



**CONVENTION ON  
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**AD HOC TECHNICAL EXPERT GROUP MEETING ON  
THE POTENTIAL IMPACTS OF GENETIC USE  
RESTRICTION TECHNOLOGIES ON SMALLHOLDER  
FARMERS, INDIGENOUS AND LOCAL COMMUNITIES  
AND FARMERS' RIGHTS**

Montreal, 19 - 21 February 2003  
Item 2.3 of the provisional agenda\*

**ORGANIZATION OF WORK: ADOPTION OF THE AGENDA**

*Annotations to the provisional agenda*

**INTRODUCTION**

1. In paragraph 21 of its decision VI/5 on agricultural biological diversity, the Conference of the Parties decided to establish an ad hoc technical expert group (AHTEG) on genetic use restriction technologies (GURTs) to further analyse the potential impacts of GURTs on smallholder farmers, indigenous and local communities and on Farmers' Rights. In preparing its advice for consideration by the seventh meeting of the Conference of the Parties, the expert group is requested to take into account relevant ongoing work being carried out by the Food and Agriculture Organization of the United Nations (FAO), the International Union for the Protection of New Varieties of Plants (UPOV), the Intergovernmental Committee of Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of the World Intellectual Property Organization (WIPO) and other organizations (paragraphs 23 and 24), as well as comments from Parties, international organizations, and smallholder farmers, indigenous and local communities.

2. In response to this decision, the Executive Secretary has established an ad hoc technical expert group on GURTs and convened its meeting, in Montreal, from 19 to 21 February 2003. The Executive Secretary has also requested from Parties, international organizations, and smallholder farmers, indigenous and local communities their views on the potential impacts of GURTs on smallholder farmers, indigenous and local communities and Farmers' Rights.

3. Participants have been selected on the basis of nominations received by the Secretariat in response to the notifications posted on the Convention website in December 2002. The meeting is open to

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the participation of representatives from Parties, smallholder farmers, indigenous and local communities organizations, non-governmental organizations, inter-governmental organizations, United Nations organizations, specialized agencies and other organizations with relevant expertise in GURTs and Farmers' Rights.

4. A list of documents for the meeting is contained in annex I below.
5. The meeting will be held at the premises of the Secretariat of the Convention on Biological Diversity located at 393 St-Jacques Street, Montreal.
6. The working language of the meeting will be English.
7. Registration of participants will commence at 9 a.m. on Wednesday, 19 February 2003.

#### **ITEM 1. OPENING OF THE MEETING**

8. The representative of the Executive Secretary of the Convention on Biological Diversity will open the meeting at 9.30 a.m. on Wednesday, 19 February 2003.
9. A representative of the Executive Secretary will recall the mandate of the Group from the Conference of the Parties, and review the goals, objectives and expected outputs of the Group.
10. Members of the expert group will be invited to introduce themselves.

#### **ITEM 2. ORGANIZATIONAL MATTERS**

##### *2.1. Election of Officers*

11. The Group will be invited to elect its co-Chairs and its Rapporteur for the meeting on the basis of proposals from the floor.

##### *2.2. Adoption of the agenda*

12. The provisional agenda prepared by the Executive Secretary (UNEP/CBD/AHTEG-GURTS/1/1) will be before the Group for consideration and adoption.

##### *2.3. Organization of work*

13. The Group will be invited to consider the proposed organization of work for the meeting contained in annex II below.
14. The Group may wish to conduct its initial discussions in plenary and break into smaller groups for drafting text on specific issues.

**ITEM 3. REPORTING ON ONGOING INITIATIVES REQUESTED BY THE CONFERENCE OF THE PARTIES AT ITS SIXTH MEETING IN PARAGRAPHS 21, 23 AND 24 OF DECISION VI/5 ON AGRICULTURAL BIODIVERSITY**

15. A representative of the Secretariat will present the results of the compilation of the comments from Parties, international organizations, and smallholder farmers, indigenous and local communities sent to the Executive Secretary in response to the notification mentioned in paragraph 3 above.

16. A representative of the Food and Agriculture Organization (FAO) will be invited to present the results of the outcome of the work described in paragraph 23 of Decision VI/5, in which the Conference of the Parties invited FAO to study the potential impacts of the applications of GURTs in the framework of the International Treaty on Plant Genetic Resources for Food and Agriculture, and to consider GURTs in the further development of the Code of Conduct on Biotechnology as it relates to genetic resources for food and agriculture.

17. The representatives of the International Union for the Protection of New Varieties of Plants (UPOV) and the World Intellectual Property Organization (WIPO) will be invited to present the outcome of the work reported in paragraph 24 of Decision VI/5, in which the Conference of the Parties invited UPOV and the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and other organizations to examine, in the context of their work, the specific intellectual property implications of genetic use restriction technologies, particularly in respect of indigenous and local communities.

**ITEM 4. FURTHER ANALYSIS OF THE POTENTIAL IMPACTS OF GENETIC USE RESTRICTION TECHNOLOGIES (GURTS)**

18. The Group will be invited to take into consideration the results of the informal consultation on the potential impacts of the application of genetic use restriction technologies on indigenous and local communities and Farmers' Rights, held in Montreal, 3 February 2002, in response to paragraph 29 of decision V/5. The report of the consultation is available in document UNEP/CBD/COP/6/11/Add.1.

19. In addressing the substantive items, participants may wish to bear in mind that the Group conclusions and recommendations will be presented to the eighth meeting of the Subsidiary Body on Scientific, Technological and Technical Advice (SBSTTA) to be held in Montreal, 10-14 March 2003 and to the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention (meeting tentatively from 26 to 30 January 2004).

*4.1. Potential impacts on smallholder farmers and indigenous and local communities*

20. The Group will be invited to discuss the potential impacts of the application of GURTs on indigenous and local communities, in line with paragraph 21 of Decision VI/5, and, as far as possible, the outcome of the work presented by FAO, UPOV and WIPO in accordance with paragraphs 23 and 24 of the same decision, as well as comments from Parties, international organizations, and smallholder farmers, indigenous and local communities.

21. During the discussion, the Group may wish to examine the status of knowledge on the subject including ecological, socio-economic, legal and policy aspects, identify the measures taken to address existing or potential impacts at the local, national and international levels, and consider the related gaps, opportunities and measures to be taken in order to address the potential impacts of GURTs on smallholder

farmers, indigenous and local communities and on the application of traditional and indigenous knowledge, innovations and technologies.

#### 4.2. *Potential impacts on Farmers' Rights*

22. The Group will be invited to discuss the potential impacts of the application of GURTs on Farmers' Rights in line with paragraphs 21, 23 and 24 of decision VI/5.

23. During the discussion, the Group may wish to take into consideration, *inter alia*, the following issues:

(a) The International Treaty for Plant Genetic Resources for Food and Agriculture, in particular its part III, on Farmers' Rights;

(b) The relevant articles under the Convention on Biological Diversity (Article 8 on *in situ* conservation; Article 8(g) on biosafety; Article 8(j) and related provisions on traditional knowledge, innovations and practices of indigenous and local communities; Article 14 on impact assessment and minimizing adverse impacts; Article 15 on access to genetic resources; Article 16 on access to and transfer of technology; Article 19 on handling of biotechnology and distribution of its benefits) and decisions of the Conference of the Parties (decision VI/7 on impact assessment); and

(c) Aspects related to intellectual property rights.

#### **ITEM 5. ADVICE FOR CONSIDERATION BY THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES**

24. The Group will be invited to discuss and finalize conclusions and recommendations to be presented to the eighth meeting of the Subsidiary Body on Scientific, Technological and Technical Advice and to the Ad Hoc Open-ended Working Group on Article 8(j) and Related Provisions of the Convention.

#### **ITEM 6. OTHER MATTERS**

25. Under this item, participants will be invited to raise other matters related to the meeting.

#### **ITEM 7. ADOPTION OF THE REPORT**

26. The Expert Group will consider and adopt its report, on the basis of the draft report of the meeting and draft recommendations to be presented by the Rapporteur.

#### **ITEM 8. CLOSURE OF THE MEETING**

27. It is expected that the meeting will be closed at 5 p.m. on Friday, 21 February 2003.

*Annex I*

**DOCUMENTS FOR THE AD HOC TECHNICAL EXPERT GROUP ON GENETIC  
USE RESTRICTION TECHNOLOGIES**

**Montreal, 19-21 February 2003**

**DOCUMENTS PREPARED FOR THE EXPERT GROUP**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/AHTEG-GURTS/1/1	Provisional agenda (English only)
UNEP/CBD/AHTEG-GURTS/1/1/Add.1	Annotations to the provisional agenda (English only)

**BACKGROUND DOCUMENTS**

<i>Symbol/Reference</i>	<i>Title</i>
UNEP/CBD/COP/6/20, annex I	Decision VI/5, of the Convention of the Parties on agricultural biological diversity. (Chinese/English/French/Russian/Spanish)
UNEP/CBD/COP/6/11/Add.1	“Report on the impacts of the application of genetic use restriction technologies on indigenous and local communities and farmers' rights”, CBD, Expert Consultation, Montreal, 3 February 2002. (Arabic/Chinese/English/French/Russian/Spanish)
UNEP/CBD/COP/5/23/annex III	Decision V/5 of the Conference of the Parties on agricultural biological diversity. (Arabic/Chinese/English/French/Russian/Spanish)
UNEP/CBD/SBSTTA/4/9/Rev.1	“Consequences of the use of the new technology for the control of plant genetic expression for the conservation and sustainable use of biological diversity”, FAO, June 1999 (Arabic/Chinese/English/French/Russian/Spanish)

- CGRFA-9/02/17 “Potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural production systems: follow-up to the first session of the Inter-Governmental Technical Working Group on Plant Genetic Resources for Food and Agriculture, and the sixth Conference of the Parties to the Convention on Biological Diversity”. FAO, September 2002 (English)
- CGRFA-9/02/17 Annex “Potential impacts of genetic use restriction technologies (GURTs) on agricultural biodiversity and agricultural productions systems: technical study” FAO, September 2002 (English)
- FAO Legal Paper Online #24 “A global instrument on agrobiodiversity: the International Treaty on Plant Genetic Resources for Food and Agriculture”, FAO, January 2002. (English)
- [no symbol] “The International Treaty on Plant Genetic Resources for Food and Agriculture”, by H. David Cooper, in Review of European Community and International Environmental Law (RECIEL) 11 (1, 2002): 1-16. (English)
- [no symbol] “The International Treaty on Plant Genetic Resources for Food and Agriculture”, FAO, November 2001 (English/French/Spanish)
- CGRFA-9/02/18 “The status of the draft code of conduct on biotechnology as it related to genetic resources for food and agriculture: report on surveys of FAO Members and stakeholders”. FAO, June 2002 (Arabic/Chinese/English/French)
- CGRFA-9/02/18/annex  
CPGR/93/9 “Draft Code of Conduct on Biotechnology as it affects the conservation and sustainable use of genetic resources, with a Preliminary Draft International Code of Conduct on Plant Biotechnology as it affects the conservation and utilization of plant genetic resources”, FAO, 1992 (Arabic/Chinese/English/French/Spanish)

*Annex II*

**PROPOSED PROGRAMME OF WORK FOR THE AD HOC TECHNICAL EXPERT GROUP  
MEETING ON GENETIC USE RESTRICTION TECHNOLOGIES**

**Montreal, 19 - 21 February 2003**

***Wednesday, 19 February 2003***

9:30	Opening of the meeting (agenda item 1)
10:00	Organizational matters (agenda item 2)
10:30	Reporting (agenda item 3)
13:00	Lunch
14:30	Potential impacts on smallholder farmers, indigenous and local communities- (agenda item 4.1)
17:00	Adjournment

***Thursday, 20 February 2003***

9:00	Potential impacts on Farmers' Rights (agenda item 4.2)
13:00	Lunch
14:30	Continuation of agenda items 4.1 and 4.2
17:00	Adjournment

***Friday, 21 February 2003***

9:00	Advice for consideration by the Conference of the Parties at its seventh meeting (agenda item 5)
13:00	Lunch
14:30	Other matters (agenda item 6)
	Adoption of the report (agenda item 7)
17:00	Closure of the meeting (agenda item 8)

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