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

Eighth meeting

Montreal, 9-15 November 2009

Item 2 of the provisional agenda*

ORGANIZATIONAL MATTERS

Annotated provisional agenda

INTRODUCTION

1. In its decision IX/12, the Conference of the Parties 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 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.”
3. The seventh meeting of the Working Group on Access and Benefit-sharing was held in Paris from 2 to 9 April 2009.
4. The eighth meeting will be held at the headquarters of International Civil Aviation Organization (ICAO), in Montreal, from 9 to 15 November 2009. Information regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and related

* UNEP/CBD/WG-ABS/8/1.

matters will be provided in a document entitled "Information for participants" available on the Secretariat website at: <http://www.cbd.int/doc/meetings/>.

5. The documents for the meeting are listed in annex I and will be available on the Secretariat's website at the same address as they are finalized.

ITEM 1. OPENING OF THE MEETING

6. 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

7. 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

8. The Working Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/WG-ABS/8/1), 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

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

10. 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 appended in annex II below. However, it should be noted that the Co-Chairs intend to address this matter further in advance through an explanatory note and during open-ended informal consultations, to be held on 8 November 2009, the day before the official opening of the meeting.

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

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

3.1 Nature;

- 3.2 Traditional knowledge associated with genetic resources;
- 3.3 Capacity-building;
- 3.4 Compliance;
- 3.5 Fair and equitable benefit-sharing;
- 3.6 Access.

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”.

13. With respect to the organization of substantive work, it should be noted that the Conference of the Parties, in paragraph 8 of decision IX/12, instructed the Working Group:

“after the negotiation of comprehensive operational text at its seventh meeting, to start its eighth meeting by negotiating on nature, followed by clearly identifying the components of the international regime that should be addressed through legally binding measures, non-legally binding measures or a mix of the two and to draft these provisions accordingly.”

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. With respect to documentation, 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”.

16. It 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”.

15. At the closing of the seventh meeting of the Working Group, the Co-Chairs stated that the annex to the report of the meeting would follow the same format as annex 1 to decision IX/12 and that it would be the basis for further negotiation on the issues of compliance, fair and equitable benefit-sharing and access at the eighth meeting of the Working Group. ^{1/} Any submissions on these components should therefore build on the annex to the report of the seventh meeting of the Working Group (UNEP/CBD/WG-ABS/7/8).

17. The Co-Chairs also confirmed that, in keeping with paragraphs 9 and 10 of decision IX/12, Parties, other Governments, international organizations, indigenous and local communities, and relevant stakeholders would be invited to submit views and proposals including operational text, where relevant,

^{1/} UNEP/CBD/WG-ABS/7/8, para. 120

in respect of the main components listed in annex 1 to decision IX/12 that had not been addressed at the seventh meeting, namely: nature, traditional knowledge associated with genetic resources, and capacity-building. ^{2/} In this connection, reference is made to notification 2009-050 of 11 May 2009.

18. For ease of reference, annex I to decision IX/12 is reproduced as document UNEP/CBD/WG-ABS/7/7 and the report of the seventh meeting of the Working Group is available as document UNEP/CBD/WG-ABS/7/8.

19. In accordance with the above, the following documents will also be made available with respect to nature, traditional knowledge associated with genetic resources, and capacity-building: a collation of operative texts submitted (UNEP/CBD/WG-ABS/8/3); a collation of operative text including related explanations and rationale (UNEP/CBD/WG-ABS/8/4), a collation of other views and information submitted (UNEP/CBD/WG-ABS/8/5). Any new contributions received on the issues of compliance, fair and equitable benefit-sharing and access will be collated following the format of the Annex to the seventh meeting of the Working Group as document UNEP/CBD/WG-ABS/8/6. In addition, all submissions received will be posted on the webpage of the meeting at <http://www.cbd.int/doc/?meeting=ABSWG-08>

20. In accordance with paragraph 11 of decision IX/12, the expert group on traditional knowledge associated with genetic resources met in Hyderabad, India, from 16 to 19 June 2009. The report of this meeting is available as document UNEP/CBD/WG-ABS/8/2. At the opening plenary, an opportunity will be given to the co-chairs of the expert group to introduce the report of the meeting. The reports of the previous expert group meetings, held prior to the seventh meeting of the Working Group, addressing respectively “concepts, terms, working definitions and sectoral approaches” and “compliance”, are also made available for this meeting of the Working Group (UNEP/CBD/WG-ABS/7/2 and 3 respectively).

21. In addition, the studies on the following topics commissioned in response to a request in paragraph 13 of the decision IX/12 are available as information documents:

(a) Recent developments in methods to identify genetic resources directly based on DNA sequences (UNEP/CBD/WG-ABS/7/INF/2);

(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 (UNEP/CBD/WG-ABS/7/INF/2);

(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 forums which govern the use of genetic resources, such as the FAO International Treaty on Plant Genetic Resources for Food and Agriculture (UNEP/CBD/WG-ABS/7/INF/3/Parts 1-3);

(d) 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);

(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? (UNEP/CBD/WG-ABS/7/INF/5).

22. Finally the report 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 (already made available for the seventh meeting of the Working Group) is available as an information document.

^{2/} UNEP/CBD/WG-ABS/7/8, para. 121

23. The report of the International Vilm Workshop on Matters related to Traditional Knowledge associated with Genetic Resources and the ABS Regime organised by the Federal Agency for Nature Conservation on behalf of the German Federal Ministry of Environment, Nature Conservation and Nuclear Safety will also be made available as an information document (UNEP/CBD/WG-ABS/8/INF/1) as soon as it is finalized.

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 Sunday 15 November 2009.

Annex I

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

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/8/1	Provisional agenda
UNEP/CBD/WG-ABS/8/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG-ABS/8/2	Report of the meeting of the Group of Legal and Technical Experts on Traditional Knowledge associated with Genetic Resources
UNEP/CBD/WG-ABS/8/3	Collation of operative text submitted on nature, traditional knowledge associated with genetic resources, and capacity-building
UNEP/CBD/WG-ABS/8/4	Collation of operative text including related explanations and rationale on nature, traditional knowledge associated with genetic resources, and capacity-building
UNEP/CBD/WG-ABS/8/5	Collation of any other views and information on nature, traditional knowledge associated with genetic resources, and capacity-building
UNEP/CBD/WG-ABS/8/6	Collation of contributions on compliance, fair and equitable benefit-sharing and access
UNEP/CBD/WG-ABS/8/INF/1	Report of the International Vilm Workshop on Matters related to Traditional Knowledge associated with Genetic resources and the ABS Regime
http://www.cbd.int/doc/?meeting=ABSWG-08	Submissions provided by Parties, other Governments, international organizations, indigenous and local communities and relevant stakeholders for further elaboration and negotiation of the international regime on access and benefit-sharing
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/7/7	Decision IX/12, annex I
UNEP/CBD/WG-ABS/7/8	Report of the seventh meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing
UNEP/CBD/WG-ABS/7/INF/2	Study on the identification, tracking and monitoring of genetic resources

<i>Symbol</i>	<i>Title</i>
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 Organization 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 Organization (WTO); the World Intellectual Property Organization (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 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	Vienna Workshop on Matters related to Traditional Knowledge associated with Genetic Resources and the International Regime on Access and Benefit-sharing

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

	<i>Plenary</i>
<i>Monday 9 November 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 Nature;</p> <p>3.2 Traditional knowledge associated with genetic resources;</p> <p>3.3 Capacity-building</p> <p>3.4 Compliance;</p> <p>3.5 Fair and equitable benefit-sharing;</p> <p>3.6 Access.</p>
<i>Tuesday, 10 November 2009 3-6 p.m. to Saturday, 14 November 2009 10 a.m. to 1 p.m.</i>	<i>Item 3 (continued)</i>
<i>Sunday, 15 November 2009 3-6 p.m.</i>	<p>Other matters</p> <p>Adoption of report</p> <p>Closure of the meeting</p>
