



## CONVENTION ON BIOLOGICAL DIVERSITY

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### AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT-SHARING

Second meeting  
Montreal, 1-5 December 2003  
Item 5 of the provisional agenda\*

### OTHER APPROACHES, AS SET OUT IN DECISION VI/24 B, INCLUDING CONSIDERATION OF THE PROCESS, NATURE, SCOPE, ELEMENTS AND MODALITIES OF AN INTERNATIONAL REGIME

*An international regime on access to genetic resources and benefit-sharing: compilation of views on  
the process, nature, scope, elements and modalities*

*Note by the Executive Secretary*

1. In paragraph 44 (n) of the Plan of Implementation of the World Summit on Sustainable Development, Governments undertook to promote “the wide implementation of and continued work by the Parties to the Convention on the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits arising out of their Utilization, as an input to assist the Parties when developing and drafting legislative, administrative or policy measures on access and benefit-sharing as well as contracts and other arrangements under mutually agreed terms for access and benefit-sharing”.
2. In addition, paragraph 44 (o) of the Plan of Implementation calls for action to “negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”. At its fifty-seventh session, in December 2002, the General Assembly recalled “the commitment made at the World Summit on Sustainable Development to negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources” and invited “the Conference of the Parties to take appropriate steps in this regard”.
3. The issue of an international regime on access and benefit-sharing was addressed as a distinct agenda item by the Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010, held in March 2003. The Inter-Sessional Meeting invited “Parties to provide information to the Executive Secretary on experience gained in the use of the Bonn Guidelines, taking into consideration information provided by Parties pursuant to decision VI/24”. It also invited “Parties,

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Governments and relevant organizations to submit to the Executive Secretary their views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing prior to the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing”.

4. With respect to next steps in addressing this issue, the Inter-Sessional Meeting recommended that “the Ad Hoc Open-ended Working Group on Access and Benefit-sharing should, in its consideration of other approaches, in accordance with its mandate as specified in decision VI/24 A, consider the process, nature, scope, elements and modalities of an international regime and provide advice to the Conference of the Parties at its seventh meeting on how it may wish to address this issue”.

5. As a follow-up to the recommendations of the Inter-Sessional Meeting, in notifications dated respectively 9 April 2003 and 25 June 2003, the Secretariat invited Parties, indigenous and local communities and relevant organizations to provide the information referred to above by 15 September 2003. As of 8 October 2003, submissions relating to process, nature, scope, elements and modalities of the international regime had been received from Brazil, the European Community, Switzerland and the International Chamber of Commerce. These submissions are available to the Ad Hoc Working Group as an information document (UNEP/CBD/WG-ABS/2/INF/3). Other information provided by Parties, non-Parties and relevant organizations pursuant to decisions VI/24 A-D, including information regarding the implementation of the Bonn Guidelines, is also available as an information document (UNEP/CBD/WG-ABS/2/INF/1).

6. On the basis of discussions on the process, nature, scope, elements and modalities of an international regime, the Ad Hoc Open-ended Working Group on Access and Benefit-sharing is invited to make recommendations for consideration at the seventh meeting of the Conference of the Parties with respect to the appropriate process or steps to be undertaken to address this issue within the framework of the Convention. In addition, the Working Group may wish to consider, as appropriate, the impact of its recommendations on its future work.

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