



## CONVENTION ON BIOLOGICAL DIVERSITY

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

Third meeting

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Item 8 of the provisional agenda\*

### STRATEGIC PLAN: FUTURE EVALUATION OF PROGRESS

*The need, and possible options, for indicators for access to genetic resources and in particular for the fair and equitable sharing of benefits arising from the utilization of genetic resources*

*Note by the Executive Secretary*

#### I. INTRODUCTION

1. In decision VI/26, the Conference of the Parties adopted the Strategic Plan for the Convention on Biological Diversity. In the mission statement, Parties committed themselves to a more effective and coherent implementation of the three objectives of the Convention, to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth. This target was subsequently endorsed by the World Summit on Sustainable Development, held in Johannesburg in August/September 2004.

2. In decision VII/30 the Conference of the Parties decided to develop a framework to facilitate the assessment of progress towards the 2010 target. The framework covers seven focal areas, including “Ensuring the fair and equitable sharing of benefits arising out of the use of genetic resources”. The Conference of the Parties identified indicators for assessing progress towards, and communicating the 2010 target at the global level, and goals and sub-targets for each of the focal areas, as well as a general approach for the integration of goals and sub-targets into the programmes of work of the Convention. Parties are invited to establish their own targets and identify indicators, within this flexible framework.

3. With respect to access and benefit-sharing, in decision VII/30, paragraph 7, the Conference of the Parties requested “the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, respectively, to explore the need and possible options for indicators for access to genetic resources and in particular for the fair and equitable sharing of benefits arising from the utilization of genetic resources, and associated innovations, knowledge and practices of indigenous and local

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communities, and for the protection of innovations, knowledge and practices of indigenous and local communities, and to report the results to the Conference of the Parties at its eighth meeting”.

4. The table of provisional indicators for assessing progress towards the 2010 biodiversity target, adopted by the Conference of the Parties as annex I to decision VII/30, which is reproduced in the annex to the present document, assigns the development of indicators related to the status of access and benefit-sharing to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

5. In addition, goals and sub-targets established by the Conference of the Parties for each focal area are set out in annex II to decision VII/30. In relation to access and benefit-sharing, the goal and targets are the following:

**“Goal 10: Ensure the fair and equitable sharing of benefits arising out of the use of genetic resources**

*“Target 10.1: All transfers of genetic resources are in line with the Convention on Biological Diversity, the International Treaty on Plant Genetic Resources for Food and Agriculture and other applicable agreements*

*“Target 10.2: Benefits arising from the commercial and other utilization of genetic resources shared with the countries providing such resource.”*

6. In light of the above, the present document has been prepared to assist the Working Group in exploring the need, and possible options, for indicators on access and benefit-sharing.

## **II. THE NEED, AND POSSIBLE OPTIONS, FOR INDICATORS ON ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING**

7. Following the seventh meeting of the Conference of the Parties, the Secretariat issued a notification inviting Parties to take specific actions to contribute to the preparatory work for the third meeting of the Working Group on Access and Benefit-sharing and, more specifically, to provide by 15 September 2004 their views and information on a number of issues, including on the need and possible options for indicators for access and benefit-sharing. A reminder was sent out on 29 September 2004. As of 1 November, submissions on this issue had been received from Brazil, the European Community and its member States, and Venezuela. They provided the following views:

(a) *Brazil*: “In accordance with Article 15 (1) of the Convention, Parties have the sovereign right to grant access to genetic resources based on their own national legislations. As decisions on access to those resources are strictly an internal matter, and Parties have the right to deny access, for example, in cases of non-compliance with the requirements contained in their legislations, there is no purpose on designing indicators for access to genetic resources. Nevertheless, indicators for the fair and equitable sharing of benefits will be an important tool to assess the progress in the implementation of the Strategic Plan, in particular, in the focal area described in paragraph 1 (f) of decision VII/30, namely ‘ensuring the fair and equitable sharing of benefits arising out of the use of genetic resources’.”

(b) *European Community and its member States*: “The European Union supports the development of indicators related to ABS as for other areas covered by the Convention on Biological Diversity but is also conscious of the difficulty of finding meaningful indicators in this field which would provide an objective view of the situation. Possible indicators could be:

- Number of countries that have enacted legislation/taken measures on access and benefit-sharing implementing CBD Article 15 and the Bonn Guidelines;

- Number of countries that have nominated national focal points and/or competent national authorities;
- Number of ‘foreign’ users who contacted national competent authorities in order to obtain consent for access;
- Number of successful applications;
- Percentage of applications for intellectual property rights on inventions based on genetic resources and/or traditional knowledge that disclose the country of origin/source of these resources and knowledge (on a voluntary basis, as this is not a requirement under international intellectual property law at this stage);
- Number of countries that make use of an internationally recognized certificate of origin for genetic resources and related traditional knowledge (should such a certificate be developed in the framework of the Convention on Biological Diversity).”

(c) *Venezuela*: “In particular, we should take into account the request made to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, respectively, to explore the need and possible options for indicators for access to genetic resources and, in particular, the fair and equitable sharing of the benefits arising out of the utilization of genetic resources and associated traditional knowledge, innovations and practices of indigenous and local communities, and for the safeguard of traditional knowledge, innovations and practices of indigenous and local communities; and to provide the results to the Conference of the Parties at its eighth meeting”.

8. At both the international and national levels, access and benefit-sharing is still at a relatively early stage of development and implementation. As the Conference of the Parties is embarking on the negotiation of an international regime on access and benefit-sharing, many Parties are still in the process of developing measures to ensure the implementation of the access and benefit-sharing provisions of the Convention at the national level. Some countries have already adopted legislative and other measures, while a number of countries are currently in the process of developing such measures. Others have not yet taken any steps to address access and benefit-sharing. In this light, in order to assess progress in the achievement of the third objective of the Convention, possible options for indicators could include both process- and outcome-oriented indicators.

9. Process-oriented indicators would assist in measuring progress by Parties in the development of national systems to address access and benefit-sharing issues. Such indicators could include the following:

(a) The number of countries that have established access and benefit-sharing national focal points and competent national authorities to deal with access and benefit-sharing at the national level;

(b) The number of countries that have established national measures to facilitate access to their genetic resources in accordance with Article 15;

(c) The number of countries that have established national measures to ensure that users under their jurisdiction comply with the prior informed consent of the Contracting Party providing genetic resources and mutually agreed terms on which access was granted, in accordance with Articles 15, 16 and 19.

10. Once appropriate national and international frameworks have been established, outcome-oriented indicators will become necessary to assess whether the international access and benefit-sharing system is working properly. Outcome oriented-indicators could include the following:

(a) The number of “foreign” users who have contacted competent national authorities in order to obtain access to genetic resources;

(b) The number of genetic-resource accessions with prior informed consent (increasing number of accessions would demonstrate that access is being facilitated);

(c) The number of access and benefit-sharing arrangements entered into yearly;

(d) Number of cases of unauthorized access;

(e) Benefit-sharing components of access and benefit-sharing arrangements could also provide useful indicators, such as:

(i) The number of people trained in a country;

(ii) The number of technologies making use of genetic resources transferred;

(iii) Number of patents granted for products and processes based on genetic resources and/or associated traditional knowledge;

(f) Should an internationally recognized certificate of origin/source/legal provenance be developed under the framework of the Convention on Biological Diversity, the number of countries that make use of such certificate.

11. In order to obtain statistical data on the basis of outcome-oriented indicators, it may be necessary for Parties and stakeholders to establish monitoring instruments. For example, in order to assess the number of access and benefit-sharing arrangements entered into in one country, it may be necessary for Governments to set up national reporting systems, whereby for example all access and benefit-sharing arrangements would be registered in a national registry. Once appropriate reporting systems are set up nationally, Parties could be invited to notify this information to the Secretariat, which in turn could make the information available to all Parties through the clearing-house mechanism, thereby providing a clearer picture of overall access and benefit-sharing developments.

12. Taking into account the current status of implementation of access and benefit-sharing regimes, Parties will need to consider whether the establishment of outcome-oriented indicators is a priority at this time or whether attention should rather be focused on process-oriented indicators as a first step.

*Annex***PROVISIONAL INDICATORS FOR ASSESSING PROGRESS TOWARDS THE 2010 BIODIVERSITY TARGET**

<i>A: Focal area</i>	<i>B: Indicator for immediate testing</i>	<i>C: Possible indicators for development by SBSTTA or Working Groups</i>
Status and trends of the components of biological diversity	Trends in extent of selected biomes, ecosystems and habitats	
	Trends in abundance and distribution of selected species	
		Change in status of threatened species (Red List indicator under development)
		Trends in genetic diversity of domesticated animals, cultivated plants, and fish species of major socioeconomic importance
	Coverage of protected areas	
Sustainable use		Area of forest, agricultural and aquaculture ecosystems under sustainable management
		Proportion of products derived from sustainable sources
Threats to biodiversity	Nitrogen deposition	
		Numbers and cost of alien invasions
Ecosystem integrity and ecosystem goods and services	Marine trophic index	Application to freshwater and possibly other ecosystems
		Connectivity/fragmentation of ecosystems
		Incidence of human-induced ecosystem failure
		Health and well-being of people living in biodiversity-based-resource dependent communities
	Water quality in aquatic ecosystems	
		Biodiversity used in food and medicine
Status of traditional knowledge, innovations and Practices	Status and trends of linguistic diversity and numbers of speakers of indigenous languages	Further indicators to be identified by WG-8j
Status of access and benefit-sharing		Indicator to be identified by WG-ABS
Status of resource transfers	Official development assistance provided in support of the Convention (OECD-DAC-Statistics Committee)	
		Indicator for technology transfer

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