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OPEN-ENDED EXPERT WORKSHOP ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

Montreal, 2-4 December 2002

REPORT OF THE OPEN-ENDED EXPERT WORKSHOP ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

INTRODUCTION

A. *Background*

1. In paragraph 1 of its decision VI/24B, on other approaches, including the development of an action plan on capacity-building for access to genetic resources and benefit-sharing, the Conference of the Parties to the Convention on Biological Diversity decided:

“[To] convene an Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing. The Workshop will be open to participation by representatives, including experts, nominated by Governments and regional economic integration organizations; as well as representatives of relevant intergovernmental organizations (including donor organizations), non-governmental organizations, and indigenous and local communities. The Workshop should further develop the draft elements for an Action Plan on Capacity-building for Access and Benefit-sharing annexed to the present decision.”

2. Pursuant to that decision, the Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing was held in Montreal from 2 to 4 December 2002.

B. *Attendance*

3. Experts from the following Parties to the Convention on Biological Diversity and other States were present at the meeting: Algeria, Antigua and Barbuda, Bahamas, Belarus, Belgium, Benin, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic Republic of the Congo, Denmark, Egypt, El Salvador, Estonia, France, Gabon, Germany, Guinea, Haiti, India, Indonesia, Ireland, Italy, Jordan, Kenya, Malaysia, Mexico, Micronesia (Federated States of), Morocco, Mozambique, Netherlands, Norway, Pakistan, Peru, Poland, Republic of Korea, Russian Federation, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Republic of Tanzania, United States of America, Viet Nam

4. Observers from the following United Nations bodies, Secretariat units, specialized agencies and convention secretariats also attended: Food and Agriculture Organization of the United Nations (FAO), United Nations Development Programme (UNDP), United Nations Environment Programme (UNEP), United Nations University (UNU).

5. The following other organizations were represented: BirdLife International/Royal Society for the Protection of Birds, Centre for Traditional Knowledge, Edmonds Institute, Indigenous People's Biodiversity Information Network, International Chamber of Commerce, International Marinelife Alliance, IUCN (The World Conservation Union) - South Africa, Library of Parliament - Canada, Observatoire de l'Ecopolitique Internationale, Quaker International Affairs Programme, South-East Asia Regional Initiatives for Community Empowerment (SEARICE), UNISFERA International Centre, Tulalip Tribes of Washington.

ITEM 1. OPENING OF THE MEETING

6. The meeting was opened at 10 a.m. on Monday, 2 December 2002, by Mr. Hans Hoogeveen (Netherlands), representing the President of the Conference of the Parties. In his opening statement, Mr. Hoogeveen welcomed the experts to the Workshop and recalled that the adoption of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization at the sixth meeting of the Conference of the Parties to the Convention, held in The Hague in April 2002, had been a major step forward in the work on access to genetic resources and benefit-sharing. At the same meeting, the Conference of the Parties had also emphasized the need for capacity-building to assist Governments in the development of their national access and benefit-sharing regimes. For capacity-building to be successful, however, it had to respond to the needs of developing countries. In that context, the Workshop provided participants with an opportunity to identify their countries' needs and ensure that they would be accurately reflected in the draft plan of action.

7. Also at the opening meeting, Mr. Hamdallah Zedan, Executive Secretary of the Convention on Biological Diversity welcomed participants and expressed his appreciation to the Governments of Belgium, Denmark, Germany, the Netherlands, Norway, Sweden and Switzerland for their financial support. He said that, following the adoption of the Bonn Guidelines, the World Summit on Sustainable Development had recognized the importance of the issue of access to genetic resources and benefit-sharing. The World Summit's Plan of Implementation stressed the need to take action to promote the Bonn Guidelines, and use them as a basis for negotiating an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources. Capacity-building had an essential role to play, as recognized by the Panel of Experts and the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing, which had developed draft elements of an Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing endorsed by the Conference of the Parties at its sixth meeting. The purpose of the current meeting was to elaborate on those elements and prepare a draft Action Plan that would meet the needs and priorities of developing countries by identifying their needs and priorities, matching them with existing expertise and initiatives and examining the potential role of various institutions in its implementation. The note by the Executive Secretary (UNEP/CBD/ABS/EW-CB/1/2) prepared for the Workshop provided a synthesis of submissions by Parties and relevant organizations on capacity-building for access and benefit-sharing and also proposed additional elements for consideration in the further development of the draft Action Plan.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

8. The Bureau of the Conference of the Parties served as the Bureau of the Workshop. Mr. Hans Hoogeveen (Netherlands), representative of the President of the Conference of the Parties to the

Convention on Biological Diversity acted as presiding officer for plenary sessions of the Workshop. Ms. Diann Black Layne (Antigua and Barbuda) served as Rapporteur.

2.2. Adoption of the agenda

9. The Workshop adopted the following agenda on the basis of the provisional agenda (UNEP/CBD/ABS/EW-CB/1/1), which has been prepared by the Executive Secretary on the basis of decision VI/24 B:

1. Opening of the meeting.
2. Organizational matters:
 - 2.1. Officers;
 - 2.2. Adoption of the agenda;
 - 2.3. Organization of work.
3. In-depth consideration of capacity-building needs and priorities identified by Governments and existing capacity-building initiatives for access to genetic resources and benefit-sharing.
4. Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing.
5. Other matters.
6. Adoption of the report.
7. Closure of the meeting.

2.3. Organization of work

10. At its opening meeting, on 2 December 2002, the Workshop adopted the proposed organization of work as contained in annex II to the annotations to the provisional agenda (UNEP/CBD/ABS/EW-CB/1/1/Add.1) below, which provided for the Workshop to be conducted entirely in plenary session, on the understanding that contact groups or drafting groups could be set up as the need arose, in order to further develop the discussions conducted in plenary on specific issues and present the plenary with draft recommendations for its consideration.

ITEM 3. IN-DEPTH CONSIDERATION OF CAPACITY-BUILDING NEEDS AND PRIORITIES IDENTIFIED BY GOVERNMENTS AND EXISTING CAPACITY-BUILDING INITIATIVES FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

11. The Workshop took up agenda item 3 at its 1st meeting, on 2 December 2002. In considering the item, the Workshop had before it a synthesis of the submissions received from Governments and organizations on needs, priorities and existing initiatives (UNEP/CBD/ABS/EW-CB/1/2, sections III to VI), together with the original text of those submissions (UNEP/CBD/ABS/EW-CB/1/INF/2 and Add. 1 and 2). It also had before it, as an information document the report of the Scoping Meeting on Capacity-building Approaches for Access to Genetic Resources and Benefit-sharing, held in Kuala Lumpur from 7 to 9 October 2002 under the auspices of the United Nations University (UNU) (UNEP/CBD/ABS/EW-CB/1/INF/1).

12. Before the item was formally introduced by the Secretariat, the Workshop heard presentations from the representative of UNU on the above-mentioned Scoping Meeting on Capacity-building Approaches for Access to Genetic Resources and Benefit-sharing, and from the representatives of the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) on the relevant activities of their organizations.

13. The representative of UNU said that the purpose of the Meeting had been to exchange ideas and develop concrete proposals to address the capacity-building needs of countries with respect to developing access and benefit-sharing regimes. The Meeting had brought together experts on access and benefit-sharing issues from all regions and a variety of sectors. The Scoping Meeting had identified four areas where more capacity-building was required for developing and implementing access and benefit-sharing regimes: national policy and legislation; user measures; science and technology; and enhanced stakeholder participation. The report of the Scoping Meeting made it clear that different stakeholders had different needs, and that it was important for those needs, and the means to address them, to be identified within an overall access and benefit-sharing framework. There was a need to enhance participation at all levels, and a wide variety of measures would be required to assist countries in their effort to develop the necessary capacities. The task was so vast that no single organization could be expected to carry it out alone. He supported the proposed coordination mechanism with the Secretariat, with which the UNU Institute of Advanced Studies would be happy to work. He also reviewed the activities of the Institute, which included a series of case-studies in the South Pacific on access and benefit-sharing; the assessment of user measures; and the development of training programmes for negotiators.

14. The representative of UNEP reported on the UNEP Initiative on Access and Benefit-Sharing of Genetic Resources, the aim of which was to mobilize resources to assist countries, particularly developing countries and countries with economies in transition, in their efforts to strengthen and develop formal structures and relevant capacities for the effective implementation of the Bonn Guidelines in the context of other relevant provisions of the Convention on Biological Diversity. UNEP was fully committed to assisting developing countries in their efforts towards addressing complex issues of relevance to access to genetic resources and fair and equitable sharing of benefits arising from their use. The UNEP Initiative was designed to assist developing countries and countries with economies in transition to establish formal structures, policies, legislation and institutional frameworks for the implementation of, and continued work on, the Bonn Guidelines. Under the Initiative, UNEP in collaboration with the Secretariat of the Convention and UNU intended to organize workshops, seminars, roundtables, and regional/subregional consultations to develop the necessary access and benefit-sharing toolkits, as well as elements for possible inclusion in an international regime on access to genetic resources and benefit-sharing, called for in paragraph 44 (b) of the Plan of Implementation of the World Summit on Sustainable Development. An international multidisciplinary and regionally balanced group to advise UNEP was to provide expert advice and technical input into the Initiative. The results of the advisory group's activities and technical papers would be useful outputs that could feed into various processes, including, in particular, the work of the Ad Hoc Open-ended Working Group on Access to Genetic Resources and Benefit-sharing.

15. The representative of FAO noted that facilitating access to genetic resources and the fair and equitable sharing of benefits derived from their use had long been a concern of his organization, which worked in this area in two ways: by providing a neutral intergovernmental forum for discussion and negotiation of international agreements and standards, and by providing technical and legal analysis and assistance to countries. Through the Commission on Genetic Resources for Food and Agriculture, a number of international instruments had been adopted, the most recent being the International Treaty on Plant Genetic Resources for Food and Agriculture, which would enter into force upon ratification by 40 countries. FAO technical and legal analysis and assistance to countries in the area of access and benefit-sharing included surveys and inventories of existing legislation and regulations concerning access and benefit-sharing; support to countries' efforts to survey and take inventory of plant genetic resources for food and agriculture and the development of national information systems; and assistance to countries in developing legislation and regulations on access and benefit-sharing and related issues. For example, FAO had recently provided assistance to countries to develop legislation and regulations consistent with

the new International Treaty on Plant Genetic Resources for Food and Agriculture, as well as with the Convention of Biological Diversity and its Bonn Guidelines.

16. Following the presentations, the item was introduced by the representative of the Secretariat, who drew attention to the note of the Executive Secretary and, in particular, section III, which dealt with priority areas requiring capacity-building to assist with the implementation of access and benefit-sharing arrangements, section IV, which outlined the existing expertise relevant to capacity-building for access and benefit-sharing, section V, which gave an account of ongoing capacity-building initiatives related to access and benefit-sharing, and section VI, which described the potential role of various institutions in the implementation of the Action Plan. He also observed that the Bonn Guidelines were now available in a booklet form.

17. Following the introduction by the Secretariat, experts from the following Governments made statements at the 1st meeting of the Workshop outlining their experience and/or needs with respect to capacity-building for access to genetic resources and benefit-sharing: Brazil, Colombia (on behalf of the Group of Latin American and Caribbean States), Côte d'Ivoire, Cuba, Denmark (speaking on behalf of the European Community and its member States), El Salvador, Jordan, Mexico (speaking on behalf of the Group of Like-minded Megadiverse Countries), Netherlands, Pakistan, Peru, Russian Federation, Samoa, Senegal, Sweden, Switzerland, Tunisia, and Uganda.

18. At the 2nd meeting of the Workshop, on 2 December 2002, statements were made by experts from the following Governments: Burkina Faso, Canada, Egypt, Haiti, Kenya, Malaysia, Poland, Togo, United Republic of Tanzania, United States of America.

19. The representative of the United Nations University made a statement.

20. Statements were also made by the Task Force on Access to Genetic Resources and Benefit Sharing of the International Chamber of Commerce and by the Canadian Indigenous Biodiversity Information Network.

ITEM 4. ACTION PLAN ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

21. The Workshop took up agenda item 4 at its 2nd meeting, on 2 December 2002. In considering the item, the Workshop had before it the draft elements for an Action Plan for Capacity-building for Access to Genetic Resources and Benefit-sharing annexed to decision VI/24 B of the Conference of the Parties (UNEP/CBD/ABS/EW-CB/1/2, annex), together with additional elements for consideration in the development of the Action Plan contained in the note by the Executive Secretary prepared for the Workshop (UNEP/CBD/ABS/EW-CB/1/2, section VII).

22. Introducing the item, the President stated that the task before the Workshop was to revise the elements to produce a draft Action Plan for submission to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing at its meeting in December 2003. The Open-ended Working Group would then formulate a recommendation to the Conference of the Parties for the adoption of the draft Action Plan at its seventh meeting.

23. It was decided that, following the exchange of views on the new elements, a revised version of the draft Action Plan would be prepared by the Chair, incorporating the comments made by experts. That revised text would then be submitted to participants for their consideration.

24. Statements were then made by experts from the following Governments: Belarus, Brazil, Burkina Faso, Cambodia, Canada, Chile, Colombia, Côte d'Ivoire, Cuba, Denmark, Egypt, El Salvador, Haiti, Indonesia, Ireland, Mexico, Netherlands, Peru, Samoa, South Africa, Spain, Switzerland, Turkey, Uganda, United States of America.

25. Statements were also made by the United Nations Development Programme (UNDP) and UNU and by the Edmonds Institute, the Canadian Indigenous Biodiversity Network and the South-East Asia Regional Initiatives for Community Empowerment (SEARICE).

26. In response to a question from one expert about the linkage between sections C and D of the draft elements for an Action Plan, the Secretariat explained that section C, "Processes", included actions that needed to be undertaken as a prerequisite to capacity-building, while section D, "Means of Implementation", addressed the actual tools available to implement capacity-building measures.

27. At the 3rd plenary meeting of the Workshop, on 3 December 2002, participants took up a conference room paper submitted by the Chair and containing a draft Action Plan prepared on the basis of the elements in the annex to decision VI/24 B of the Conference of the Parties and the comments made at the 2nd meeting of the Workshop.

28. Statements were made by experts from the following Governments: Antigua and Barbuda, Brazil, Cameroon, Cambodia, Canada, Colombia (speaking on behalf of the Latin American and Caribbean Group), Côte d'Ivoire, Cuba, Egypt, Germany, Haiti, Indonesia, Mexico (speaking on behalf of the Group of Like-minded Megadiverse Countries), Netherlands, Norway, Pakistan, Peru, Poland (speaking on behalf of the Central and Eastern European Group), Russian Federation, Samoa, Saint Lucia, Spain, Togo, Uganda, United States of America.

29. Statements were also made by the Edmonds Institute and the Canadian Indigenous Biodiversity Network.

30. At the 4th plenary meeting of the Workshop, participants continued their discussion under this item and heard statements by experts from the following Governments: Antigua and Barbuda, Canada, Haiti, Malaysia, Mexico, Netherlands, South Africa, Saint Lucia, Switzerland, Togo.

31. Statements were also made by the International Chamber of Commerce, the South-East Asia Regional Initiatives for Community Empowerment (SEARICE) and the Canadian Indigenous Biodiversity Network.

32. Following the discussion, it was agreed that a revised version of the draft Action Plan would be prepared by the Chair, incorporating the comments made by experts. That revised text would then be submitted to participants for their consideration at the 5th plenary meeting of the Workshop.

33. The President then proposed to take up a suggestion made by one expert to discuss the sequence of actions to implement the Action Plan on Capacity Building for Access to Genetic Resources and Benefit-sharing, using as a model annex III of the report of the Open-ended Expert Meeting on Capacity-building for the Cartagena Protocol on Biosafety (UNEP/CBD/BS/EM-CB/1/3), which contained a suggested sequence of actions for implementing the elements in the action plan on capacity-building for the Protocol. The President proposed that an informal, open-ended contact group be set up to discuss the issue, and called on participants to make statements to guide the work of the group.

34. Statements were made by experts from the following Governments: Colombia, Spain, Switzerland, Uganda (on behalf of the African Group).

35. During the discussion, it was pointed out that appendix I of the report of the Scoping Meeting on Capacity-Building Approaches for Access to Genetic Resources and Benefit-Sharing (UNEP/CBD/BS/EW-CB/1/INF/1) also provided a useful approach to sequencing events.

36. Following the discussion, the President formed the contact group, to be chaired by the Mr. François Pythoud, expert from Switzerland, and with a core membership of the experts from Antigua

and Barbuda, Colombia, Denmark, Indonesia, Malaysia, Mexico, Poland, Uganda. Participants agreed that the contact group would report at the 5th plenary meeting of the Workshop.

37. Also at the 4th plenary meeting of the Workshop, the expert from Uganda made a statement on behalf of the African Group, saying that it was generally happy with the elements in the draft Action Plan on Capacity-Building for Access to Genetic Resources and Benefit-sharing to date. Its main concern, however, was how to make the Action Plan operational as soon as possible. It fully supported the suggestion by the expert from Switzerland regarding a step-wise approach modelled on the UNEP/GEF capacity-building programme for biosafety, taking into account the different situations and levels of development of each country. In that connection, the African Group welcomed the proposal for an open-ended contact group to draft a sequence of actions based on the sequence suggested for capacity-building for biosafety, and would be participating in the contact group. The African Group supported the UNEP initiative on capacity-building for access to genetic resources and benefit-sharing, and called upon UNEP to finalize and operationalize it. The African Group also called on other funding agencies to consider supporting capacity-building initiatives on access to genetic resources and benefit-sharing at the national and regional levels.

38. Experts from other countries and organizations supported the statement by the expert from Uganda on behalf of the African Group encouraging early implementation of the Action Plan.

39. At the 5th plenary meeting of the Workshop on 4 December 2002, the participants took up a revised version of the draft Action Plan (UNEP/CBD/ABS/EW-CB/1/L.2), which had been prepared in light of the comments made by the experts at the 3rd and 4th meetings.

40. Statements were by the experts from the following Governments: Cameroon, Canada, Colombia (speaking on behalf of the Latin American and Caribbean Group), Cuba, El Salvador, Mexico, Poland, Russian Federation, Saint Lucia, Samoa, South Africa, Spain, Switzerland, Togo, Tunisia, United Republic of Tanzania, United States of America.

41. Statements were also made by the United Nations University, the Canadian Indigenous Biodiversity Network, the Edmonds Institute, and SEARICE.

42. The representative of the Edmonds Institute wished to have it reflected in the report of the Workshop that she disagreed with the deletion of text referring specifically to environmental and socio-economic impact assessment.

43. Also at the 5th plenary meeting, participants considered a conference room paper submitted by the contact group that had been set up to formulate a possible sequence of actions to implement the draft Action Plan under discussion. The conference room paper was introduced by Mr. Pythoud (Switzerland), chair of the contact group.

44. Statements were then made by experts from the following Governments: Cambodia, Canada, Colombia, Cuba, El Salvador, France, Haiti, Mexico, Netherlands, Samoa, Switzerland, United States of America.

45. Statements were also made by the United Nations Development Programme and the Canadian Indigenous Biodiversity Network .

46. The Workshop agreed that the sequence of actions to implement the Action Plan should be revised on the basis of the comments and suggestions made and re-submitted to the Workshop for further consideration.

47. At the 6th plenary meeting of the Workshop on 4 December 2002, participants considered revised versions of the Action Plan and the sequence of actions to implement the Action Plan, contained in

document UNEP/CBD/ABS/EW-CB/1/L.2/Rev.1. The text as approved by the Workshop, and reflecting the agreed change of the word “sequence” to “approaches”, is contained in annex I to the present report.

ITEM 5. OTHER MATTERS

48. Under this item the President submitted to the Workshop a draft decision on the adoption and implementation of the Action Plan on Capacity-Building for Access to Genetic Resources and Benefit-Sharing.

49. Taking into account an amendment made by a participant, the Workshop approved the draft decision and recommended that it be considered by the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, for onward transmission to and adoption by the Conference of the Parties at its seventh meeting. The draft decision as approved by the Workshop is contained in annex II to the present report.

ITEM 6. ADOPTION OF THE REPORT

50. The present report was adopted at the 6th plenary meeting of the Workshop on the basis of the draft report (UNEP/CBD/ABS/EW-CB/1/L.1 and Add.1), and taking into account amendments made by participants, on the understanding that the Rapporteur, together with the Chair and with the assistance of the Secretariat, would be responsible for its finalization to include, *inter alia*, the outcome of the discussions on the final day of the Workshop.

ITEM 7. CLOSURE OF THE MEETING

51. Following the customary exchange of courtesies, the President declared the Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing closed at 3:45 p.m. on Wednesday, 4 December 2002.

*Annex I***DRAFT ACTION PLAN ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING**

The Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing,

Having met in Montreal from 2 to 4 December 2002,

Recommends the following draft Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing for onward transmission to, and adoption by, the Conference of the Parties to the Convention on Biological Diversity at its seventh meeting:

A. Objective of the Action Plan

1. The objective of the Action Plan is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit-sharing, and in particular the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising Out of their Utilization, taking into account their voluntary nature. The implementation of the Action Plan at the local, national, subregional, regional and international levels should involve indigenous and local communities and all relevant stakeholders.
2. Capacity-building for access and benefit-sharing constitutes an integral part of efforts to build the capacities of Parties to manage and develop their genetic resources and should contribute to the conservation and sustainable use of biological diversity.
3. To achieve the objective, the Action Plan will provide a framework for identifying country, indigenous and local community and all relevant stakeholder needs, priorities, mechanisms of implementation and sources of funding.

B. Key areas requiring capacity-building

4. Key areas that require capacity-building initiatives should be considered in a flexible and transparent manner, based on a country-driven approach. This approach will take into account the different situations, needs, capabilities and stages of development of each country, as well as the different types of genetic resources and their respective characteristics, and will promote synergies between different initiatives related to capacity-building.
5. Capacities should be strengthened at the systemic, institutional and individual levels in the following key areas:
 - (a) Institutional capacity-building:
 - (i) Policy, legislative and regulatory frameworks;
 - (ii) Administrative framework;
 - (iii) Funding and resource management;
 - (iv) Mechanisms for follow-up, monitoring and assessment;

/...

- (b) Assessment, inventory and monitoring of genetic resources, and traditional knowledge including taxonomic capacity, *inter alia*, within the context of the Global Taxonomy Initiative, and of *in situ* and *ex situ* conservation activities;
- (c) The capacity of indigenous and local communities to assess, inventory and monitor genetic resources and related traditional knowledge, with their approval and consent, using the Global Taxonomy Initiative and other relevant initiatives;
- (d) Bioprospecting, screening, DNA sequencing, characterization, product development and marketing;
- (e) Environmental, cultural, social and economic valuation of genetic resources, and associated traditional knowledge, innovations and practices, and market information, including sector-relevant production and marketing strategies;
- (f) Development by Contracting Parties with users of genetic resources under their jurisdiction of appropriate legal, administrative, or policy measures, as appropriate, to support compliance with prior informed consent of the Contracting Party providing such genetic resources and mutually agreed terms on which access was granted;
- (g) Inventory and case-studies of existing policy and legislative measures, and the development of appropriate policies and legislation.
- (h) Development of legislative, administrative and policy mechanisms for the protection of genetic resources and related traditional knowledge including, *inter alia*, the development of *sui generis* systems, the promotion of existing forms of protection of intellectual property rights and the support for community-based approaches of indigenous and local communities;
- (i) Development of national, regional, subregional and international information systems, and national, regional, subregional and international information management and exchange, linked with the clearing-house mechanism of the Convention;
- (j) Development and strengthening of the capacities of indigenous and local communities for participation in decision-making, policy formulation and implementation and for conservation, management and product development with regard to genetic resources and to enable them to benefit from the use of their traditional knowledge and practices related to genetic resources;
- (k) Public education and awareness focusing on indigenous and local communities and all relevant stakeholders at local, national and regional levels;
- (l) Human-resources development at all levels, including: legal drafting skills for development of access to genetic resources and benefit-sharing measures; contract-negotiation skills for indigenous and local communities and other relevant stakeholders; modalities for benefit-sharing; dispute resolution mechanisms;
- (m) Development of awareness with respect to conventions, norms and policies relating to intellectual property rights and trade and their interrelationship with genetic resources and traditional knowledge;
- (n) Strengthening inter-institutional linkages and processes with a view to ensuring more effective coordination.
- (o) Evaluation of how the access activity may impact on conservation and sustainable use of biodiversity, to determine the relative costs and benefits of granting access;

(p) Clarification and/or recognition, as appropriate, of established rights and claims of indigenous and local communities over genetic resources and related traditional knowledge, innovations and practices, subject to collecting for scientific or potential commercial purposes and subject to national legal and policy frameworks;

(q) Mechanisms to provide information to potential users, regulators and the public, international and national, on their obligations regarding access to genetic resources.

C. Mechanisms for the implementation of capacity-building in key areas

6. The following processes, measures and mechanisms could be used for the implementation of capacity-building activities for access to genetic resources and benefit-sharing; noting that measures directed towards the capacity-building needs of users and of providers should be mutually supportive.

7. *Actions at multiple levels:*

(a) Awareness-raising for the issues at stake and identification of capacity needs at the local, national, subregional, and regional levels, taking into account, as appropriate, the work of the Global Environment Facility on national capacity self-assessment;

(b) Prioritization at the local, national, and regional levels of the key areas, drawing upon a range of existing expertise in academic, industrial and government sectors and indigenous and local communities;

(c) Identification of existing and planned capacity-building initiatives, including capacity-building gaps, at the local, national, subregional, regional and international levels, both public and private, and their coverage, including by:

(i) National sources;

(ii) Bilateral sources;

(iii) Regional sources;

(iv) Multilateral agencies;

(v) Other international sources;

(vi) Indigenous and local communities;

(vii) Private sector, non-governmental organizations and other stakeholders;

(d) Developing and enhancing synergies and coordination of capacity-building initiatives;

(e) Establishment of indicators for monitoring capacity-building implementation;

(f) Funding through the Global Environment Facility and other donors;

(g) The participation of the private sector, academic institutions, relevant institutions and organizations of indigenous and local communities, and non-governmental organizations, as providers of capacity-building in specific areas, for example through collaborative research, transfer of technology and funding;

(h) Training workshops, train the trainers, exchange programmes and study trips;

(i) Full and effective involvement and participation of relevant stakeholders and indigenous and local communities, taking into account the tasks defined within the programme of work on the implementation of Article 8(j) and related provisions of the Convention;

(j) Development of audiovisual, multi-media and educational material.

8. *Actions at the national level:*

(a) Designation of national focal points and establishment of competent national authorities;

(b) Development of appropriate national access and benefit-sharing strategies, policies, legislation and regulatory frameworks;

(c) Integration of capacity-building for access to genetic resources and benefit-sharing within the framework of national biodiversity strategies and other related initiatives and strategies;

(d) Approaches for action, including timelines for the operation of capacity-building for access to genetic resources and benefit-sharing, as provided for in the appendix to this Action Plan;

(e) Scientific and technical areas, including research production and technology transfer relevant to access to and use of genetic resources and benefit-sharing;

(f) Development of instruments and tools, including indicators to monitor and assess the implementation of capacity-building for access to genetic resources and benefit-sharing at all stages, and the effectiveness of policy and legislative measures.

9. *Actions at the regional and subregional levels and at the international levels:*

(a) Regional and subregional collaborative arrangements;

(b) Assessment of resource requirements and development of a funding strategy

(c) Scientific and technical cooperation and partnerships among Parties, and between Parties and relevant multilateral agencies and other organizations through, *inter alia*, the clearing-house mechanism of the Convention, and other relevant networks, including those of relevant indigenous and local communities and relevant stakeholders;

(d) Information exchange, through the clearing-house mechanism of the Convention, the use of the Internet, databases, CD-ROMs, hard copies and workshops;

(e) Identification and dissemination of case-studies and best practices;

(f) Coordination between multilateral and bilateral donors and other organizations;

(g) Development of model agreements and codes of conduct for specific uses, users and sectors, where possible making use of work done in other forums;

(h) The Global Taxonomy Initiative;

(i) The roster of experts on access to genetic resources and benefit-sharing established under the Convention.

D. Coordination

10. In view of the multiplicity of actors undertaking capacity-building initiatives for access to genetic resources and benefit-sharing, mutual information-sharing and coordination at all levels should be promoted to encourage synergies and to identify existing gaps in coverage. At the international level, coordination is required with other relevant international regimes, in particular with capacity-building programmes under the International Treaty on Plant Genetic Resources for Food and Agriculture, and with the World Intellectual Property Organization to ensure synergies and complementarities.

11. While recognizing the country-driven nature of the Action Plan, regional and subregional approaches should be encouraged and facilitated to implement the Action Plan, noting in particular the special needs of small island developing States (SIDS). Such facilitation could include appropriate advice to the Global Environment Facility (GEF), including promotion of regional coordination among implementing agencies of capacity-building activities supported by GEF, the submission of relevant case-studies and the broader use of the clearing-house mechanism as a means, assisted by the Executive Secretary, of identifying opportunities for regional and subregional collaboration.

12. Parties, Governments and relevant international organizations should be encouraged to provide information to the Secretariat on steps taken, including by donors, towards the implementation of capacity-building measures, to be made available through the clearing-house mechanism of the Convention.

13. Parties may consider including in their national reports, websites and any other form of reporting, information on the implementation of capacity-building measures on access to genetic resources and benefit-sharing.

14. Coordination between the Ad Hoc Open-ended Inter-Sessional 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 in the continuing development of their programmes of work with respect to capacity-building for indigenous and local communities should be encouraged.

*Appendix***POSSIBLE APPROACHES FOR ACTION**

Recognizing that the status of policy development related to access and benefit-sharing differs among countries, the approaches for action necessary to implement the Action Plan on access and benefit-sharing are to be decided by countries according to their national needs and priorities,

Cognizant of the urgent need to build capacities in developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition,

Building on the identified elements in the Action Plan and without prejudice to the timeframes indicated therein,

As a tool to assist countries to establish national priorities and to facilitate regional and subregional activities the following approaches for action, based on experience and past practice, are proposed for consideration.

Possible approaches for implementation of activities identified in the Action Plan**A. *National level***

1. Inventory of genetic resources and traditional knowledge and evaluation of their potential markets, as well as assessment of existing measures and practices relating to access and benefit-sharing
2. Assessment of the effectiveness and adequacy of existing capacity.
3. Development of national access and benefit-sharing strategy or policy (determination of ownership or rights to provide resources, including rights of indigenous and local communities; traditional knowledge; private sector partnership; prior informed consent; implementation; conflict resolution).
4. Enhancing awareness and participation of indigenous and local communities and all relevant stakeholders.
5. Development of timelines, including short- and long-term requirements for internal and external funding.
6. Development and/or strengthening of institutional, administrative, financial and technical capacities, including designation of national focal points and competent authorities and development of national legislative measures.
7. Mechanism for handling access and benefit-sharing requests, including decision-making, as well as public information and participation.
8. Mechanisms for monitoring and compliance for access and benefit-sharing arrangements.
9. Appropriate information mechanisms.

B. *Subregional and regional levels*

1. Assessment of national, bilateral and multilateral funding.

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2. Mechanisms for regional and subregional coordination and harmonization of access and benefit-sharing strategies, policies, and legislative measures, where appropriate. This may also include regional and subregional websites, databases, collaborative arrangements, advisory mechanisms, and centres of excellence and training.

C. *International level*

1. Effective functioning of the clearing-house mechanism, including the establishment of a database on capacity-building activities.
2. Enhancing the effectiveness and adequacy and coordination of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition.
3. Development and effective use of the roster of experts.
4. Enhancing synergies and coordination with capacity-building initiatives carried out by the Food and Agriculture Organization of the United Nations (FAO), the World Intellectual Property Organization (WIPO) and other relevant organizations.
5. Strengthening South-South cooperation.
6. Regular review and provision of further guidance by the Conference of the Parties to the Convention.

Annex II

**DRAFT DECISION FOR THE CONSIDERATION OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON BIOLOGICAL DIVERSITY AT ITS SEVENTH MEETING**

The Conference of the Parties,

Recalling its decision VI/24 B,

1. *Takes note* of the report of the Open-ended Expert Workshop on Capacity-Building for Access to Genetic Resources and Benefit Sharing;

2. *Decides* to adopt the Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing;

3. *Invites* Parties and Governments to use the Action Plan when designing and implementing national, regional and subregional plans and strategies to build capacities to manage and develop their genetic resources;

4. *Reiterates* its guidance to the Global Environment Facility as the institutional structure operating the financial mechanism of the Convention to provide financial resources for the projects that assist with the implementation of the Action Plan in support of the implementation of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefit Arising out of their Utilization;

5. *Urges* Parties and relevant organizations to provide financial and technical assistance to support developing countries, in particular, least developed countries, small island developing States, as well as countries with economies in transition, in implementing the Action Plan and in implementing relevant resulting national, regional and subregional plans and strategies;

6. *Encourages* Parties and Governments to provide for the full and effective involvement and participation of indigenous and local communities and all relevant stakeholders in the development and implementation of national capacity-building plans and strategies;

7. *Requests* the Executive Secretary to facilitate, including through the clearing-house mechanism, the sharing of relevant information among donor Parties and organizations to assist coordination, reduce duplication and identify gaps relevant to the implementation of the Action Plan;

8. *Requests* Parties and Governments to make information available through the clearing-house mechanism and to include information in national reports regarding their implementation of capacity-building measures on access to genetic resources and benefit-sharing.
