



Convention on Biological Diversity

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

Seventh meeting
Paris, 2-8 April 2009

Item 2 of the provisional agenda*

ORGANIZATIONAL MATTERS

Revised annotated provisional agenda

INTRODUCTION

1. In its decision IX/12, the Conference of the Parties welcomed “the progress made in the Ad Hoc Open-ended Working Group on Access and Benefit-sharing” (paragraph 1), reiterated its instruction to the Working Group to complete the elaboration and negotiation of the international regime on access and benefit-sharing at the earliest possible time before the tenth meeting of the Conference of the Parties (paragraph 2) and decided that the Working Group should meet three times prior to the tenth meeting of the Conference of the Parties (paragraph 5).

2. In paragraph 3 of the same decision, the Conference of the Parties further instructed “the Working Group to finalize the international regime and to submit for consideration and adoption by the Conference of the Parties at its tenth meeting an instrument\instruments to effectively implement the provisions in Article 15 and Article 8(j) of the Convention and its three objectives, without in any way prejudging or precluding any outcome regarding the nature of such instrument\instruments”.

3. In paragraph 7, it further decided “that, subject to the availability of funds, each of these working group meetings will be held over the duration of seven consecutive days and that the purpose of these working group meetings will be as follows unless otherwise proposed by the Parties at the meetings and decided by the Bureau in consultation with the co-chairs:

(a) *Seventh meeting.* Negotiation of operational text on the objective, scope, compliance, fair and equitable sharing, access;

(b) *Eighth meeting.* Negotiation of operational text on nature, traditional knowledge associated with genetic resources, capacity-building, compliance, fair and equitable benefit-sharing, access;

(c) *Ninth meeting.* Consolidation of all operational text developed at the seventh and eighth meetings of the Working Group.”

* UNEP/CBD/WG-ABS/7/1.

4. Against this background, in consultation with the Co-Chairs of the Working Group, the Secretariat prepared the provisional agenda for the seventh meeting of the Working Group on Access and Benefit-sharing (UNEP/CBD/WG-ABS/7/1). The agenda was submitted to, and approved by, the Bureau of the Conference of the Parties at its meeting on 4 October 2008.

5. Information regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and related matters are available in a document entitled “Information for participants” on the Secretariat website at: <http://www.cbd.int/doc/meetings/abs/>.

6. The documents for the meeting are listed in annex I and are available on the Secretariat’s website at www.cbd.int or <http://www.biodiv.org>.

ITEM 1. OPENING OF THE MEETING

7. The meeting will be opened by the Co-Chairs of the Working Group. The Executive Secretary will make introductory remarks.

ITEM 2. ORGANIZATIONAL MATTERS

2.1. Officers

8. The meeting will be chaired by Mr. Fernando Casas of Colombia and Mr. Timothy Hodges of Canada, who were elected as Co-chairs of the Working Group by the Conference of the Parties in decision VIII/4. The Bureau of the Conference of the Parties will serve as the Bureau of the Working Group. In accordance with rule 21 of the rules of procedure of the Conference of the Parties, the Bureau will designate one of its members to act as Rapporteur.

2.2. Adoption of the agenda

9. The Working Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/WG-ABS/7/1), which was prepared by the Secretariat in close cooperation with the Co-Chairs on the basis of decisions IX/12, and was approved by the Bureau.

2.3. Organization of work

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

11. It is proposed that the Working Group conduct its work in plenary, with the understanding that contact groups may be established, as needed, to address specific agenda items depending on progress in the negotiations and keeping in mind the need to make the most effective use of the time available. With these considerations in mind, an indicative timetable is proposed in annex II below. It should be noted that the Co-Chairs have addressed this matter in an explanatory note regarding the workflow scenario for the meeting, which was circulated as an attachment to notification 2009-032 (ref. SCBD/SEL/OJ/GD/66851) of 19 March 2009. The Co-Chairs intend to address this matter further in the open-ended informal consultations, on 1 April.

ITEM 3. INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING: NEGOTIATION OF OPERATIONAL TEXT

12. In paragraph 1 of decision IX/12, the Conference of the Parties decided “that annex I to the present decision shall be the basis for further elaboration and negotiation of the international regime”. For ease of reference, annex I to decision IX/12 is reproduced in document UNEP/CBD/WG-ABS/7/7.

13. In accordance with decision IX/12, paragraph 7 (a), the Working Group at its seventh meeting is to negotiate operational text on:

- 3.1 Objective;
- 3.2 Scope;
- 3.3 Compliance;
- 3.4 Fair and equitable benefit-sharing;
- 3.5 Access.

14. In paragraph 9 of the same decision, the Conference of the Parties invited “Parties, other Governments, international organizations and indigenous and local communities, and relevant stakeholders to submit, for further elaboration and negotiation of the international regime on access and benefit-sharing, views and proposals including operational text, where relevant, in respect of the main components listed in annex I to the present decision, preferably with supporting rationale;”

15. In paragraph 10, it requested “the Executive Secretary to compile the submissions received and to collate in three separate documents:

- (a) Any operative text submitted;
- (b) Operative text including related explanations and rationale;
- (c) Any other views and information;

by subject matter, in accordance with the annex I to the present decision and as indicated in the submissions, and to identify in the collation the respective sources” and further requested “the Executive Secretary to make the compilation and these documents available to Parties sixty days prior to the seventh meeting of the Working Group on Access and Benefit-sharing;”

16. In accordance with the above, the following documents will be made available: a collation of operative texts submitted (UNEP/CBD/WG-ABS/7/4 and Add.1); a collation of operative text including related explanations and rationale (UNEP/CBD/WG-ABS/7/5), a collation of other views and information submitted (UNEP/CBD/WG-ABS/7/6 and Add.1); and a compilation of all submissions received (UNEP/CBD/WG-ABS/7/INF/1 and Add.1).

17. In paragraph 11 of decision IX/12, the Conference of the Parties also decided to establish three distinct groups of technical and legal experts on: (i) compliance; (ii) concepts, terms, working definitions and sectoral approaches; and (iii) traditional knowledge associated with genetic resources. The expert groups on compliance and on concepts, terms, working definitions and sectoral approaches were held, respectively, in Tokyo, from 27 to 30 January 2009, and in Windhoek, from 2 to 5 December 2008. The reports of these meetings are available as documents UNEP/CBD/WG-ABS/7/3 and UNEP/CBD/WG-ABS/7/2, respectively. The expert meeting on traditional knowledge associated with genetic resources is scheduled to be held in June 2009. Early in the meeting of the Working Group, an opportunity will be given to the co-chairs of the expert groups to introduce the reports of these meetings.

18. In addition, in paragraph 13 of the decision IX/12, the Executive Secretary was requested to commission studies on the following topics:

- (a) Recent developments in methods to identify genetic resources directly based on DNA sequences;

(b) To identify the different possible ways of tracking and monitoring genetic resources through the use of persistent global unique identifiers, including the practicality, feasibility, costs and benefits of the different options;

(c) How an international regime on access and benefit-sharing could be in harmony and be mutually supportive of the mandates of and coexist alongside other international instruments and fora which govern the use of genetic resources, such as the FAO International Treaty on Plant Genetic Resources for Food and Agriculture;

(d) Development of a comparative study of the real and transactional costs involved in the process of access to justice across jurisdictions;

(e) How can compliance be ensured in conformity with the customary law of indigenous peoples and local communities, national law, across jurisdictions, and international law, including human rights and trade?

19. In response to this request, consultants were commissioned to carry out studies on these topics. These studies are available as information documents as follows: the study on the identification, tracking and monitoring of genetic resources (UNEP/CBD/WG-ABS/7/INF/2) addresses paragraphs 13 (a) and (b); studies on the relationship between the International Regime and other international instruments that govern the use of genetic resources (UNEP/CBD/WG-ABS/7/INF/3/Part 1; UNEP/CBD/WG-ABS/7/INF/3/Part 2; UNEP/CBD/WG-ABS/7/INF/3/Part 3) address paragraph 13 (c); the comparative study of the real and transactional costs involved in the process of access to justice across jurisdictions (UNEP/CBD/WG-ABS/7/INF/4) addresses paragraph 13 (d); and the study on compliance in relation to the customary law of indigenous peoples and local communities, national law, across jurisdictions, and international law (UNEP/CBD/WG-ABS/7/INF/5) addresses paragraph 13 (e).

20. The authors of the studies will be invited to present their findings during side-events to be held during lunchtime on 2 and 3 April 2009.

21. In accordance with paragraph 14 of decision IX/12, it is also expected that a presentation will be made by experts during side-events to be held during lunch time on 4 and 5 April 2009 on the following issues:

(a) “Should economic rent be charged for access to genetic resources and what is the justification for such a rent? What should be the basis for the valuation of such rent?”; and

(b) The information technology environment established by the secretariat of the FAO International Treaty on Plant Genetic Resources for Food and Agriculture for accessing material covered by the International Treaty.

22. In addition, the following reports of workshops of relevance to the negotiation of the international regime on access and benefit-sharing are also made available for the information of participants:

- Report of a Workshop on Access and Benefit-sharing in Non-Commercial Biodiversity Research, held in Bonn, from 17 to 19 November 2008, (UNEP/CBD/WG-ABS/7/INF/6)
- Outcomes of the Vienna Workshop on Matters Related to Traditional Knowledge with Genetic Resources and the International ABS Regime, hosted by the Austrian Ministry of Agriculture, Forestry, Environment and Water Management, held in Vienna from 15 to 17 December 2008,

23. Also available as an information document will be a study prepared by the secretariat of the United Nations Conference on Trade and Development (UNCTAD) on elements of an international

regime for the recognition of national regulations on access to genetic resources (UNEP/CBD/WG-ABS/7/INF/8)

ITEM 4. OTHER MATTERS

24. Under this item, participants may wish to raise other matters related to the subject-matter of the meeting.

ITEM 5. ADOPTION OF THE REPORT

25. 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.

ITEM 6. CLOSURE OF THE MEETING

26. The meeting is expected to be closed at 6 p.m. on Wednesday, 8 April 2009.

Annex I

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

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/7/1	Provisional agenda
UNEP/CBD/WG-ABS/7/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG-ABS/7/2	Report of the meeting of the Group of Legal and Technical Experts on Concepts, Terms, Working Definitions and Sectoral Approaches
UNEP/CBD/WG-ABS/7/3	Report of the meeting of the Group of Legal and Technical Experts on Compliance in the Context of the International Regime on Access and Benefit-sharing
UNEP/CBD/WG-ABS/7/4 and Add.1	Collation of operative text submitted
UNEP/CBD/WG-ABS/7/5	Collation of operative text including related explanations and rationale
UNEP/CBD/WG-ABS/7/6 and Add.1	Collation of any other views and information
UNEP/CBD/WG-ABS/7/7	International Regime on Access and Benefit-sharing: Negotiation of Operational Text
UNEP/CBD/WG-ABS/7/INF/1 and Add.1	Compilation of submissions received by Parties, other Governments, international organizations and indigenous and local communities, and relevant stakeholders
UNEP/CBD/WG-ABS/7/INF/2	Study on the identification, tracking and monitoring of genetic resources
UNEP/CBD/WG-ABS/7/INF/3/Part 1	Study on the relationship between the International Regime and other international instruments that govern the use of genetic resources – The International Treaty on Plant Genetic Resources for Food and Agriculture and the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organisation of the United Nations
UNEP/CBD/WG-ABS/7/INF/3/Part 2	Study on the relationship between the International Regime and other international instruments that govern the use of genetic resources – The World Trade Organisation (WTO); the World Intellectual Property Organisation (WIPO); and the International Union for the Protection of New Varieties of Plants (UPOV)
UNEP/CBD/WG-ABS/7/INF/3/Part 3	Study on the relationship between the International Regime and other international instruments that govern

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<i>Symbol</i>	<i>Title</i>
	the use of genetic resources – The Antarctic Treaty System (ATS) and the United Nations Convention on the Law of the Sea (UNCLOS)
UNEP/CBD/WG-ABS/7/INF/4	Comparative study of the real and transactional costs involved in the process of access to justice across jurisdictions
UNEP/CBD/WG-ABS/7/INF/5	Study on compliance in relation to the customary law of indigenous peoples and local communities, national law, across jurisdictions, and international law.
UNEP/CBD/WG-ABS/7/INF/6	Report of a Workshop on Access and Benefit-Sharing in Non-Commercial Biodiversity Research
UNEP/CBD/WG-ABS/7/INF/7	Vienna Workshop on Matters related to Traditional Knowledge associated with Genetic Resources and the International Regime on Access and Benefit-sharing
UNEP/CBD/WG-ABS/7/INF/8	Elements of an international regime for the recognition of national regulations on access to genetic resources: study prepared by the secretariat of the United Nations Conference on Trade and Development (UNCTAD)

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

	<i>Plenary</i>
<i>Thursday, 2 April 2009 10 a.m. to 1 p.m.</i>	<p>Item 1. Opening of the meeting.</p> <p>Item 2. Organizational matters:</p> <p> 2.1. Officers;</p> <p> 2.2. Adoption of the agenda;</p> <p> 2.3. Organization of work.</p> <p>Item 3. International regime:</p> <p> 3.1. Objective</p> <p> 3.2. Scope</p> <p> 3.3. Compliance</p> <p> 3.4. Fair and equitable benefit-sharing</p> <p> 3.5. Access</p>
<i>Thursday , 2 April 2009 3-6 p.m. to Wednesday, 8 April 2009 10 a.m. to 1 p.m.</i>	<i>To be determined</i>
<i>Wednesday, 8 April 2009 3-6 p.m.</i>	<p>Other matters</p> <p>Adoption of report</p> <p>Closure of the meeting</p>
