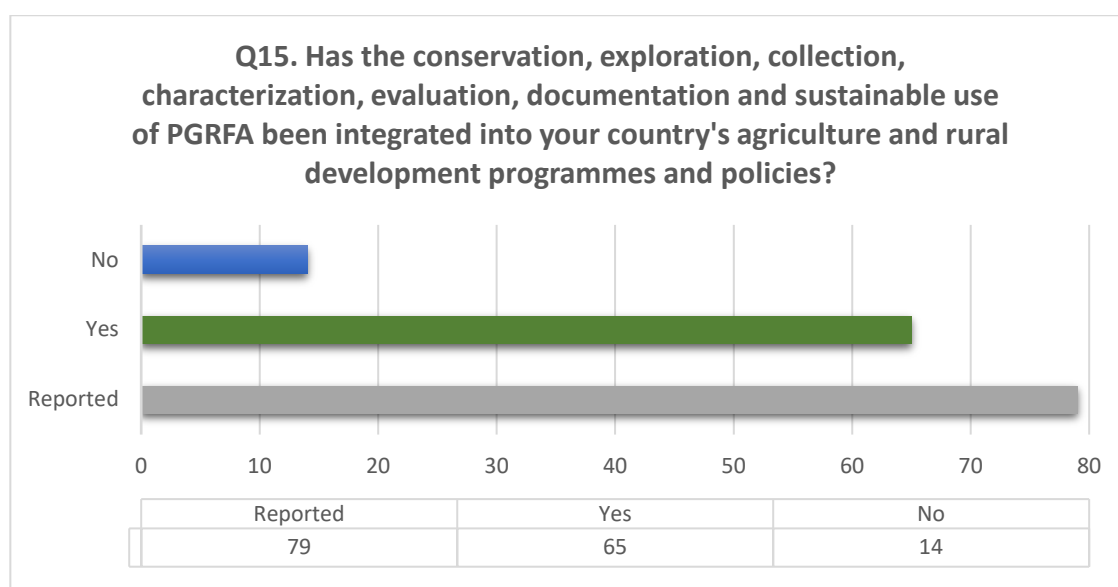


Figure 15. Reporting Contracting Parties with conservation, exploration, collection activities integrated into their agriculture and rural development programmes and policies (by number).

21. Sixty-five reporting Contracting Parties note that the conservation, exploration, collection, characterization, evaluation, documentation and sustainable use of PGRFA have been integrated into their agriculture and rural development programmes and policies. Fourteen Contracting Parties report not having done so.

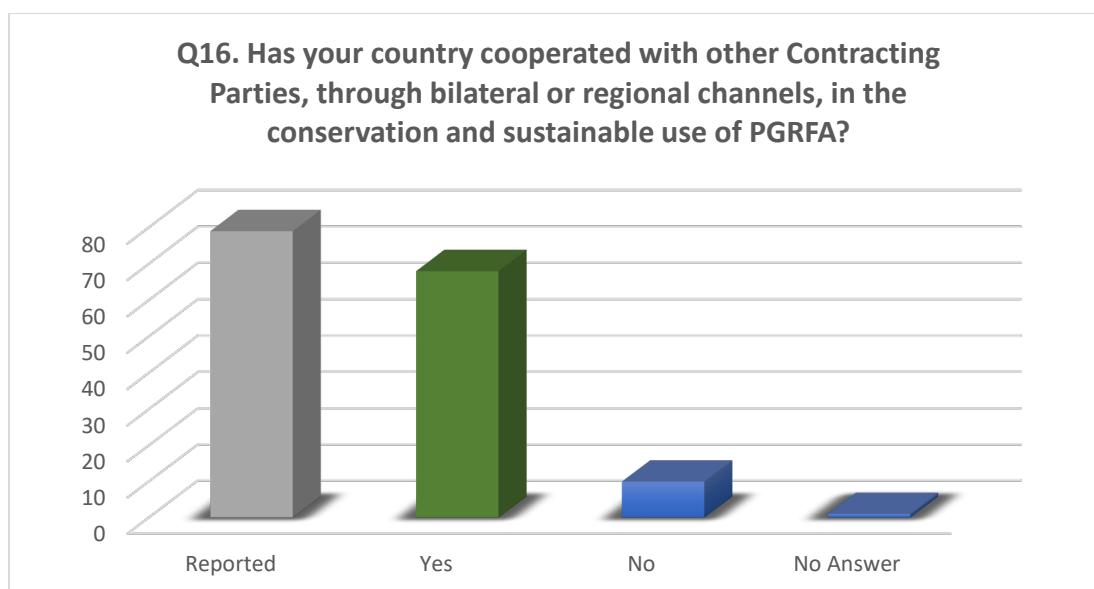


Figure 16. Reporting Contracting Parties cooperating with other Contracting Parties regionally or bilaterally in the conservation and sustainable use of PGRFA (by number).

22. Sixty-eight Contracting Parties report that they have cooperated with other Contracting Parties, through bilateral or regional channels, in the conservation and sustainable use of PGRFA.

23. Thirty-eight Contracting Parties report that the aim of such cooperation was to strengthen the capability of developing countries and countries with economies in transition with respect to conservation and sustainable use of PGRFA. Forty-eight Contracting Parties report that the aim was to 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 International Treaty.

E. Technical Assistance (Article 8)

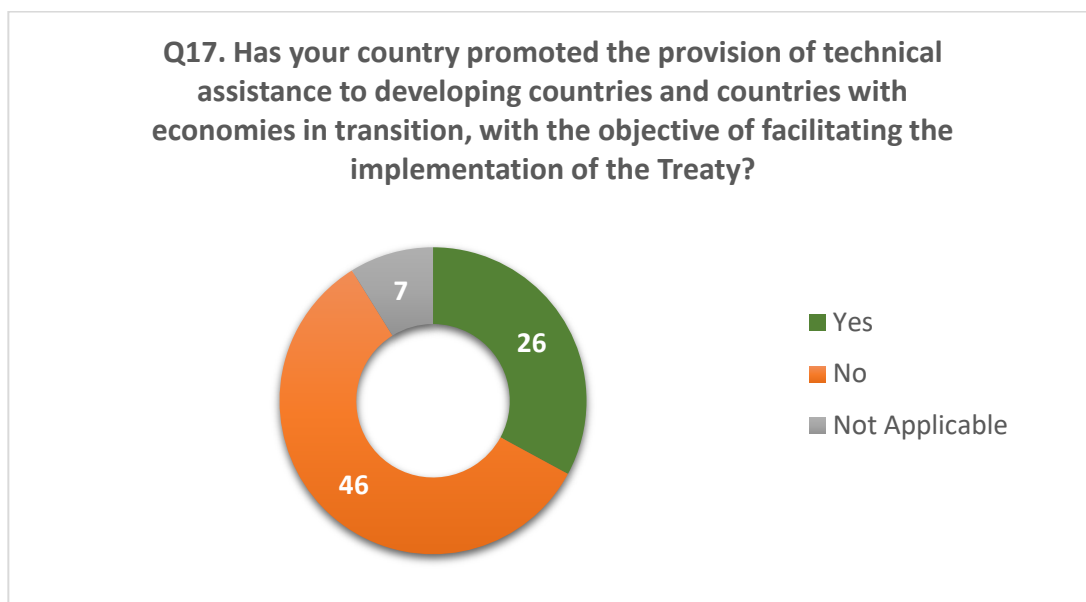


Figure 17. Reporting Contracting Parties promoting the provision of technical assistance, facilitating International Treaty implementation (by number).

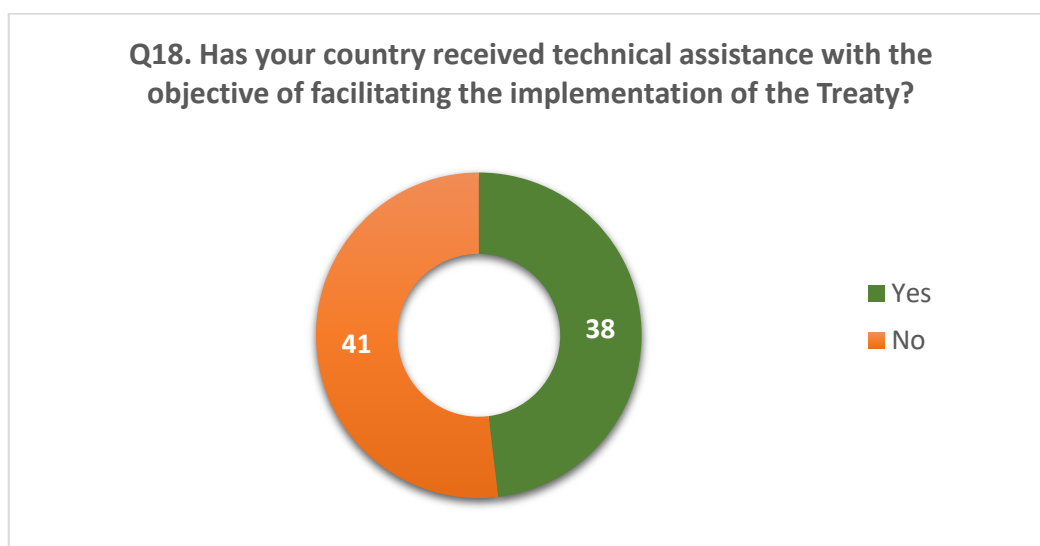


Figure 18. Reporting Contracting Parties having received technical assistance for International Treaty implementation (by number).

24. Twenty-six Contracting Parties (almost two thirds of them developed country Contracting Parties) report to have promoted the provision of technical assistance to developing countries and countries with economies in transition, with the objective of facilitating the implementation of the International Treaty. Forty-six Contracting Parties (the vast majority of reporting developing country Contracting Parties) report not having promoted the provision of such technical assistance to (other) developing countries or to countries with economies in transition. Many developed country Contracting Parties referred to their replies under Question 13 (relating to Article 5 of the International Treaty) or Question 16 (relating to Article 7 of the International Treaty).

25. Accordingly, 38 Contracting Parties (the vast majority of them developing country Contracting Parties) report having received technical assistance with the objective of facilitating the implementation of the International Treaty and 41 (almost all reporting developed country Contracting Parties) report they have not.

F. Farmers' Rights (Article 9)

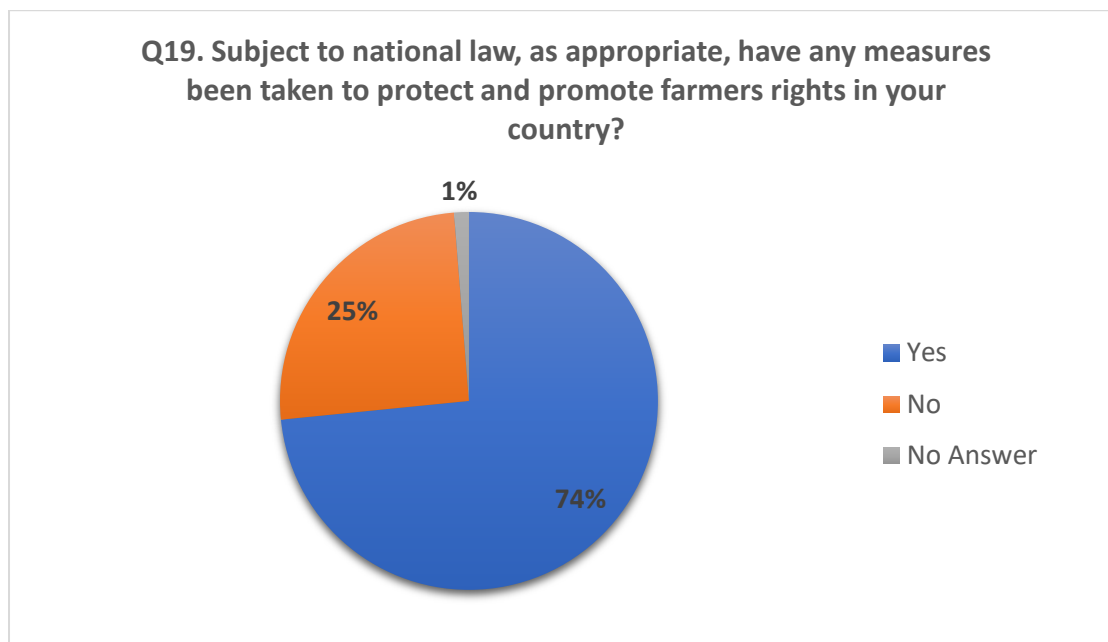


Figure 19a. Reporting Contracting Parties having taken measures to protect and promote Farmers' Rights (by percentage).

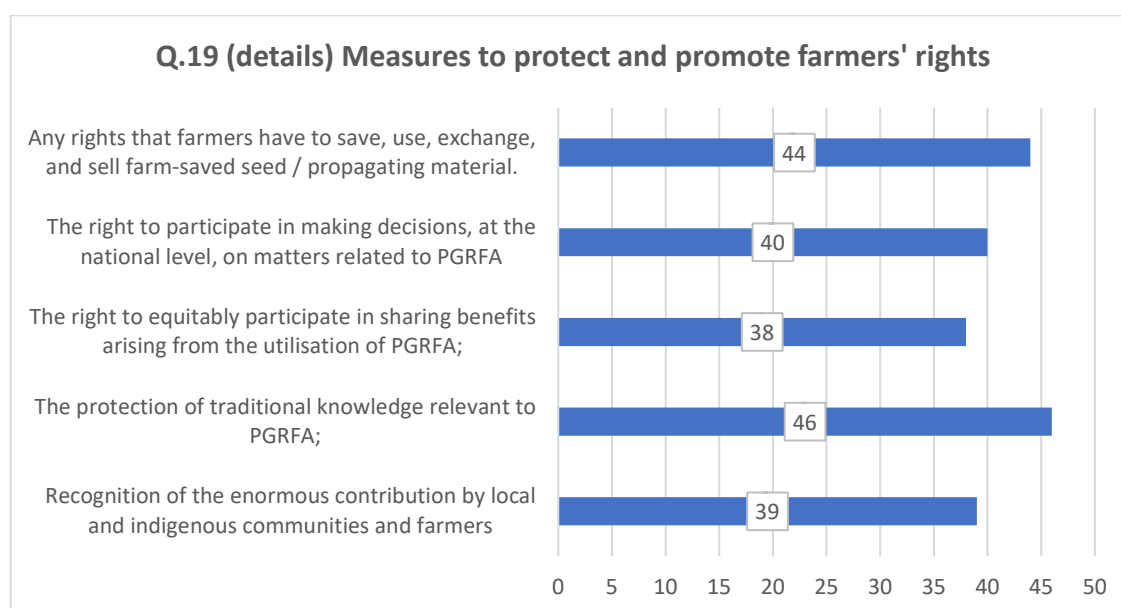


Figure 19b. Details for positive replies to Question 19 on measures to protect and promote farmers' rights (total positive replies n = 58).

26. Fifty-eight Contracting Parties, both developing and developed countries, report that they have taken measures to protect and promote farmers' rights, namely,

- thirty-nine measures relating to the 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;
- forty-six measures relating to the protection of traditional knowledge relevant to PGRFA;
- thirty-eight measures relating to the right to equitably participate in sharing benefits arising from the utilization of PGRFA;
- forty measures relating to the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of PGRFA; and
- forty-four measures relating to any rights that farmers have to save, use, exchange, and sell farm-saved seed / propagating material.

27. Most reports provide further details (with some providing extensive and comprehensive information) on the measures taken, in particular on participation of farmers in decision-making, as well as on seed legislation and plant variety protection laws.

28. Twenty Contracting Parties report not having taken any such measures, both developing and developed countries.¹²

29. All reporting Contracting Parties from the Asia Region and both Contracting Parties from the North America Region replied positively to this question. Almost two thirds of reporting Contracting Parties from the GRULAC Region also replied positively. In all other Regions, a majority of Contracting Parties replied positively, with the notable exception of the SWP Region, where three out of four reporting Contracting Parties replied negatively. Therefore, the SWP Region is the only region with a majority of Contracting Parties reporting they have not taken any measures to protect or promote farmers' rights.

G. Multilateral System of Access and Benefit-Sharing (Articles 10 to 13)

a) Coverage

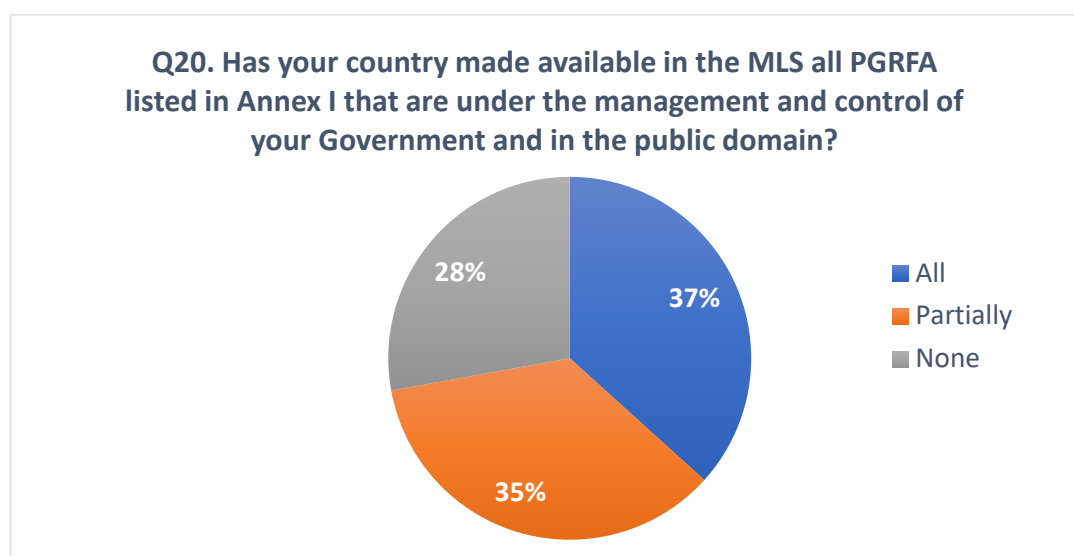


Figure 20a. Showing, in the form of percentages, the replies to question 20 related to the notification of material in the Multilateral System by the Contracting Parties.

¹² One Contracting Party did not answer this question.

30. From the replies analysed, 29 Contracting Parties indicate that they have made available in the Multilateral System (MLS) all PGRFA listed in Annex I to the International Treaty that are under their management and control, and in the public domain. Twenty-eight Contracting Parties indicate that they have done so partially, while 22 indicate that they have not notified any material available in the MLS.

31. In total, 72 percent of the Contracting Parties have notified partial or total availability of the material listed in Annex I of the International Treaty. There are no changes in this percentage compared to the previous report. In the GRULAC, Africa and Near East Regions, around 40 percent of the reporting Contracting Parties state not having notified any available material in the MLS, whereas in the other Regions, this value is below 20 percent (namely, between 0 and 18 percent).

32. In the comments of those that have made available their collections partially, we find a wide range of replies from both developed and developing countries. As requested, many Contracting Parties provide information on the crops that have been made available, on the number of materials by crop or the total number. Most Contracting Parties provide information on the extent of the availability and enumerate the limitations to extend the availability to all Annex I materials:

- a. Legal and regulatory measures are still needed at national level, e.g., new laws or decrees are under development, or a new regulation on the International Treaty has not been implemented yet, or the confirmation of the legal status of certain collections or material is pending.
- b. Lack of a registry or passport information on the material. The country is still collecting and documenting information on PGRFA diversity;
- c. Limited financial resources;
- d. More consultation is needed with stakeholders for the identification of the material available in the Multilateral System;
- e. The implementation of the International Treaty is relatively recent;
- f. Information technology support is needed or requires time to be planned and executed in collaboration with the curators;
- g. Only crops in Annex I that have their origin in the Contracting Party have been notified as included;
- h. The determination of what material listed in Annex I is in the public domain has not been completed.

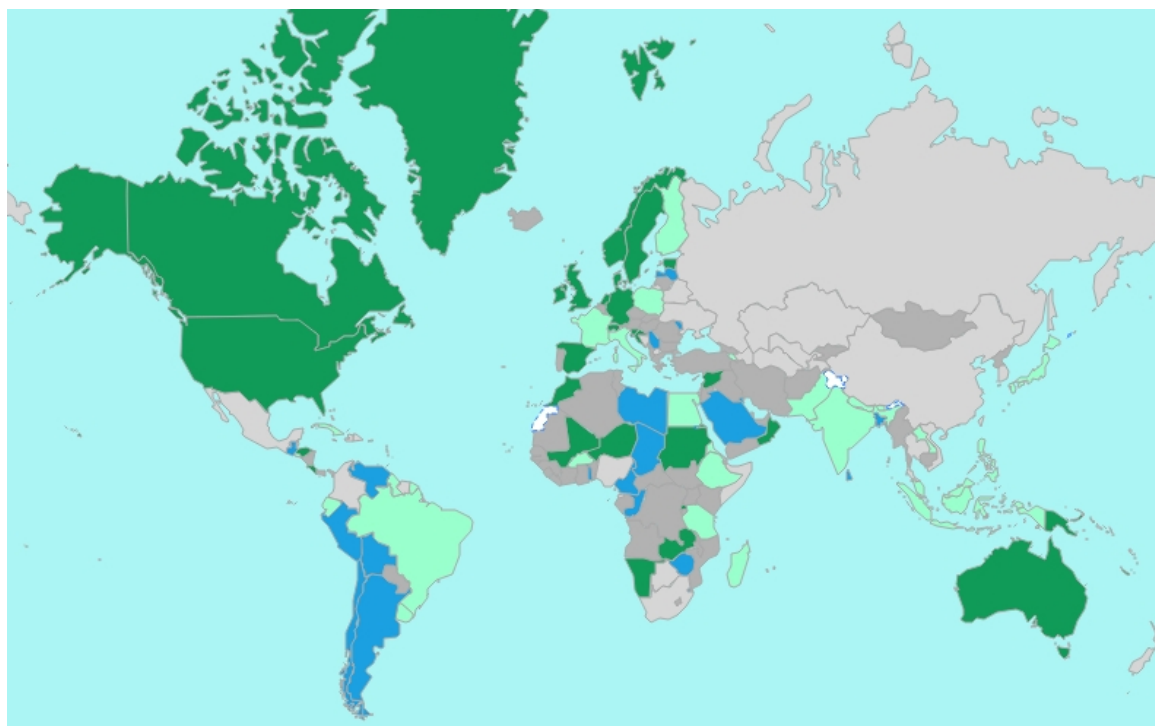
33. Most of the Contracting Parties that indicate they have not made available material available are developing countries. The main reasons identified in the reports are:

- a. The need of a reviewed legal framework or a new law to implement the International Treaty, including to allow for the notification of material;
- b. The lack of adequate guidelines for the identification and notification of material available;
- c. There is no gene bank or catalogue of PGRFA in the country,
- d. Lack of specialised human resources, for example to develop a PGRFA catalogue or build and maintain a national gene bank;
- e. Limited economic resources and the need for capacity development;
- f. The decision to determine whether the material is in the public domains resides in sub-national authorities in provinces, regions or federated states and this

consideration requires further information, consultation, and consideration at various levels of government;

- g. There is a low perception of the benefits from the International Treaty in public institutions that hold the material (e.g., the monetary benefits, when they return to the country, go to other stakeholders) and low interest to collaborate.

34. In some cases, the Contracting Parties indicate that the development of new legislation and guidelines are underway, or that some initial efforts have been made, but there were still financial difficulties and the need for additional activities related to awareness raising, capacity development and direct training and support regarding the functioning of the Multilateral System at the national level.



Source: Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 20b. Showing the geographic distribution of the replies to question 20 regarding the notification of material available in the Multilateral System.

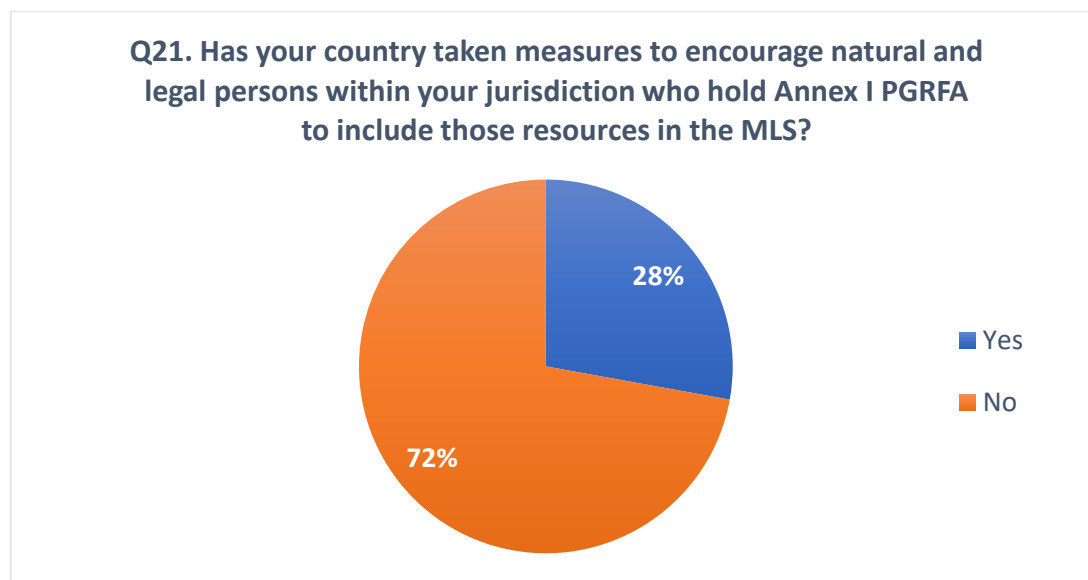


Figure 21. Reporting Contracting Parties having taken measures to encourage natural and legal persons to include PGRFA in the MLS (percentage).

35. Only 22 Contracting Parties, representing 28 percent of the total number of reporting Contracting Parties, report measures to encourage natural and legal persons within their jurisdictions, who hold Annex I PGRFA, to include those resources in the MLS. The only region, where a majority of reporting Contracting Parties replied positively, is the European Region (with 13 positive replies out of 21).

36. The measures include the development of awareness raising materials and the organization of workshops with stakeholder groups, mainly universities, plant breeders' associations and groups. One Contracting Party indicates the support of a national initiative of plant breeders with the specific aim to include material in the MLS. Another one notes that the national gene bank is encouraging private companies to include material and that it is maintaining material which will be made available once the plant variety protection (PVP) expires. A third country reports that NGOs and natural persons are making the material available through donations to the national gene bank and that there are ongoing discussions to make available an entire private collection. By proceeding in this way, the donation feeds both the MLS and the national gene bank with material which has previously not been under the management or control of the government.

37. In some cases, the Contracting Parties provide the list of institutions, including private companies that have already agreed to make their material available under the terms and conditions of the MLS. Several Contracting Parties indicate that the support of national initiatives or activities with plant breeders with the specific aim to include material in the MLS have resulted in more material being available in the MLS. In most Contracting Parties of this group, the existence and the role of the national genebank is central in the implementation of the measures.

38. A few Contracting Parties report that despite the information provided, stakeholders – mainly private seed companies – did not show interest in making their material available because they do not see direct benefits, or they do not wish to disclose what PGRFA they hold. Other Contracting Parties report that although some efforts have been made so far, no stakeholders have yet made material available in the MLS.

39. For this question, there is information on why the Contracting Parties have not taken action in this regard:

- a. The legal framework has not yet been put in place to guide the different stakeholders;

- b. Only the national genebank is operating with PGRFA, and there are no other *ex situ* collections in the country;
- c. There is no inventory of private PGRFA holders, which makes it difficult to obtain the necessary information;
- d. The obligations of entering PGRFA in the MLS “may exceed” the capacity of the natural and legal persons to handle the incoming requests of the PGRFA from their collections;
- e. Lack of financial resources for this activity.

b) Facilitated access: measures taken and SMTA use

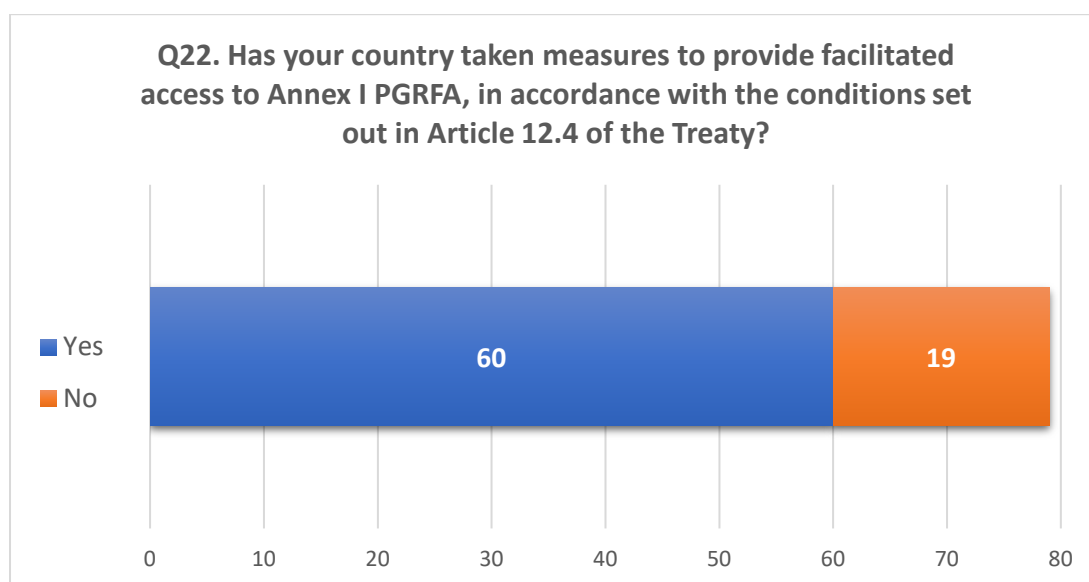


Figure 22. Showing the replies to Question 22 (by number).

40. In total, 60 Contracting Parties report having taken measures to provide facilitated access to PGRFA listed in Annex I, in accordance with the conditions set out in Article 12.4 of the International Treaty. This figure represents 76 percent of the responses. The measures reported comprise the provision of information or guidance to relevant stakeholders, the dissemination of information on the use of the SMTA, notification to the International Treaty Secretariat of the material available in the MLS, the increased visibility of PGRFA in the gene bank catalogues, communication of the material available to several websites – at accession level – and the setting up of a national committee to review the incoming requests of material.

41. On the other side, 19 Contracting Parties (16 of them developing countries) indicate that no measures have been taken, 12 of them from the Africa and GRULAC regions. Several Contracting Parties indicate that no requests have been received so far for these materials.

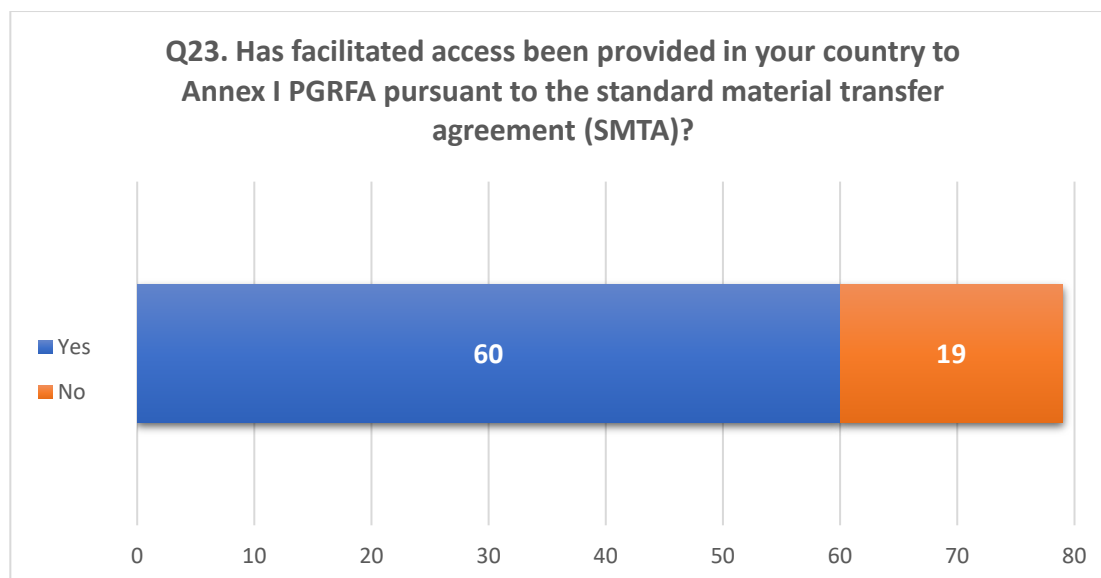


Figure 23a. Replies to Question 23 (by number).

42. Furthermore, 60 Contracting Parties report that facilitated access has been provided to Annex I PGRFA using the Standard Material Transfer Agreement (SMTA), which represents 76 percent of the submissions. In all regions, a majority of reporting Contracting Parties state they have provided facilitated access pursuant to the SMTA.

43. Some reports provide the total figures of the agreements concluded – one Party reported more than 7 000 SMTAs transferring almost 140 000 samples, another one 409 shipments transferring 4 287 samples, while others indicate that they have difficulties in getting the numbers because the distribution of material is decentralized. Many of these Contracting Parties state that the national providers are reporting to the Governing Body through EASY-SMTA,¹³ and that the figures can be easily generated from that System by the Secretariat.¹⁴

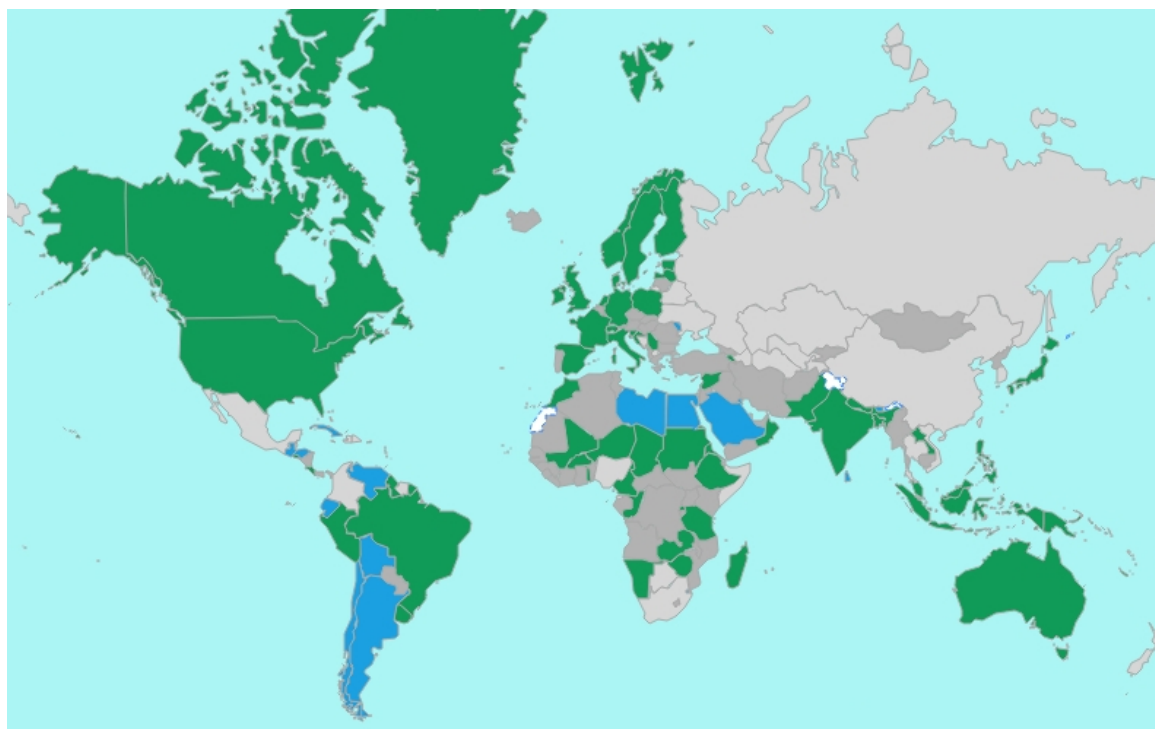
44. According to the figures extracted from the Data Store, the material distributed through the MLS has been sent from 52 countries with more than 84 000 SMTAs.¹⁵

45. In total, 19 Contracting Parties report that they have not used the SMTA during the reporting period, 13 of them being from Africa and GRULAC. As regards the reasons, they report that no requests were received so far, that they have no gene bank or an enabling national regulation, or that awareness among policy makers needs to be increased.

¹³ Easy-SMTA is available at <https://mls.planttreaty.org/itt/>

¹⁴ The Compliance Committee proposed the elimination of this question from the Standard Reporting Format, which was adopted by the Governing Body in 2019.

¹⁵ As of 15 August 2021.



Source: Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 23b Showing the replies to question 23 in the form for a world map –whether or not facilitated access to Annex I PGRFA has been provided using the SMTA.

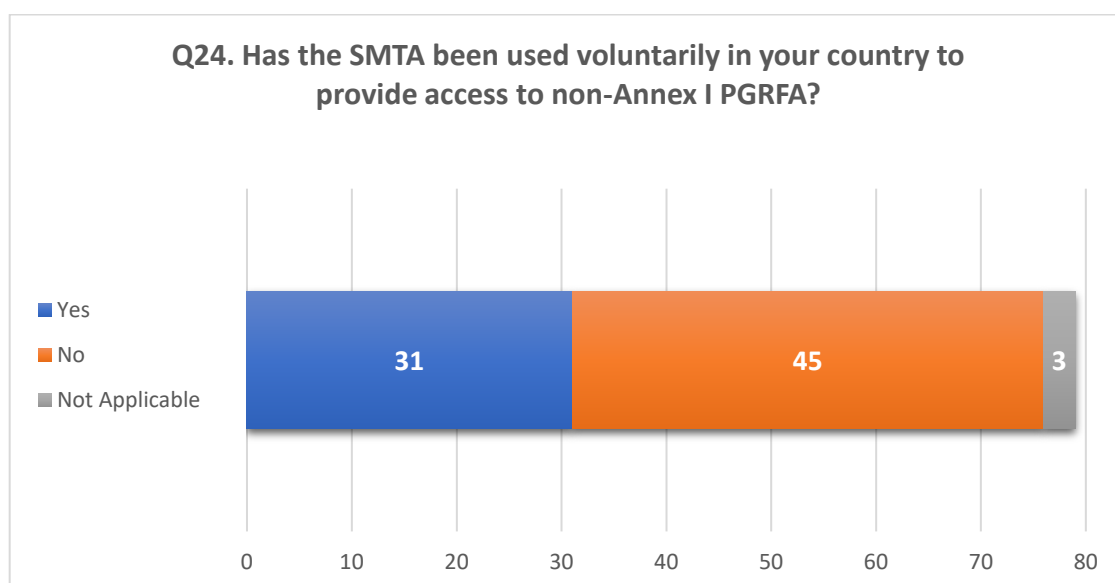


Figure 24. Replies to Question 24 (by number).

46. Thirty-one Contracting Parties have used the SMTA voluntarily to provide access to non-Annex I PGRFA, which represents 39 percent of the submissions and almost half of the Contracting Parties that have reported the use of the SMTA for Annex I. Some of the reports contain the number of agreements concluded or the number of samples sent. Several Contracting Parties refer to regional political commitments in the context of their ongoing cooperation to facilitate PGRFA reciprocal exchange regardless of their presence in Annex I when used for research, training and breeding – excluding for private hobby or similar use. One example is the Nordic countries who collaborate through NordGen (also with Baltic countries). Other countries have already integrated this approach in the national policy, as a way to reduce transaction and handling costs by using the same approach for both Annex I and non-Annex I material.

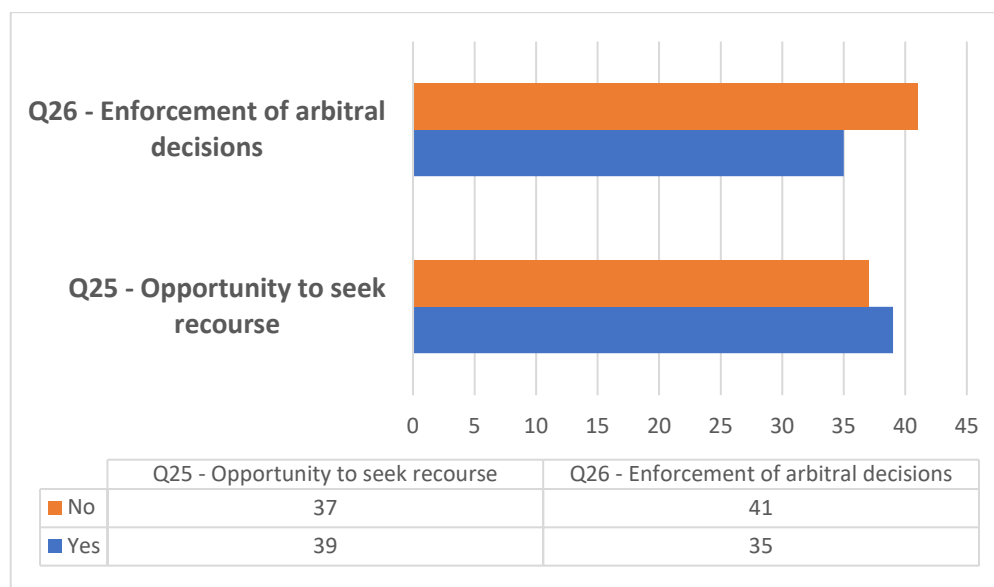


Figure 25. Showing the replies to questions 25 and 26 regarding the possibility to seek, in the legal system of the Contracting Party, recourse in case of contractual disputes arising under the SMTA (Q25) and the enforcement of arbitral decisions related to the SMTA (Q26).

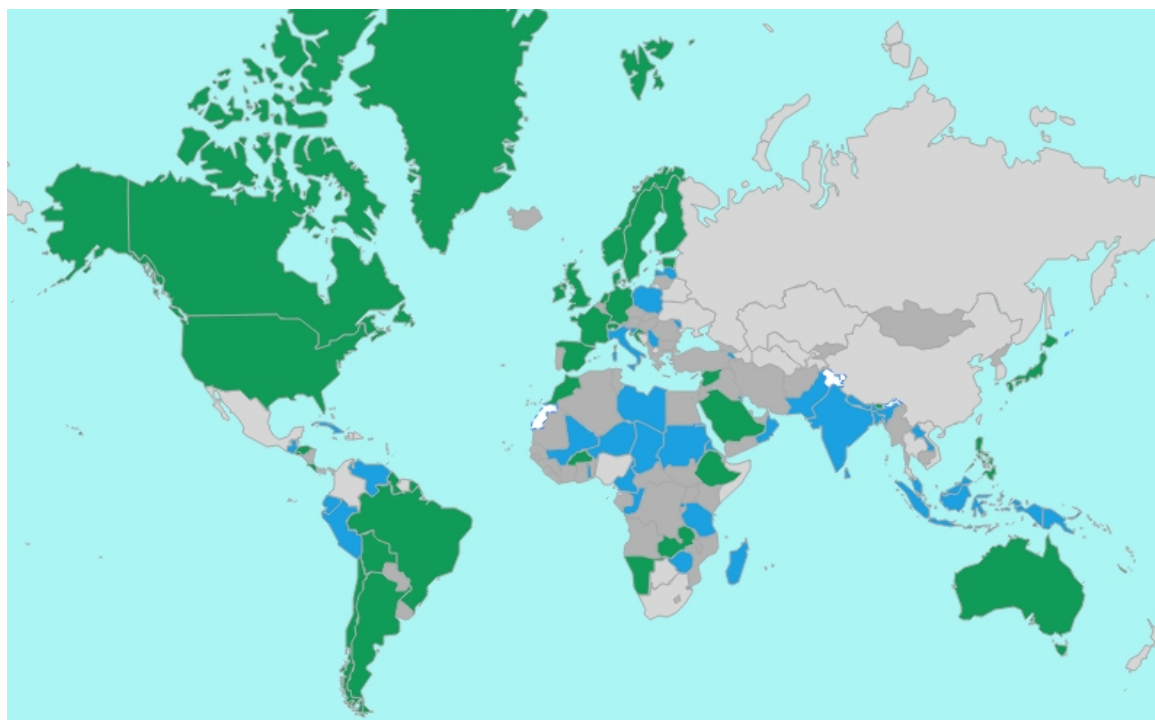
47. Regarding the possibility for parties to the material transfer agreements to seek recourse in case of contractual disputes arising under such agreements (Question 25), 39 Contracting Parties respond positively; 37 Contracting Parties report that recourse is not possible.¹⁶

48. In response to Question 26, 35 Contracting Parties state that their national legal systems provide for the enforcement of arbitral decisions related to disputes arising from the SMTA. On the other side, 41 Contracting Parties report that the enforcement would not be possible.¹⁷

49. Figure 25 shows the relation between the replies to Questions 25 and 26. It is to be noted that three countries did not respond to Question 25 or Question 26. Some reporting officers have indicated to the Secretariat that they have difficulties in understanding these questions or in getting the necessary legal expertise to respond. This might explain why some of the Contracting Parties replied negatively to Question 26, although they are contracting states of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, without providing further clarifications.

¹⁶ Three Contracting Parties did not answer this question.

¹⁷ Three Contracting Parties did not answer this question.



Source: Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 26. Geographic distribution of replies to Question 26 in the form for a world map – Does the legal system of your country provide for the enforcement of arbitral decisions related to disputes arising under the SMTA?

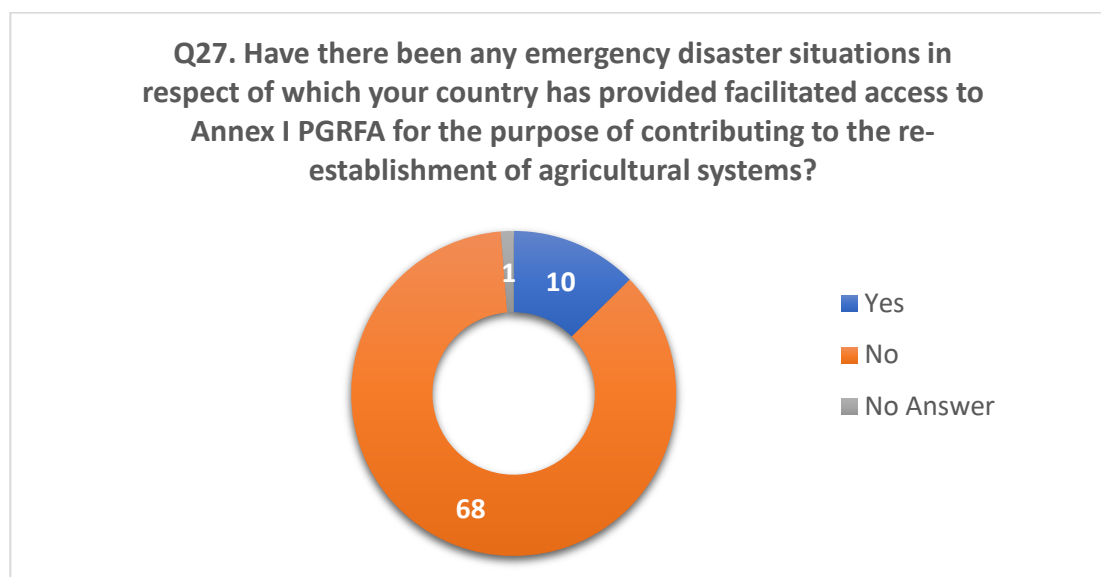


Figure 27. Showing the replies to Question 27 on facilitated access in emergency disaster situation (by number).

50. Ten Contracting Parties report that they have provided facilitated access to Annex I PGRFA for the purpose of contributing to the re-establishment of agricultural systems in the context of a national emergency disaster situation. In detail, two Contracting Parties indicate that the access has been facilitated in these types of situations at the national level; three indicate that national gene banks and projects have distributed seeds to national farmers severely affected by hurricanes. The other Contracting Parties do not provide further details.

c) Benefit-sharing in the Multilateral System

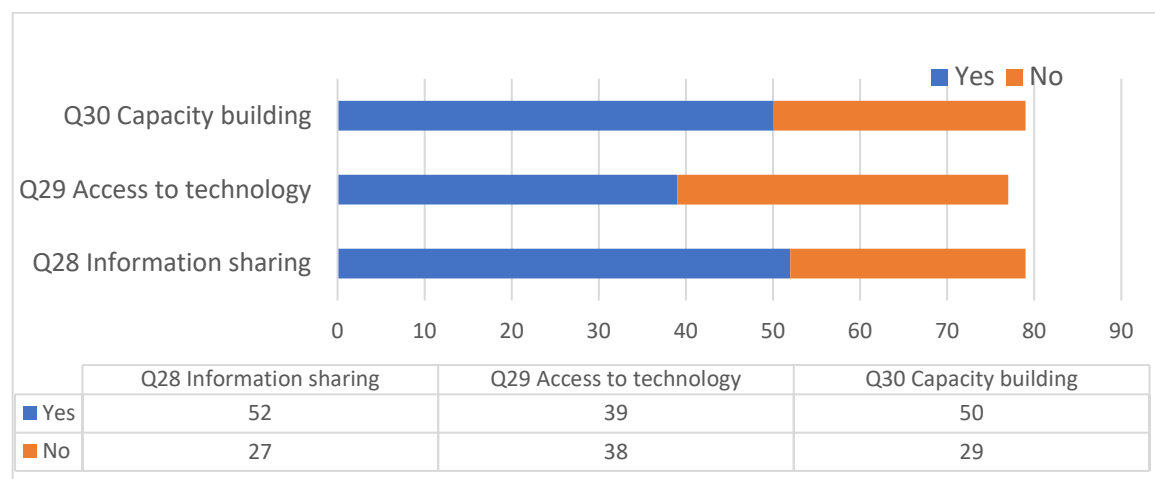
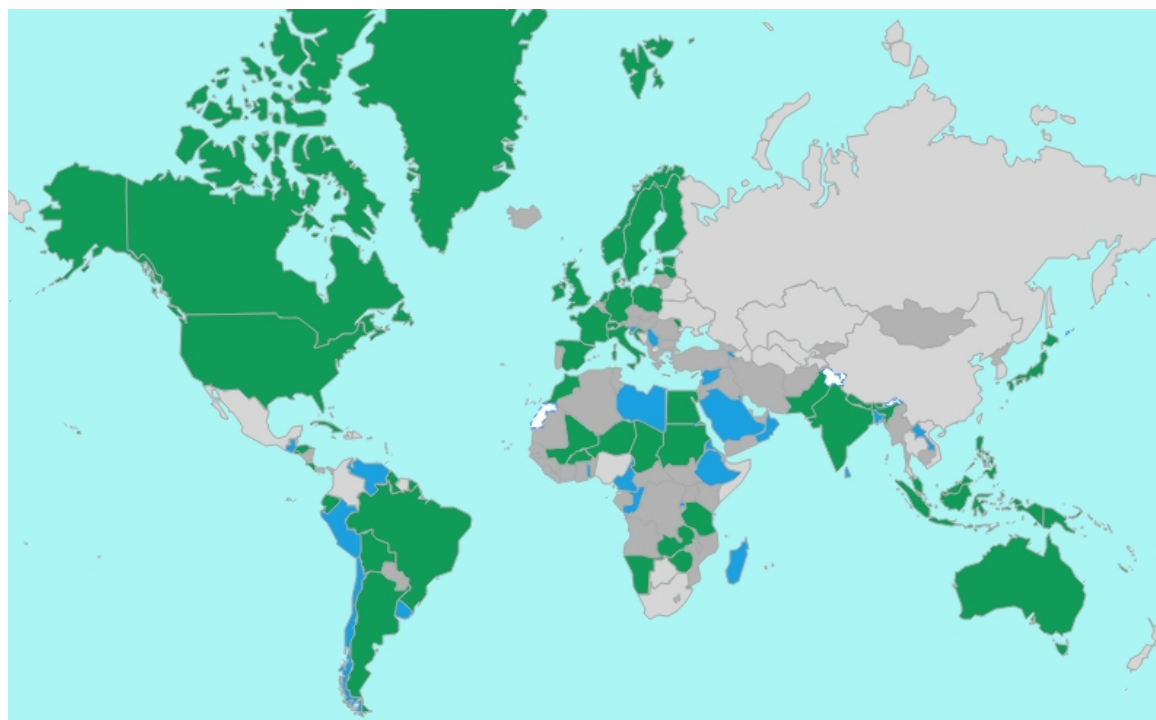


Figure 28. Showing the number of replies to Questions 28, 29 and 30 regarding information sharing, access to technology and capacity building related to Annex I PGRFA, respectively.¹⁸

51. In total, 52 Contracting Parties report having made information available regarding Annex I PGRFA through several channels and resources:

- a) national online inventories of PGRFA;
- b) regional and global data repositories;
- c) reports sent to FAO for the monitoring of the Second GPA and catalogues;
- d) doctoral theses on characterization, evaluation and use of PGRFA;
- e) scientific and academic articles and papers;
- f) leaflets, magazines, posters and websites;
- g) media (radio, TV, internet) and educational events.

¹⁸ Note that one Contracting Party did not answer Question 29, so that the total number of replies is 78 instead as 79.



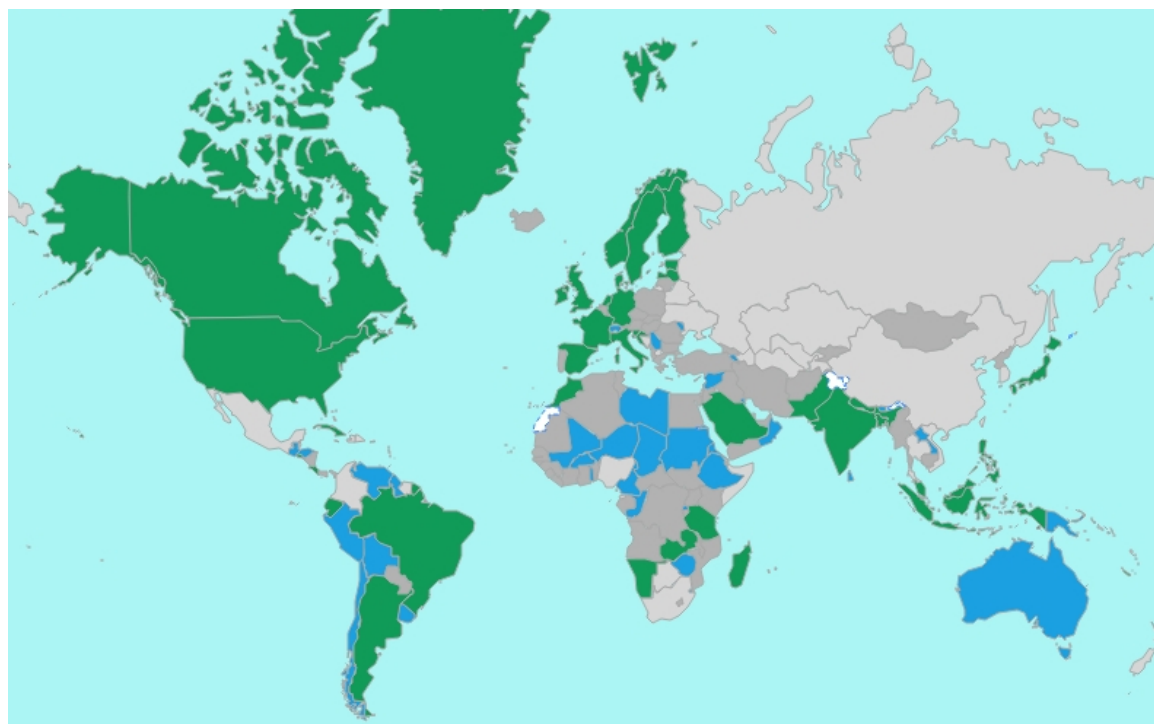
Source: Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 29. Showing the geographic distribution of the replies to Question 28 indicating whether the Contracting Party has made any available information on Annex I PGRFA.

52. Thirty-nine Contracting Parties inform through their national reports about the access they provided or facilitated to technologies for the conservation, characterization, evaluation and use of Annex I PGRFA. Of those, 28 have established or participated in crop-based thematic groups on utilisation of PGRFA, while 19 are aware of partnerships the country on research and development and on commercial joint ventures in the country relating to material received through the MLS, to human resource development or to the effective access to research facilities. In more detail, some Contracting Parties have established or participated in crop-based working groups on the utilization of PGRFA – e.g., through the European Cooperative Programme for Plant Genetic Resources (ECPGR) and its crop-based working groups, and the Nordic Genetic Resource Center (NordGen), in Europe. In Asia, one Contracting Party indicates that it provides support through technologies related to the exploration, characterization, evaluation and pre-breeding of *solanaceae*, *cucurbitaceae* species, and other crops through collaborative research projects. In the South West Pacific, one Contracting Party indicates that it provides support to several networks that combine both technology transfer and capacity building activities. Five Contracting Parties from Latin America have reported the development of new cultivars through participative programmes, access to cryo-conservation technology, collaboration with universities and the academic sector, and the existence of frameworks for collaboration with the private sector. Finally, three Contracting Parties refer to their support to or participation in regional and crop-based networks with technology transfer and capacity building activities.

53. In the reports, there is information on a number of relevant national initiatives on documentation of PGRFA, including the development of databases on banana, barley, coconut, maize, wheat, but also on grains and other crops.



Source: Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 30. Showing the geographic distribution of the replies to Question 29 indicating whether the Contracting Party has provided access to technologies for the conservation, characterization, evaluation and use of Annex I PGRFA.

54. In total, 50 Contracting Parties report that they have provided or benefitted from capacity-building measures.¹⁹ Of these, 43 Contracting Parties have been involved in establishing or strengthening programmes for scientific and technical education and training in conservation and sustainable use of PGRFA. At the same time, 39 Contracting Parties from various regions declare that they are carrying out scientific research and developing capacity for such research, in most cases in collaborating with other Parties. There are different levels of details in the description of those initiatives and some of them are funding mechanisms for research, capacity building, and technology transfer.

55. Thirty-seven Contracting Parties report that they have supported the development and strengthening of facilities for the conservation and sustainable use of PGRFA and some of them

¹⁹ The Compliance Committee proposed changes to this question in the Standard Reporting Format, which was adopted by the Governing Body in 2019. The format adopted in 2019 specifies the role of the Contracting Party as either provider or beneficiary of the intervention.

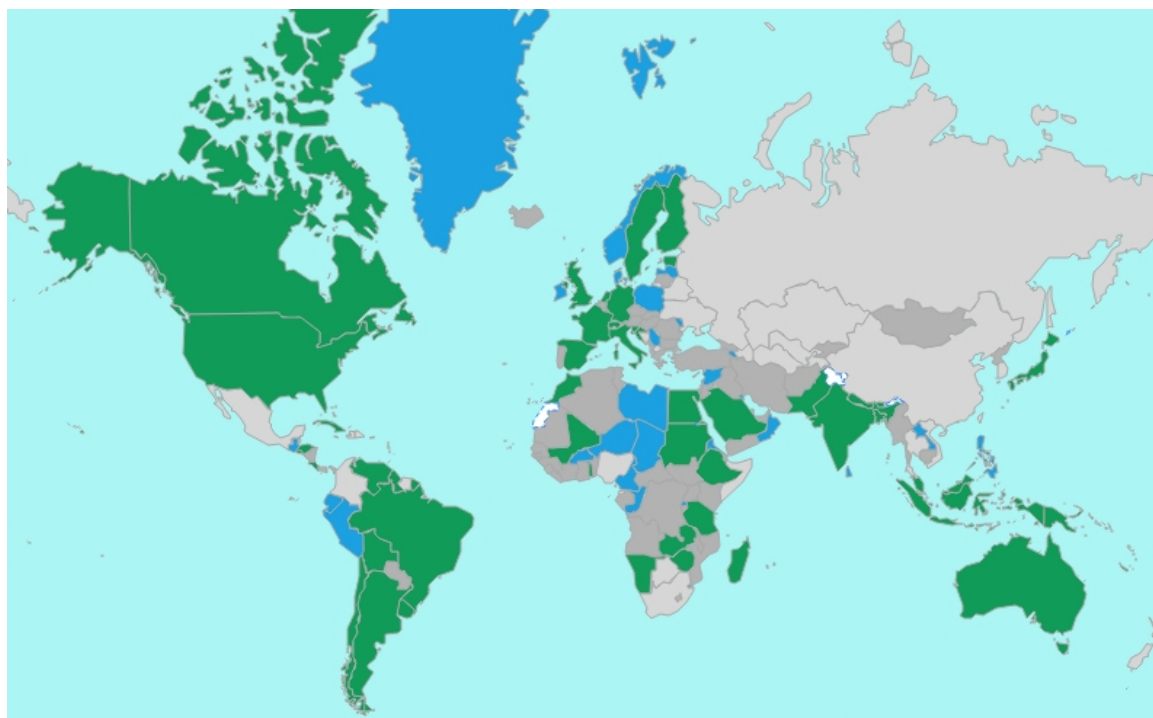
have also linked back to their replies under questions related to Article 7 (National Commitments and International Cooperation), Articles 8 (Technical Assistance) 13, 16 or 17 of their reports.

56. Without being exhaustive, the reports refer to capacity development opportunities in the Southern African Development Community (SADC) through its Plant Genetic Resource Centre (SPGRC) and the East Africa Plant Genetic Resources (EAPGREN) for both infrastructure development and technical support. In Central Asia and Southeast Europe, the reports refer to several collaborative projects. In the South West Pacific, the reports refer to the Centre for Pacific Crops and Trees (CePaCT) and the Pacific Agricultural Plant Genetic Resources Network (PAPGREN), among others.

57. In Europe, most Contracting Parties refer to their participation in the working groups of the ECPGR, including Eurisco, AEGIS and the project EVA. In this region, four reports also refer to the work on capacity building of NordGen through projects involving Nordic universities and plant breeding companies for the establishment of gene bank facilities in the Baltic countries. Several Contracting Parties also refer to collaboration through projects funded by the European Union.

58. It is worth mentioning, for example, three initiatives of a different nature highlighted by Contracting Parties of Europe: a) One Contracting Party indicates that a national research centre organizes a three-week post-graduate course dealing with plant genetic resources management and policies, including access and benefit-sharing under the International Treaty and it encourages the participation of researchers from developing countries; b) another Contracting Party refers to the impact of the Programme for the Strengthening of Capabilities in National Plant Genetic Resources Programmes (CAPFITOGEN) and its analysis tools which have allowed for the training of researchers from Albania, Argentina, Ecuador, Jordan, Mexico, Norway, Portugal, Spain, South Africa and Brazil, among many others; and c) another Contracting Party refers to the Darwin Initiative as a grant scheme helping to protect biodiversity and the natural environment through locally based projects, many of which are on capacity building.

59. Several Contracting Parties report on various technical activities with FAO, the Commission on Genetic Resources for Food and Agriculture (CGRFA), the CGIAR Research Centers, the International Fund for Agricultural Development (IFAD), the Global Crop Diversity Trust (GCDT), and the Secretariat of the International Treaty, mainly related to the exchange of information or to the management of PGRFA information systems. Furthermore, several Contracting Parties report that they have benefited from projects of the Benefit-sharing Fund of the International Treaty under different cycles in support of capacity on a wide range of crops and forages. Some Contracting Parties also refer to the support received for the documentation and publication of PGRFA in the context of the Global Information System. Also, several Contracting Parties refer to their collaborations with the International Agricultural Research Centers of the CGIAR through research projects on conservation and use of PGRFA with capacity building components.



Source Map from UN Geospatial Service. The boundaries and names shown and the designations used on this map do not imply the expression of any opinion whatsoever on the part of FAO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers and boundaries. Dotted line represents approximately the Line of Control in Jammu and Kashmir agreed upon by India and Pakistan. The final status of Jammu and Kashmir has not yet been agreed upon by the parties. Final boundary between the Sudan and South Sudan has not yet been determined.



Figure 31. Showing the geographic distribution of the replies to Question 30 indicating whether the Contracting Party has provided or benefited from capacity building measures in respect of Annex I PGRFA.

H. The Global Plan of Action (Article 14)

60. In their reports, 65 Contracting Parties declare that they are promoting the implementation of the *Global Plan of Action for the Conservation and Sustainable Use of Plant Genetic Resources for Food and Agriculture* (GPA). That figure represents 82 percent of the submissions. In total, 36 Contracting Parties have promoted it through national actions while 32 indicate that they have also promoted it through international actions. At the country level, many Contracting Parties report, under this section, about the existence of national conservation and biodiversity strategies, policies and plans and ongoing activities on sustainable use. Fourteen Contracting Parties replied negatively to this question.

61. Some Contracting Parties remark that the information required for Question 11 of the Standard Reporting Format is related to priority activities 6 (sustaining and expanding *ex situ* conservation of germplasm) and 7 (regenerating and multiplying *ex situ* accessions) of the GPA.

I. Ex Situ Collections held by the IARCs of the CGIAR and other International Institutions (Article 15)

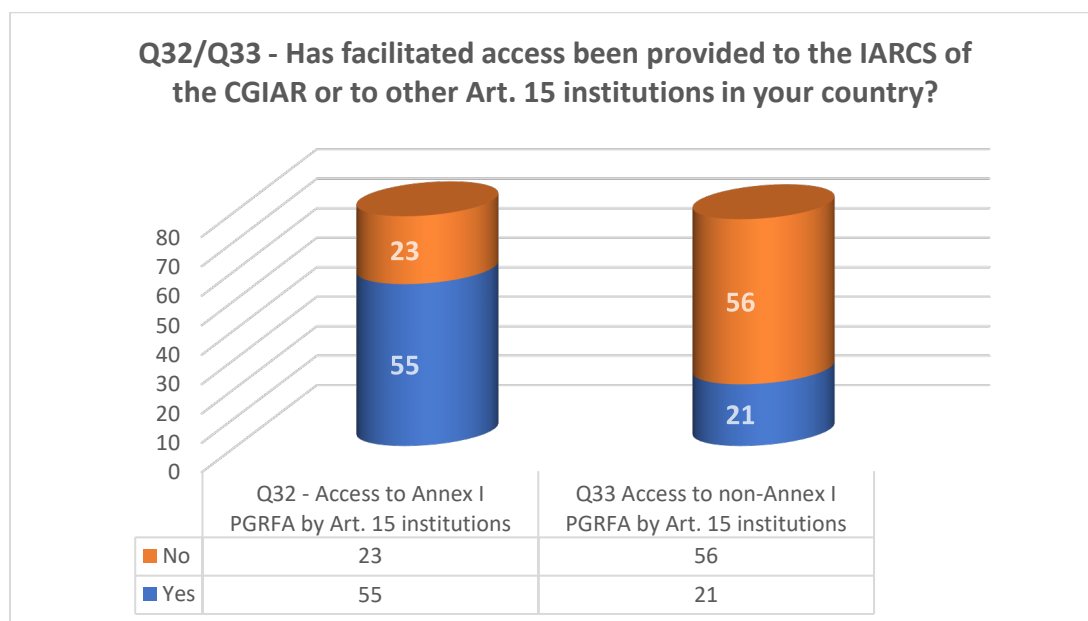


Figure 32. Showing the replies to Question 32 regarding facilitated access to Annex I PGRFA provided in the country to IARCs or other Art. 15 institutions, and Question 33 regarding facilitated access to non-Annex I PGRFA provided in the country to IARCs or other Art. 15 institutions (by number).²⁰

62. Fifty-five Contracting Parties report that they have facilitated access to Annex I PGRFA to the CGIAR Research Centers or other international institutions that have signed agreements with the Governing Body of the International Treaty. In this context, several Contracting Parties provide the number of STMAs and the crops or indicate that the information is contained in the Easy-SMTA. Other Contracting Parties reply positively to the question but note that no requests had been received so far. Finally, 23 Contracting Parties state that they have not provided any material. In the comments, these Contracting Parties indicate that they do not have a gene bank or that they have not received any request. One Contracting Party did not reply to this question.

63. Twenty-one Contracting Parties report that they have provided access to non-Annex I PGRFA to IARCs or other international institutions that have signed agreements with the Governing Body of the International Treaty and that the information is available in Easy-SMTA. The figure bellows represents the replies to both questions 32 and 33 of the reporting format.

²⁰ Note that not all Contracting Parties answered these questions, so that the total number of replies is 78 (Question 32) and 77 (Question 33), respectively, instead of 79.

J. International Plant Genetic Resources Networks (Article 16)

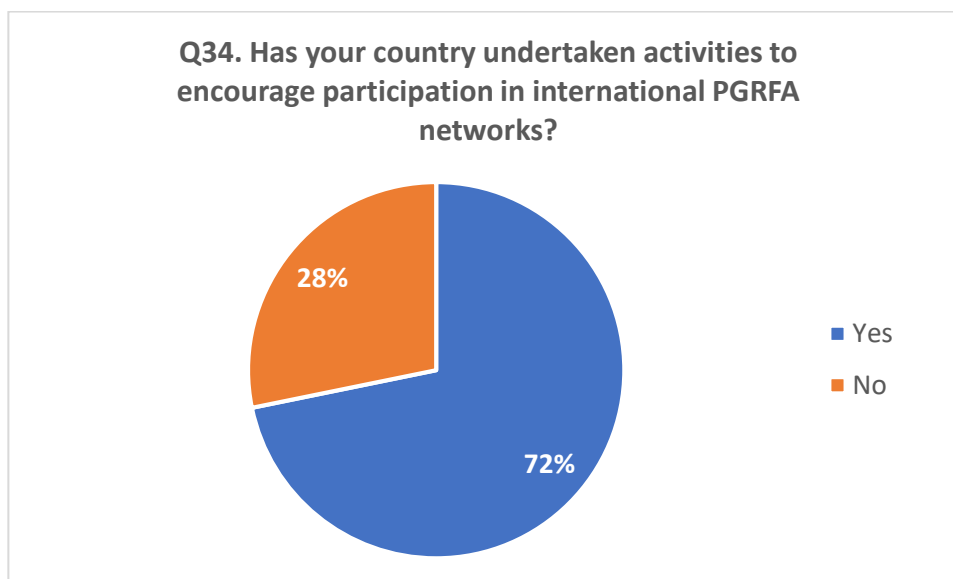


Figure 33. Showing the replies to Question 34 and displays, in blue, the percentage of countries that have undertaken activities to encourage government, private, non-governmental, research, breeding and other institutions to participate in the international plant genetic resources networks.

64. More than two thirds of reporting Contracting Parties state they have undertaken activities to encourage government, private, non-governmental organizations, research, breeding and other institutions to participate in international plant genetic resources networks. In their replies to this question, the Contracting Parties mainly list two types of networks: a) regional or subregional, and b) crop or multi-crop specific. Some Contracting Parties also inform of their participation in workshops or bilateral projects on the documentation of PGRFA or plant breeding. Twenty-two Contracting Parties reply negatively to this question.²¹

²¹ One Contracting Party did not answer this question.

K. Financial Resources (Article 18)²²

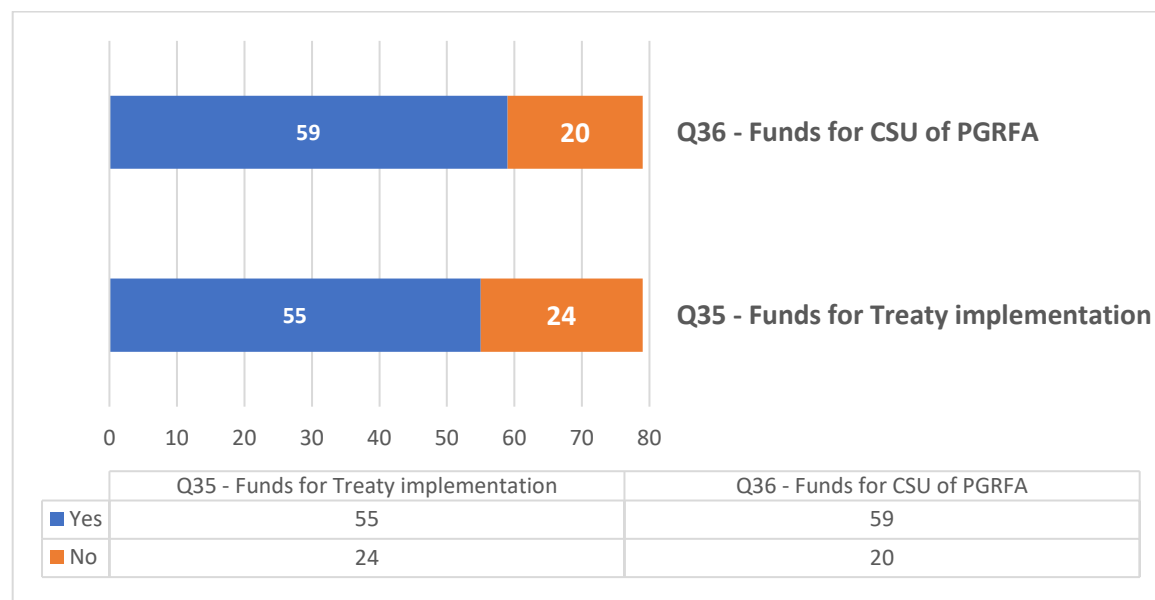


Figure 34. Showing the number of replies to Questions 35 and 36 regarding financial resources provided/received for the implementation of the International Treaty (Question 35) and financial resources provided for national activities for the conservation and sustainable use of PGRFA (Question 36), respectively.

65. Twenty-four Contracting Parties indicate that they have not provided or received financial resources for the implementation of the International Treaty through bilateral, regional or multilateral channels (Question 35). Six of them are developed countries. It is to be noted that several developing country Contracting Parties that have replied negatively to this question report having received direct financial support from the Benefit-sharing Fund (BSF) of the International Treaty.

66. In total, 56 Contracting Parties declare in the report to have received support for the implementation of the International Treaty. The BSF is one of the sources of the financial support reported. Financial support is also reported from the CGIAR Centers, from FAO through technical cooperation projects, from the Secretariat through projects or trust funds, from research institutions through bilateral funding, from the Global Crop Diversity Trust, and the Global Environment Facility (GEF).

67. There are also references to the International Union for Conservation of Nature (IUCN), the Darwin Initiative of the United Kingdom and the United States Agency for International Development (USAID), among other national development agencies that have provided resources.

68. Under this question, some reports refer to technical interventions rather than to direct financial contributions. Several developing country Contracting Parties report on the support provided to institutions and projects with activities at the regional level. Some of the reports contain detailed information from donor countries on the channels, amounts and objectives of the funding.

²² Some of the questions under this section have been modified in the revised standard reporting format 2019. The synthesis in this section follows the previous format, since the majority of reporting Contracting Parties used that version.

69. Analysing the replies in detail, several Contracting Parties report contributions to the Benefit-sharing Fund of the International Treaty of several million US dollars. In particular, one Contracting Party reports on a mechanism to provide predictable and sustainable income to the Benefit-sharing Fund on an annual basis. Some Contracting Parties also report on their support to the Core Administrative Budget (CAB) of the International Treaty. Several Contracting Parties refer to their contributions to the Special Fund to Support the Participation of Developing Countries in International Treaty's meetings. Furthermore, one Contracting Party reports direct financial and technical support to the Svalbard Global Seed Vault since 2008 as the facility provides backup storage for all *ex situ* collections worldwide.

70. Two thirds of reporting Contracting Parties (both developing and developed countries) report that they provided financial resources for national activities related to the conservation and sustainable use of PGRFA, in particular, national gene banks and research and breeding of PGRFA (Question 36). Some of the reports provide information on the funding of several projects and initiatives on genomics.

L. General remarks on the implementation of the International Treaty

71. Several Contracting Parties report on positive developments since they had joined the International Treaty. One Contracting Party refers to strengthened international cooperation, networking and information exchange, as well as to enhanced research capacity on PGRFA conservation, documentation, use and management. Another Contracting Party reports that progress has been made regarding the implementation of the rights of farmers based on Article 9 of the International Treaty. One Contracting Party emphasizes the important role of the International Treaty as a reference point for civil society organizations to play a pivotal role on capacitation of farmers to conserve and sustainably use PGRFA, with interventions that had improved resilience to various environmental and socioeconomic challenges faced by marginalized smallholder farmers.

72. Several Contracting Parties indicate that the implementation of the International Treaty requires time, financial resources, policy and legal measures, more capacity building activities, the development or strengthening of one or various national coordinating mechanisms and networks, and the involvement of all relevant stakeholders, including farmers, breeders and the civil society. This would also help to connect relevant actors at national level who are involved in the implementation of the International Treaty. Several Contracting Parties indicate that it takes time to mainstream the objectives of the International Treaty into national strategies and plans. One Contracting Party indicates that the International Treaty would benefit from an impact assessment from grassroot to the national level. In particular, attention is drawn to the need to develop and sustain capacity development activities at various levels and topics, possibly in collaboration with the IARCs. Several Contracting Parties suggest the development of more guidelines by the Governing Body on specific issues in order to assist countries with their implementation.

73. Some Contracting Parties emphasize that discussions are needed on the implementation of the International Treaty considering obligations that Contracting Parties have under other relevant instruments, especially the Convention on Biological Diversity or the UPOV Conventions.

74. Concerning the Multilateral System, raising awareness about its objectives, operations and mechanics is pointed out as an important measure supporting its functioning. Several Contracting Parties point out that this will help to overcome hesitance among some stakeholders at the national level about the Multilateral System. Several Contracting Parties comment that the SMTA is not self-explanatory, especially for users that do not speak any of the six FAO official languages, and that some of the terms are complex and difficult to explain to users. These Contracting Parties indicate that the improvement and simplification of the SMTA would enhance its use. Furthermore, they suggest the provision of courtesy translations into other national languages, the development of explanatory notes and the elaboration of frequently asked

questions. They also propose the development of guidelines on how to include material in the Multilateral System.

75. Another Contracting Party remarks that the interests of Contracting Parties are very different and, while developed countries put the emphasis on access to germplasm, developing countries put more emphasis on the implementation of Farmers' Rights, conservation and sustainable use and fair and equitable distribution of benefits. This Contracting Party suggests that compliance has to go hand-in-hand with the provision of international support to developing countries that are centres of origin of crops.

76. Several Contracting Parties indicate that for implementation at the national level, and in addition to the legal framework, there is a need to get a compromise or strategy, maybe an agricultural biodiversity strategy or plan, that may facilitate the sharing of the objectives of the International Treaty with the national reality and help to sustain the allocation of resources for the related activities. The existence of a national coordinating committee (of very diverse natures) or authority is highlighted in various reports.

77. Raising awareness about the International Treaty and increasing its visibility, access to solid funding opportunities and broadening the opportunities for capacity building are key recommendations of many respondents. One of the recommendations for the successful implementation of the International Treaty is the early organization of workshops and information events regarding the International Treaty, the SMTA, and the crops listed in Annex I. Another concrete suggestion is for stronger advocacy by civil society organizations to foster implementation of the International Treaty.

78. One Contracting Party indicated that it would be good if the International Treaty could support more on-farm conservation activities in countries that are rich in PGRFA. Without such support, continues the same Party, more and more farmers are opting for cash crops, and this could result in the loss or disappearance of PGRFA, especially under-utilized cereals. Another Contracting Party indicates that the International Treaty should intensify efforts to recognise and capture the traditional and ancestral knowledge related to the conservation and use of PGRFA as a supporting component for the implementation of Farmer's Rights.

79. Some Contracting Parties specify the kinds of advanced technical training they need for the application of the International Treaty as a tool to adapt PGRFA to climate change (e.g., the use of marker-assisted selection and bioinformatics). They indicate that such training could be organized at the regional level.

III. ANALYSIS

80. Based on the synthesis report, this analysis is provided according to Section V.3 of the *Compliance Procedures*:

- a) The Seventh Session of the Governing Body reaffirmed the important role of the International Treaty in providing an effective governance framework for the management and exchange of plant genetic resources for food and agriculture. It also emphasised that the effective implementation of the International Treaty contributes to the implementation of the 2030 Agenda for Sustainable Development and to achieving the Sustainable Development Goals (SDGs), in particular, Targets 2.5 and 15.6, relating to conservation, and access and benefit-sharing of genetic resources, while also contributing indirectly to SDGs 1, 12, 13 and 17.
- b) The Post-2020 Global Biodiversity Framework (GBF) is expected to support and be aligned with the 2030 Development Agenda for Sustainable Development. In this context, there are expectations that the biodiversity-related instruments and conventions, like the International Treaty, will be ready to contribute with other relevant datasets and indicators to assist governments in the monitoring and tracking of progress.

- c) The number of Contracting Parties that have submitted their national reports has reached 79, which signifies a considerable increase in Contracting Parties having reported. Since the preparation of the report considered by the Eighth Session of the Governing Body, 34 national reports were received, out of which 26 were submitted by Contracting Parties reporting for the first time. A significant number of reports was received following the implementation of the recommendations by the Compliance Committee at its fourth meeting,²³ namely 30 out of the 34. Of all reports received so far, 30 were in the second reporting cycle.
- d) Most Contracting Parties have used the *Standard Reporting Format* and the voluntary Online Reporting System to submit their reports. The analysis provided in the summary report is very valuable to provide an overview of the state of implementation of the International Treaty as of August 2021.
- e) A vast majority of reporting Contracting Parties have implemented the International Treaty through laws, regulations, procedures or policies, while practically all reports indicate that other such measures apply to PGRFA, mostly in the areas of biodiversity, environment protection, biosafety, plant variety protection and marketing of seeds.
- f) A remarkable 93 percent of reporting Contracting Parties state that there are threats to PGRFA in their country. The threats repeatedly mentioned include diseases, climate change, droughts, floods, lack of use, need for sensitization of decision makers and farmers, changes in land management schemes, unsustainable farming practices, habitat destruction or fragmentation, funding shortfalls, limited qualified personnel and outdated technical capacity.
- g) Almost all reporting Contracting Parties have established measures for the conservation and sustainable use of PGRFA, with most reports containing very elaborate and detailed information on such measures.
- h) Moreover, more than 80 percent have cooperated with other Contracting Parties in the conservation, exploration, collection, characterization, evaluation or documentation of PGRFA, and almost 90 percent in the conservation and sustainable use of PGRFA.
- i) All reporting Contracting Parties have *ex situ* collections of PGRFA in their territories, with practically all reports stating that PGRFA have been surveyed and inventoried in the respective Contracting Parties. Furthermore, more than 80 percent report that the maintenance of the viability, degree of variation, and the genetic integrity of *ex situ* collections of PGRFA have been monitored.
- j) The majority of reporting Contracting Parties have taken measures to promote Farmers' Rights, with a slight tendency to focus on measures regarding the protection of traditional knowledge related to PGRFA and those regarding rights that farmers have to save, use, exchange and sell farm-saved seeds and propagating material.
- k) Seventy-two percent of reporting Contracting Parties have made available PGRFA material in the Multilateral System and communicated it through notifications to the Secretary or through the Global Information System.
- l) The Committee notes that 28 percent of reporting Contracting Parties has not notified any material available in the Multilateral System and identified this as one area where additional support and capacity building is needed. The respective national reports enumerate the main reasons which are of legal, policy, technical or financial nature. Some Contracting Parties also indicate that the implementation of the International Treaty started relatively recently.
- m) Only 28 percent of reporting Contracting Parties, report measures to encourage natural and legal persons within their jurisdictions, who hold Annex I PGRFA, to include those

²³ IT/GB-9/CC-4/21/Record, para. 7.

resources in the MLS. The only region, where a majority of reporting Contracting Parties replied positively, is the European Region (with 13 positive replies out of 21).

- n) Seventy-five percent of reporting Contracting Parties have taken measures to provide facilitated access to Annex I PGRFA and have used the SMTA to provide access to Annex I PGRFA. At the same time, a majority of the Contracting Parties that have not yet taken any measures have indicated that they are in the process of improving the national legislation, regulations or procedures. Other Contracting Parties have either not received any requests for the provision of Annex I PGRFA, so far, or indicate that they have no national public genebanks.
- o) According to the Data Store of the International Treaty, more than 84 000 SMTAs have been issued and reported already from 52 countries. In total, 39 percent of the submissions indicate that Contracting Parties have also used the SMTA voluntarily to provide access to non-Annex I PGRFA material.
- p) More than 60 percent of the respondents have provided or benefited from capacity building measures in respect of Annex I PGRFA. Some Contracting Parties joined the International Treaty less than five years before submitting their national report and have requested information and technical support to better understand the functioning and operations of the Multilateral System and to evaluate their options for implementation at the national level.
- q) Eighty-two percent of reporting Contracting Parties are promoting the implementation of the Global Plan of Action. Almost 70 percent have facilitated access to Annex I PGRFA to CGIAR Centers or other international institutions that have signed agreements with the Governing Body of the International Treaty, and more than 26 percent have also provided access to Non-Annex I PGRFA.
- r) Most reports offer valuable details on the funding provided or received for the implementation of the International Treaty. While many developing country Contracting Parties have reported support from the BSF and other mechanisms of the International Treaty, the reports also refer to an extensive list of funding and technical organizations that are supporting the conservation and use of PGRFA, among them, the GEF, the GCDT, FAO programmes, IFAD, and NGOs. The reports also provide useful information on various bilateral mechanisms and programmes that are very relevant to the Implementation of the International Treaty.
- s) Several Contracting Parties report on positive developments since they had joined the International Treaty, for example on strengthened international cooperation on PGRFA, enhanced capacity on PGRFA conservation, documentation and use, on strengthening the rights of farmers, and on improving small holder farmers' livelihoods.
- t) Many concrete recommendations on how to enhance the implementation of the International Treaty by Contracting Parties are made in the national reports. These relate to national coordination among all relevant actors and stakeholders, development of national implementation plans, consideration of other relevant instruments related to PGRFA policy and legal measures, raising awareness, and increasing the visibility of the International Treaty, especially its Multilateral System, and to financial and human resources needs for its full implementation.
- u) Several Contracting Parties suggest the development of more guidelines by the Governing Body on specific issues in order to assist countries with their implementation. Many Contracting Parties point to the need for support to fully operate the Multilateral System at national level. Some Contracting Parties recommend more on-farm PGRFA conservation and management activities as well as measures to promote traditional knowledge related to the conservation and sustainable use of PGRFA.

Appendix 3

DRAFT RESOLUTION **/2022

COMPLIANCE

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 contribution of the International Treaty towards the achievement of SDG 2, SDG 15, and SDG 17 and other global goals and frameworks;

Recalling the recommendations made by various Contracting Parties in relation to capacity development and the support needed, as reflected 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;

Monitoring and Reporting

- a) **Thanks** the Compliance Committee for the analysis provided in the document IT/GB- 9/22/14, *Report of the Compliance Committee*;
- b) **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;
- c) **Invites** all Contracting Parties, including Contracting Party Organizations, to continue submitting and updating their reports, pursuant to Section V of the Compliance Procedures, and **urges** 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;
- d) **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 and to provide support to them, as appropriate;
- e) **Invites** the members of the Compliance Committee to communicate with Contracting Parties in their respective regions to sensitise, and provide information and support in matters related to compliance, especially regarding the reporting obligations under Section V of the Compliance Procedures and the related timeline agreed by the Governing Body;
- f) **Welcomes** the production of indicators that re-use data previously submitted by Contracting Parties to show their contribution, through the International Treaty, towards the implementation of the global development agenda and frameworks, and the achievement of related targets and goals;

Support and Capacity Development

- g) **Welcomes** the establishment by the Secretary of a helpdesk to assist Contracting Parties with their reporting obligations and **requests** the Secretary to keep the Online Reporting System regularly updated;
- h) **Requests** the Secretary, subject to the availability of resources, to organise training workshops, and virtual training and information sessions on reporting through webinars; promote the use of multimedia resources, and circulate an updated information note, in various languages, to national focal points on how to prepare and submit their reports;
- i) **Requests** the Secretary to identify and develop partnerships with other organizations and regional networks, as well as synergies with other FAO units and the country offices, to raise awareness and to support Contracting Parties with their reporting and compliance obligations;
- j) [**Welcomes** that the overall aim of the Capacity Development Strategy approved in Resolution **/2022 is to enhance implementation of the International Treaty];
- k) [**Requests** the Compliance Committee to include an assessment of the implementation of the Capacity Development Strategy in its future reports to the Governing Body];
- l) [**Encourages** Contracting Parties and other donors to consider providing support and financial resources for capacity development activities as important and effective means to enhance the implementation of the International Treaty].

Reviews under the Mandate of the Compliance Committee and Future Work

Noting that most of the reports were received late in the biennium,

- m) **Decides** to postpone the review of the effectiveness of the Compliance Procedures to the Tenth Session of the Governing Body and **requests** the Compliance Committee, with inputs from Contracting Parties, to prepare an assessment and recommendations as a basis for the Governing Body to undertake the review;
- n) **Invites** the Compliance Committee to consider the development of legal, policy and administrative options to assist Contracting Parties in ensuring the conformity of their national legislation with the International Treaty and **requests** the Secretary to undertake any necessary preparatory work for the consideration of the Compliance Committee;
- o) **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;

Other Matters

- p) **Invites** Contracting Parties to promote the important role of the International Treaty in the regional conferences and in other meetings of FAO;
- q) **Invites** Contracting Parties to provide or update the contact details of their National Focal Points and, possibly, nominate an alternate reporting officer;
- r) **Elects** the members of the Compliance Committee in accordance with Section III.4 of the Compliance Procedures, as contained in the *Appendix* to this Resolution.

*Appendix 4***MEMBERS OF THE COMPLIANCE COMMITTEE***

REGION	MEMBER	REMARKS
AFRICA	Ms Angeline MUNZARA (2014)	<i>Vacant at end 2021, GB-9 to elect new member</i>
	Mr Koffi KOMBATE (2016)	<i>No action required by GB-9</i>
ASIA	Mr Anil Kumar ACHARYA (2018)	<i>May be re-elected by GB-9 for a second term</i>
	Mr Koukham VILAYHEUNG (2020)	<i>No action required by GB-9</i>
EUROPE	Ms Susanna PAAKKOLA (2016)	<i>No action required by GB-9</i>
	Ms Kim VAN SEETERS (2018)	<i>May be re-elected by GB-9 for a second term</i>
LATIN AMERICA AND THE CARIBBEAN	Mr Mahendra PERSAUD (2018)	<i>May be re-elected by GB-9 for a second term</i>
	Ms Mónica MARTÍNEZ (2020)	<i>No action required by GB-9</i>
NEAR EAST	Ms Hanaiya EL-ITRIBY (2020)	<i>No action required by GB-9</i>
	Mr Javad MOZAFARI (2020)	<i>No action required by GB-9</i>
NORTH AMERICA	Ms Neha Sheth LUGO (2018)	<i>May be re-elected by GB-9 for a second term</i>
	Ms Indra THIND (2018)	<i>May be re-elected by GB-9 for a second term</i>
SOUTH WEST PACIFIC	Ms Birte NASS-KOMOLONG (2020)	<i>No action required by GB-9</i>
	Mr Michael RYAN (2020)	<i>No action required by GB-9</i>

*The year in parenthesis indicates the beginning of the first term of the member. In accordance with the Rules of Procedures of the Compliance Committee, members shall be elected by the Governing Body for a period of four years, this being a full term, commencing on 1 January of the first year of the financial period of the International Treaty following their election. Members shall not serve for more than two consecutive terms (Rule III.4).