

# Convention on Biological Diversity

Secretariat

Ref.: SCBD/SEL/VN/GD/37400

17 July 2003

Dear Madam/Sir,

## NOTIFICATION

**Re: Second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, 1-5 December 2003  
and  
Third meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, 8-12 December 2003**

I have the honour to inform you that the Second Meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing will be held in Montreal, Canada, from 1 - 5 December 2003. The meeting will be followed by the Third Meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions, from 8 - 12 December 2003 to be held at the same venue.

The meetings are open to the participation of indigenous and local communities, non-governmental organizations, regional organizations, private sector, as well as intergovernmental organizations.

I am pleased to attach herewith the provisional agendas and the pre-registration forms for both meetings as well as the Information for Participants Note. The pre-session documentation of the two meetings will be available as soon as finalized. These documents will also be accessible at the Secretariat's web page at: [www.biodiv.org](http://www.biodiv.org).

Subject to the availability of contributions to the Special Voluntary Trust Fund (BZ) established by decision V/22 for facilitating participation of Parties in the Convention Process, the Secretariat will be in a position to finance the participation of **one** representative from each of the developing countries Party to the Convention, in particular, the least developed countries and the small island developing states and countries with economies in transition to **both** meetings.

To: All CBD and ABS National Focal Points



United Nations  
Environment  
Programme

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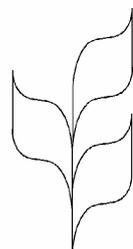
World Trade Centre Building  
393 Saint-Jacques Street, Suite 300  
Montréal, Québec, Canada H2Y 1N9

Please advise the Secretariat of the name(s) and coordinates of your government's officially designated representative(s) to these two meetings at your earliest convenience but no later than **31 October 2003** to enable travel arrangements be made for eligible participants in good time. In view of the budget constraints and in order to allow the maximum number of countries to participate in the meetings, the Secretariat will be using special air fare tickets for sponsored delegates, which impose restrictions with respect to the changing of passenger's name, travel dates and itinerary.

Please accept, Madam/Sir, the assurances of my highest consideration.

Yours sincerely,

Hamdallah Zedan  
Executive Secretary



**CONVENTION ON  
BIOLOGICAL  
DIVERSITY**

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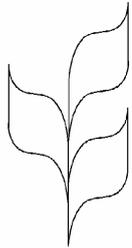
**AD HOC OPEN-ENDED WORKING  
GROUP ON ACCESS AND  
BENEFIT-SHARING**  
Second meeting  
Montreal, 1-5 December 2003

**PROVISIONAL AGENDA**

1. Opening of the meeting.
2. Organizational matters:
  - 2.1. Officers;
  - 2.2. Adoption of the agenda;
  - 2.3. Organization of work.
3. Consideration of any available reports or progress reports arising from decision VI/24 A, including on experience gained from the use of the Bonn Guidelines.
4. Use of terms, definitions and/or glossary, as appropriate.
5. Other approaches, as set out in decision VI/24 B, including consideration of the process, nature, scope, elements and modalities of an international regime.
6. Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing genetic resources and mutually agreed terms on which access was granted in Contracting Parties with users of such resources under their jurisdiction.
7. Needs for capacity-building identified by countries to implement the Bonn Guidelines.
8. Other matters.
9. Adoption of the report.
10. Closure of the meeting.

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# CONVENTION ON BIOLOGICAL DIVERSITY

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10 July 2003

ORIGINAL: ENGLISH

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

Second meeting

Montreal, 1-5 December 2003

Item 2 of the provisional agenda\*

### ORGANIZATIONAL MATTERS

#### *Annotated provisional agenda*

#### INTRODUCTION

1. In paragraph 3 of its decision VI/24 A, the Conference of the Parties adopted the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization. In paragraph 6 of the same decision, it recognized “that the Guidelines are a useful first step of an evolutionary process in the implementation of relevant provisions of the Convention related to access to genetic resources and benefit-sharing”, and, in paragraph 7, it decided “to keep under review the implementation of the guidelines and consider the need for their further refinement on the basis of, inter alia, relevant work under the Convention, including work on Article 8(j) and related provisions”.

2. In paragraph 8 of the same decision, the Conference of the Parties decided:

“to reconvene the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to advise the Conference of the Parties on:

- (a) Use of terms, definitions and/or glossary, as appropriate;
- (b) Other approaches as set out in decision VI/24 B;
- (c) Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted in Contracting Parties with users of genetic resources under their jurisdiction;

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\* UNEP/CBD/WG-ABS/2/1.

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(d) Its consideration of any available reports or progress reports arising from the present decision;

(e) Needs for capacity-building identified by countries to implement the Guidelines.

The Working Group will submit its report to the Conference of the Parties at its seventh meeting.”

3. Following the sixth meeting of the Conference of the Parties, the World Summit on Sustainable Development was held in Johannesburg, in August/September 2002. The Plan of Implementation adopted by the Summit, in paragraph 44 (o), called 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”. In light of this outcome, 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 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”. <sup>1/</sup>

4. The results of the deliberations of the Working Group are to be submitted for consideration by the Conference of the Parties at its seventh meeting, to be held in Kuala Lumpur in February 2004.

5. The Ad Hoc Open-ended Working Group on Access and Benefit-sharing will meet in Montreal from 1 to 5 December 2003. Registration of participants will take place at the venue of the meeting from 3 p.m. to 6 p.m. on Sunday, 30 November 2003 and will continue from 8 a.m. on Monday, 1 December 2003.

6. A list of documents for the meeting is contained in annex I to the present note. In addition to normal distribution, documents are available on the Secretariat’s website at the following <http://www.biodiv.org>.

7. The Secretariat is also distributing an information note containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

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

8. The meeting will be opened at 10 a.m. on Monday, 1 December 2003 by the President of the Bureau of the Conference of the Parties. The Executive Secretary will make introductory remarks.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Officers***

9. In keeping with established practice, the Bureau of the Conference of the Parties will serve as the Bureau of the Working Group.

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<sup>1/</sup> UNEP/CBD/COP/7/5, recommendation 5, para. 4.

## 2.2. *Adoption of the agenda*

10. The Working Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/WG-ABS/2/1), which has been prepared by the Executive Secretary on the basis of decision VI/24 A, the above-mentioned recommendation of the Inter-Sessional Meeting, and in consultation with the Bureau.

## 2.3. *Organization of work*

11. Interpretation will be provided in the six official languages of the United Nations.

12. In light of the number of issues to be addressed, and in accordance with past practice, the Working Group may wish to establish two sub-working groups open to all Parties and observers with well defined terms of reference to ensure in-depth consideration of items 4 to 7 on the agenda.

13. Should the Working Group decide to establish two sub-working groups, it is suggested that the chairs of those groups be elected at the first plenary session of the meeting.

14. A suggested timetable and division of responsibilities between the plenary and the two sub-working groups is proposed in annex II below. According to that proposal, Sub-Working Group I would consider items 4 and 5, while Sub-Working Group II would consider items 6 and 7.

### **ITEM 3. CONSIDERATION OF ANY AVAILABLE REPORTS OR PROGRESS REPORTS ARISING FROM DECISION VI/24 A INCLUDING ON EXPERIENCE GAINED FROM THE USE OF THE BONN GUIDELINES**

15. With a view to providing information on any recent developments of relevance and to facilitate discussions, the Working Group is invited to consider, in plenary, any available reports or progress reports, in accordance with decision VI/24 A, paragraph 8 (d). This includes any information that Parties may wish to submit on experience gained in the use of the Bonn Guidelines, in accordance with the recommendation of the Open-ended Inter-Sessional Meeting on the Multi-Year Programme of Work for the Conference of the Parties up to 2010.

16. Parties will be also be invited to consider additional reports or progress reports by relevant organizations on recent developments and analytical work carried out on issues of relevance to the mandate of the Working Group.

### **ITEM 4. USE OF TERMS, DEFINITIONS AND/OR GLOSSARY, AS APPROPRIATE**

17. At its first meeting, held in Bonn from 22 to 26 October 2001, the Ad Hoc Open-ended Working Group on Access and Benefit-sharing recommended, *inter alia*, that the Executive Secretary, in consultation with the Bureau of the Conference of the Parties, convene a group of ten experts nominated by Parties, having due regard to the principle of equitable geographical representation, to develop draft elements of a decision on the use of terms in paragraph 6 of the draft Bonn Guidelines developed by the Working Group in Bonn. Ten experts were selected from China, Cuba, Ethiopia, Germany, India, Nigeria, Peru, Poland, Switzerland and Ukraine. The submissions received by experts were compiled by the Secretariat and made available to the sixth meeting of the Conference of the Parties (UNEP/CBD/COP/6/INF/40, annex I).

18. In the final version of the Bonn Guidelines, as adopted by the Conference of the Parties at its sixth meeting, it is stated in paragraph 8, on "Use of terms", that:

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“The terms as defined in Article 2 of the Convention shall apply to these Guidelines. These include: biological diversity, biological resources, biotechnology, country of origin of genetic resources, country providing genetic resources, *ex situ* conservation, *in situ* conservation, genetic material, genetic resources, and *in situ* collections.”

19. In order to determine the most appropriate way to further address this issue, the Conference of the Parties decided that the issue of “use of terms” should be considered by the Working Group at its second meeting. Hence, in paragraph 8 (a) of decision VI/24 A, the Working Group was requested to advise the Conference of the Parties on the “[u]se of terms, definitions and/or glossary, as appropriate”.

20. Section II of the note by the Executive Secretary prepared for the second meeting of the Working Group (UNEP/CBD/WG-ABS/2/2) addresses this matter. In addition, the text of submissions provided by Parties on use of terms following the sixth meeting of the Conference of the Parties will be included in the compilation of submissions by Parties on issues referred to in paragraphs 8(a), (b), (c) and (e) of decision VI/24 A (UNEP/CBD/WG-ABS/2/INF/1).

21. On this basis, Parties may wish to make appropriate recommendations to the Conference of the Parties on whether a glossary and/or definitions would be appropriate, as well as on the process to draft such glossary or definitions.

**ITEM 5. OTHER APPROACHES, AS SET OUT IN DECISION VI/24 B, INCLUDING CONSIDERATION OF THE PROCESS, NATURE, SCOPE, ELEMENTS AND MODALITIES OF AN INTERNATIONAL REGIME**

22. Under this agenda item, Parties will be invited to consider other approaches, as set out in decision VI/24 B, including consideration of the process, nature, scope, elements and modalities of an international regime.

23. In paragraph 10 of its decision VI/24 B, the Conference of the Parties recognized that a package of measures may be necessary to address the different needs of Parties and stakeholders in the implementation of access and benefit-sharing arrangements. It further recognized, in paragraph 11, that other approaches could be considered to complement the Bonn Guidelines, such as model contractual agreements, existing regional agreements and model laws on access to genetic resources and benefit-sharing. Section III of the note by the Executive Secretary (UNEP/CBD/WG-ABS/2/2) provides an overview of existing approaches and also points to additional approaches that could be considered to complement the Bonn Guidelines and usefully assist Parties, Governments and relevant stakeholders in the implementation of access and benefit-sharing arrangements. Taking into account existing approaches, Parties are invited to give further consideration to additional approaches, complementary to the Bonn Guidelines, which may assist Parties and stakeholders with the implementation of the access and benefit-sharing provisions of the Convention.

24. In addition, in accordance with the recommendations of the Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010, the Working Group is invited to consider under this item the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing and to provide advice to the Conference of the Parties at its seventh meeting on how it may wish to address this issue.

25. A compilation of submissions by Parties, other Governments, indigenous and local communities and relevant organizations on their views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing will be made available under this item (UNEP/CBD/WG-ABS/2/4).

**ITEM 6. MEASURES, INCLUDING CONSIDERATION OF THEIR FEASIBILITY, PRACTICALITY AND COSTS, TO SUPPORT COMPLIANCE WITH PRIOR INFORMED CONSENT OF THE CONTRACTING PARTY PROVIDING GENETIC RESOURCES AND MUTUALLY AGREED TERMS ON WHICH ACCESS WAS GRANTED IN CONTRACTING PARTIES WITH USERS OF SUCH RESOURCES UNDER THEIR JURISDICTION**

26. Under the agenda item 5, on other approaches, Parties are to consider measures developed by a variety of actors involved in access and benefit-sharing to assist Parties and stakeholders in the implementation of access and benefit-sharing provisions of the Convention. Under this agenda item, the Working Group is invited to consider possible measures by Contracting Parties with users under their jurisdiction to ensure compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted. This issue is addressed in section IV of the note by the Executive Secretary (UNEP/CBD/WG-ABS/2/2).

27. Under this agenda item, the Working Group may also wish to consider the issue of the disclosure or origin of genetic resources and relevant traditional knowledge in applications for intellectual property rights, where the subject matter of the application concerns or makes use of genetic resources or relevant traditional knowledge in its development. As requested by the Conference of the Parties in decision VI/24 C, further work was carried out on a number of topics related to the issue of disclosure of origin in intellectual property rights applications. A note by the Executive Secretary on this issue will be presented for the consideration of the Working Group (UNEP/CBD/WG-ABS/2/3). In addition, the Executive Secretary will make available, as an information document, an analytical study on the feasibility and efficacy of requirements for disclosure of country of origin and prior informed consent in intellectual property right applications in monitoring compliance with access provisions (UNEP/CBD/WG-ABS/2/INF/2).

28. The Working Group may wish to make recommendations to the Conference of the Parties on the need for further work to advance this issue.

**ITEM 7. NEEDS FOR CAPACITY-BUILDING IDENTIFIED BY COUNTRIES TO IMPLEMENT THE BONN GUIDELINES**

29. As requested by the Conference of the Parties, in decision VI/24 B, an Open-ended Expert Workshop on Capacity-building for Access and Benefit-sharing was held from 2 to 4 December 2002 in order to further develop the draft elements for an Action Plan on Capacity-building for Access and Benefit-sharing. The draft Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing elaborated by the expert workshop is included in annex I of the report of the Workshop (UNEP/CBD/ABS/EW-CB/1/3) for adoption by the Conference of the Parties at its seventh meeting. The Working Group may wish to take note of the draft Action Plan and recommend it for adoption by the Conference of the Parties at its seventh meeting.

**ITEM 8. OTHER MATTERS**

30. Under this item, the members of the Working Group may wish to raise and discuss other matters related to the subject-matter of the meeting.

**ITEM 9. ADOPTION OF THE REPORT**

31. The Working Group will consider and adopt its report, on the basis of the draft report of the meeting to be presented by the Rapporteur and the draft recommendations agreed by the two sub-working groups, which will be introduced by their respective chairs.

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32. The final report of the meeting will be presented by the Chair of the Working Group to the Conference of the Parties at its seventh meeting, in February 2004.

**ITEM 10. CLOSURE OF THE MEETING**

33. The meeting is expected to be closed at 6 p.m. on Friday, 5 December 2003.

*Annex I*

**DOCUMENTATION FOR THE SECOND MEETING OF THE AD HOC OPEN-ENDED  
WORKING GROUP ON ACCESS AND BENEFIT-SHARING**

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/2/1	Provisional agenda
UNEP/CBD/WG-ABS/2/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG-ABS/2/2	Further consideration of outstanding issues related to access and benefit-sharing: use of terms, other approaches and compliance measures in Contracting Parties with users under their jurisdiction: note by the Executive Secretary
UNEP/CBD/WG-ABS/2/3	The role of intellectual property rights in access and benefit-sharing arrangements, including national and regional experiences: note by the Executive Secretary
UNEP/CBD/WG-ABS/2/4	Compilation of submissions provided by Parties regarding their views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing
UNEP/CBD/ABS/EW-CB/1/3	Report of the Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing
UNEP/CBD/COP/6/INF/40	Compilation of submissions by experts on the use of terms
UNEP/CBD/WG-ABS/2/INF/1	Compilation of submissions by Parties on issues referred to in paragraph 8 (a), (b), (c) and (e) of decision VI/24 A
UNEP/CBD/WG-ABS/2/INF/2	Analytical study of the feasibility and efficacy of requirements for disclosure of country of origin and prior informed consent in intellectual property right applications in monitoring compliance with access provisions

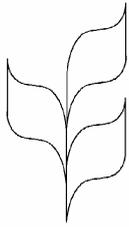
*Annex II*

**PROPOSED ORGANIZATION OF WORK FOR THE AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT-SHARING**

	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<i>Monday 1 December 2003 10 a.m. to 1 p.m.</i>	<p><i>Items:</i></p> <p>1. Opening of the meeting.</p> <p>2. Organizational matters:</p> <p>    2.1 Officers;</p> <p>    2.2 Adoption of the agenda;</p> <p>    2..3 Organization of work.</p>		
3-6 p.m.		<i>Item 4.</i> Use of terms, definitions and/or glossary, as appropriate	<i>Item 6.</i> Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted in Contracting Parties with users of genetic resources under their jurisdiction
<i>Tuesday 2 December 2003 10 a.m. to 1 p.m.</i>		<i>Item 4. (continued)</i>	<i>Item 6 (continued)</i>
3-6 p.m.		<i>Item 5.</i> Other approaches, as set out in decision VI/24 B, including consideration of the process, nature, scope, elements and modalities of an international regime	<i>Item 7.</i> Needs for capacity-building identified by countries to implement the Bonn Guidelines
<i>Wednesday 3 December 2003 10 to 1 p.m.</i>		<i>Item 5 (continued)</i>	<i>Items 6 and 7 (continued)</i>
3-6 p.m.		<i>Item 5 (continued)</i>	<i>Items 6 and 7 (continued)</i>

	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<i>Thursday, 4 December 2003 10 a.m. to 1 p.m.</i>		Adoption of the report of the Sub-Working Group and draft recommendations under agenda items 4 and 5	Adoption of the report of the Sub-Working Group and draft recommendations under agenda items 6 and 7
3-6 p.m.		Adoption of the report of the Sub-Working Group and draft recommendations under agenda items 4 and 5 ( <i>continued</i> )	Adoption of the report of the Sub-Working Group and draft recommendations under agenda items 6 and 7 ( <i>continued</i> )
<i>Friday 5 December 2003 10 a.m. to 1 p.m.</i>	Consideration of draft recommendations and the reports of the Sub-Working Groups  <i>Item 8.</i> Other matters  <i>Item 9.</i> Adoption of the report  <i>Item 10.</i> Closure of the meeting		
3-6 p.m.	<i>(continued as needed)</i>		

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AD HOC OPEN-ENDED INTER-SESSIONAL  
WORKING GROUP ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE  
CONVENTION ON BIOLOGICAL  
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Third meeting  
Montreal, 8-12 December 2003

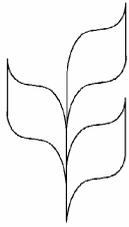
**PROVISIONAL AGENDA**

1. Opening of the meeting.
2. Organizational matters
  - 2.1 Officers;
  - 2.2 Adoption of the agenda;
  - 2.3 Organization of work.
3. Reports:
  - 3.1. Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into each thematic areas of the Convention on Biological Diversity;
  - 3.2. Report on progress in the implementation of the programme of work on Article 8(j) and related provisions.
4. Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity.
5. Guidelines for the conduct of cultural, environmental and socio-impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities.
6. Participatory mechanisms for indigenous and local communities.

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- 6.1. Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions;
  - 6.2. Communication mechanisms for indigenous and local communities;
  - 6.3. Cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity.
7. *Sui generis* systems for the protection of knowledge, innovations and practices of indigenous and local communities.
  8. Other matters.
  9. Adoption of the report.
  10. Closure of the meeting.

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**AD HOC OPEN-ENDED INTER-SESSIONAL  
WORKING GROUP ON ARTICLE 8(j) AND  
RELATED PROVISIONS OF THE  
CONVENTION ON BIOLOGICAL  
DIVERSITY**

Third meeting

Montreal, 8-12 December 2003

Item 2.2 of the provisional agenda\*

**ORGANIZATIONAL MATTERS: ADOPTION OF THE AGENDA***Annotated provisional agenda***INTRODUCTION**

1. The Ad Hoc Open-ended Intersessional Working Group on Article 8(j) and Related Provisions was established by decision IV/9 of the Conference of the Parties to the Convention on Biological Diversity. It held its first meeting in Seville, Spain, from 27 to 31 March 2000. In decision V/16, paragraph 9, the Conference of the Parties extended the mandate of the Working Group to review progress in the implementation of the priority tasks of the programme of work on Article 8(j) and related provisions and requested it to report to the COP at its sixth meeting. The second meeting of the Working Group on Article 8(j) took place in Montreal from 4 to 8 February 2002.

2. At its sixth meeting, the Conference of the Parties decided, in paragraph 7 of its decision VI/10, that one meeting of the Working Group should be organized prior to the seventh meeting of the Conference of the Parties in order to ensure further advancement of the implementation of the work programme on Article 8(j) and related provisions. Accordingly, the third meeting of the Working Group on Article 8(j) will take place from 8 to 12 December 2003, in Montreal back-to-back with the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

**ITEM 1. OPENING OF THE MEETING**

3. The meeting will be opened at 10 a.m. on Monday, 8 December 2003. Registration of participants will commence on Sunday, 7 December 2003, from 3 to 6 p.m.

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\* UNEP/CBD/WG8J/3/1.

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## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Officers***

4. The Bureau of the Conference of the Parties will serve as the Bureau of the Working Group. The President of the Conference of the Parties may, however, nominate a presiding officer for the plenary of the meeting.

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

5. The Working Group is invited to consider and adopt the provisional agenda (UNEP/CBD/WG8J/3/1) that has been prepared by the Executive Secretary in line with decision VI/10 of the Conference of the Parties and in consultation with the Bureau of the Conference of the Parties.

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

6. In light of the number of matters to be addressed, and in accordance with past practice, the Working Group may wish to establish two sessional sub-working groups open to all Parties and observers to ensure in-depth consideration of all the items on the agenda.

7. Should the Working Group decide to establish two sessional sub-working groups, it is proposed that the chairs of these groups should be elected at the first plenary session of the meeting.

8. The Working Group may want to consider the suggested timetable and division of items between the plenary and the two sessional sub-working groups as proposed in annex II below. The plenary would take up items 1 to 3 of the provisional agenda. Sub-Working Group I would consider items 4 and 5 of the provisional agenda and Sub-Working Group II would consider items 6 and 7. Both sub-working groups would report back to plenary.

9. The Secretariat will invite relevant specialized United Nations agencies to provide plenary with reports on issues of relevance to the meeting being addressed by them.

10. A list of documents prepared for the meeting is provided in annex I below.

## **ITEM 3. REPORTS**

### ***3.1 Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into each of the thematic areas of the Convention on Biological Diversity***

11. In accordance with paragraph 4 of decision VI/10 of the Conference of the Parties, the Executive Secretary has prepared a progress report on the integration of relevant tasks of the programme of work for the implementation of Article 8(j) in the thematic programmes of the Convention (UNEP/CBD/WG8J/3/2). The Working Group may wish to take note of the report and consider recommendations as appropriate.

12. The Working Group may also wish to take note of the information document (UNEP/CBD/WG8J/3/INF/1) relating to the implications of the International Treaty on Plant Genetic Resources for Food and Agriculture on the issues under Article 8(j) and related provisions prepared in response to paragraph 1 of decision VI/10. In addition the Working Group may also want to take note of the report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies on the analysis

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of the potential impacts of such technologies on smallholder farmers, indigenous and local communities and Farmers' Rights (UNEP/CBD/WG8J/3/INF/2) prepared in accordance with paragraph 21 of decision VI/5, and which may also be of assistance to Parties in their need for further action in relation to the potential impacts of genetic use restriction technologies on the indigenous and local communities and on Farmers' Rights in pursuance of paragraph 5 of decision VI/10.

**3.2 Report of progress in the implementation of the programme of work on Article 8(j) and related provisions.**

13. The Executive Secretary has prepared a report on progress of the implementation of the programme of work on the implementation of Article 8(j) and related provisions (UNEP/CBD/WG8J/3/3). The Working Group may wish to consider recommendations for action on the basis of this report.

**ITEM 4. COMPOSITE REPORT ON THE STATUS AND TRENDS REGARDING THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES**

14. In accordance with paragraph 9 of decision VI/10, the Executive Secretary has prepared a report on the first phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities (UNEP/CBD/WG8J/3/4). The Working Group may wish to take note of the report and consider its recommendations, as well as recommendations for the second phase of work on the composite report, for consideration by the Conference of the Parties at its seventh meeting.

15. The Executive Secretary is also providing, as information documents (UNEP/CBD/WG8J/3/INF/3-10) copies of the regional reports on the first phase of the composite report compiled by the team of consultants and which served as the basis for the first phase report.

**ITEM 5. GUIDELINES FOR THE CONDUCT OF CULTURAL, ENVIRONMENTAL, AND SOCIAL IMPACT ASSESSMENTS REGARDING DEVELOPMENTS PROPOSED TO TAKE PLACE ON, OR WHICH ARE LIKELY TO IMPACT ON, SACRED SITES AND ON LANDS AND WATERS TRADITIONALLY OCCUPIED OR USED BY INDIGENOUS AND LOCAL COMMUNITIES**

16. In accordance with paragraphs 13 and 14 of decision VI/10 and in furtherance of task 9, under programme element 6 (Monitoring) of the programme of work on Article 8(j) and related provisions, the Executive Secretary has prepared a note concerning draft guidelines for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on, or which are likely to impact on, sacred sites and on lands or waters traditionally occupied or used by indigenous and local communities (UNEP/CBD/WG8J/3/5). The purpose of the note is to assist the Working Group to carry out further work on the guidelines with the aim of strengthening the social and cultural aspects and to complement and be in conjunction with the "Guidelines for incorporating biodiversity-related issues into environmental assessment legislation and/or processes and in strategic environmental assessment" endorsed by the Conference of the Parties in its decision VI/7 A. Such guidelines should also address institutional and procedural considerations.

**ITEM 6. PARTICIPATORY MECHANISMS FOR INDIGENOUS AND LOCAL COMMUNITIES*****6.1. Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions***

17. In accordance with decision VI/10, paragraphs 20-23, and to further advance work under element 1 of the programme of work on Article 8(j) and related provisions, regarding participatory mechanisms for indigenous and local communities, the Executive Secretary explored the possibility of financial assistance to support the participation of indigenous and local communities of all geographical regions in meetings organized within the framework of the Convention. The Executive Secretary has prepared a report (UNEP/CBD/WG8J/3/6) to assist the Working Group in its deliberations on this issue. The report could provide a basis for the establishment and/or strengthening of mechanisms and capacity-building at the national and local levels aimed at promoting full and effective participation of indigenous and local communities, especially women, in the decision-making process regarding the preservation, maintenance and utilization of traditional knowledge relevant for the conservation and sustainable use of biological diversity, and promoting their participation in the management of biological diversity.

***6.2. Communication mechanisms for indigenous and local communities***

18. The Executive Secretary has also prepared a note UNEP/CBD/WG8J/3/6/Add.1 containing the report of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism on the roles and responsibilities of the thematic focal point within the clearing-house mechanism on issues relating to Article 8(j) and related provisions, pursuant to paragraph 28 of decision VI/10, and the development of communication mechanisms for indigenous and local communities (paragraph 24 of decision VI/10, and paragraph 5 of decision VI/18). The Working Group may wish to further discuss the roles and responsibilities of the thematic focal point and support the recommendation for the development of appropriate communication mechanisms for indigenous and local communities.

***6.3. Cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity***

19. In accordance with paragraph 25 of decision VI/10, the Executive Secretary has prepared a report (UNEP/CBD/3/6/Add.2) on the consultation with secretariats of relevant environmental conventions and programmes concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity. The Working Group may wish to take note of the recommendations provided in this report for consideration at by the Conference of the Parties at its seventh meeting.

**ITEM 7. SUI GENERIS SYSTEMS FOR THE PROTECTION OF THE KNOWLEDGE, INNOVATIONS AND PRACTICES OF INDIGENOUS AND LOCAL COMMUNITIES**

20. In accordance with paragraph 34 of decision VI/10, the Executive Secretary has prepared a note (UNEP/CBD/WG8J/3/7) addressing the issue of *sui generis* systems for the protection of traditional knowledge, innovations and practices. The Working Group may wish to identify and consider elements for

further development of a sui generis system of protection of traditional knowledge, innovations and practices, and the equitable sharing of benefits arising from their utilization and make recommendations for the consideration of the Conference of the Parties at its seventh meeting.

**ITEM 8. OTHER MATTERS**

21. Under this item, delegates may propose for discussion other matters related to the subject matter of the meeting.

**ITEM 9. ADOPTION OF THE REPORT**

22. The Working Group will be invited to adopt its report, which will be submitted to the Conference of the Parties at its seventh meeting for consideration.

**ITEM 10. CLOSURE OF THE MEETING**

23. The third meeting of the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions will be closed on Friday, 12 December 2003.

*Annex I*

**PROVISIONAL LIST OF DOCUMENTS FOR THE THIRD MEETING OF THE AD HOC  
WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE  
CONVENTION**

<i>Symbol</i>	<i>Title</i>
<i>A. Working documents</i>	
UNEP/CBD/WG8J/3/1	Provisional agenda
UNEP/CBD/WG8J/3/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG8J/3/2	Progress report on the integration of the relevant tasks of the programme of work on Article 8(j) into the thematic areas of the Convention.
UNEP/CBD/WG8J/3/3	Progress report on the implementation of the programme of work on Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/4	Report on the first phase of the composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity.
UNEP/CBD/WG8J/3/5	Draft guidelines for the conduct of cultural, environmental and social impact assessments regarding any development proposed to take place on, or which are likely to impact on, sacred sites and on lands or waters traditionally occupied or used by indigenous and local communities.
UNEP/CBD/WG8J/3/6	Mechanisms to promote the effective participation of indigenous and local communities in matters related to the objectives of Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/6/Add 1	Report of the Ad Hoc Technical Expert Group on Traditional Knowledge and the Clearing-House Mechanism on issues relating to Article 8(j) and related provisions.
UNEP/CBD/WG8J/3/6/Add 2	Cooperation and collaboration among environmental conventions concerning the participation and involvement of indigenous and local communities in the maintenance and application of traditional knowledge relevant for the conservation and sustainable use of biological diversity

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UNEP/CBD/WG8J/3/7

Development of elements of a *sui generis* system for the protection of traditional knowledge, innovations and practices

*B. Background/information documents*

UNEP/CBD/WG8J/3/INF/1

Implications of the International Treaty on Plant Genetic Resources for Food and Agriculture on the issues under Article 8(j) and related provisions

UNEP/CBD/WG8J/3/INF/2

Report of the Ad Hoc Technical Expert Group on Genetic Use Restriction Technologies: analysis of the potential impacts of genetic use restriction technologies on smallholder farmers, indigenous and local communities and Farmers' Rights

UNEP/CBD/WG8J/3/INF/3

Africa - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/4

Australia, Asia and the Middle East - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/5

Caribbean - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/6

Central America - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/7

Europe - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/8

North America - Regional reports on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities

/...

relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/9

Pacific - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

UNEP/CBD/WG8J/3/INF/10

South America - Regional report on the status and trends concerning the knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity

## Annex II

**PROVISIONAL ORGANIZATION OF WORK FOR THE THIRD MEETING OF THE AD HOC OPEN-ENDED INTERSESSIONAL WORKING GROUP ON ARTICLE 8(j) AND RELATED PROVISIONS OF THE CONVENTION**

	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<p><i>Monday</i> 8 December 2003 10 a.m. to 1 p.m.</p>	<p>Items:</p> <ol style="list-style-type: none"> <li>1. Opening of the meeting.</li> <li>2. Organizational matters:               <ol style="list-style-type: none"> <li>2.1 Officers;</li> <li>2.2 Adoption of the agenda;</li> <li>2.3 Organization of work.</li> </ol> </li> <li>3. Reports               <ol style="list-style-type: none"> <li>3.1 Report on progress in the integration of relevant tasks of the programme of work on Article 8(j) and related provisions into each thematic areas of the Convention on Biological Diversity</li> <li>3.2 Report on progress in the implementation of the programme of work on Article 8(j) and related provisions.</li> </ol> </li> </ol>		
<p>3 – 6 p.m.</p>		<p>4. Composite report on the status and trends regarding the knowledge, innovations and practices of indigenous and local communities, relevant to the conservation and sustainable use of biodiversity.</p>	<p>7. <i>Sui generis</i> systems for the protection of the knowledge innovations and practices of indigenous and local communities.</p>

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	<i>Plenary</i>	<i>Sub-Working Group I</i>	<i>Sub-Working Group II</i>
<i>Tuesday</i> 9 December 2003 10 a.m. to 1 p.m.		Item 4. <i>(continued)</i>	Item 7. <i>(continued)</i>
3 – 6 p.m.  <i>Wednesday</i> 10 December 2003 10 a.m. to 1 p.m.		5. Draft guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on sacred sites and on lands and waters occupied or used by indigenous and local communities.  Item 4 and 5 <i>(continued)</i>	6. Participatory mechanisms for indigenous and local communities.  Item 6 and 7 <i>(continued)</i>
3 – 4 p.m.	Plenary (to review progress)		
4 – 6 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
<i>Thursday</i> 11 December 2003 10 a.m. to 1 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
3-6 p.m.		Item 4 and 5 <i>(continued)</i>	Item 6 and 7 <i>(continued)</i>
<i>Friday</i> 12 December 2003 10 a.m. to 1 p.m.	Adoption of recommendations under agenda items 4 to 7.  8. Other matters  9. Adoption of the report  10. Closure of the meeting		
3-5 p.m.	<i>(Continued as needed)</i>		

**SECOND MEETING OF THE AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND  
BENEFIT-SHARING**

**MONTREAL - CANADA – 1 TO 5 DECEMBER 2003**

Pre-Registration Form (Please print)

Mr. /  Mrs. /  Ms. /  Amb. /  Dr. /  Prof.                       Female                       Male

FAMILY NAME: \_\_\_\_\_

FIRST NAME: \_\_\_\_\_

FUNCTION/TITLE: : \_\_\_\_\_

Have you attended CBD meeting(s) before?:     Yes             No

Representing:

GOVERNMENT: \_\_\_\_\_

Ministry/department/agency: \_\_\_\_\_

**OR**

ORGANIZATION: \_\_\_\_\_

(SHORT NAME / ACCRONYM): \_\_\_\_\_

(Check one)     UN/ Specialized Agency     Inter-governmental organization     Non-governmental organization     Indigenous and local community organization     Media    ? Industry     Other

Official Address : \_\_\_\_\_

\_\_\_\_\_

Telephone : + (\_\_\_\_\_) \_\_\_\_\_

Fax : + (\_\_\_\_\_) \_\_\_\_\_

Telex : + (\_\_\_\_\_) \_\_\_\_\_

E-MAIL : \_\_\_\_\_

URL: \_\_\_\_\_

Signature : \_\_\_\_\_ Date: \_\_\_\_\_

**Please return duly filled by 31 October 2003 to:**  
Secretariat of the Convention on Biological Diversity  
World Trade Center  
393 Saint-Jacques St., Suite 300  
Montreal, Quebec, Canada  
H2Y 1N9  
Fax : + 1 (514) 288-6588  
E-mail: [secretariat@biodiv.org](mailto:secretariat@biodiv.org)

**Preferred language :**

- ? English
- ? French
- ? Spanish
- ? Russian
- ? Arabic
- ? Chinese

**THIRD MEETING OF THE ADHOC OPEN-ENDED INTER-SESSIONAL WORKING GROUP ON  
ARTICLE 8 (j) AND RELATED PROVISIONS**

**MONTREAL - CANADA – 8 TO 12 DECEMBER 2003**

Pre-Registration Form (Please print)

Mr. /  Mrs. /  Ms. /  Amb. /  Dr. /  Prof.                       Female                       Male

FAMILY NAME: \_\_\_\_\_

FIRST NAME: \_\_\_\_\_

FUNCTION/TITLE: : \_\_\_\_\_

Have you attended CBD meeting(s) before?:     Yes             No

Representing:

GOVERNMENT: \_\_\_\_\_

Ministry/department/agency: \_\_\_\_\_

**OR**

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(SHORT NAME / ACCRONYM): \_\_\_\_\_

(Check one)     UN/ Specialized Agency     Inter-governmental organization     Non-governmental organization     Indigenous and local community organization     Media    ? Industry     Other

Official Address: \_\_\_\_\_

Telephone : + (\_\_\_\_) \_\_\_\_\_

Fax: + (\_\_\_\_) \_\_\_\_\_

Telex: + (\_\_\_\_) \_\_\_\_\_

E-MAIL: \_\_\_\_\_

URL: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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393 Saint-Jacques St., Suite 300  
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