



## Convention on Biological Diversity

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

Ninth meeting (resumed)  
Montreal, 10-16 July 2010  
Item 2 of the provisional agenda\*

### ORGANIZATIONAL MATTERS

#### *Annotated provisional agenda*

#### INTRODUCTION

1. In paragraph 2 of its decision IX/12, the Conference of the Parties reiterated its instruction to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing 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. In paragraph 5 of the same decision, it decided that the Working Group should meet three times prior to the tenth meeting of the Conference of the Parties.

2. In paragraph 7 of the decision, the Conference of the Parties 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, its eighth meeting was held in Montreal from 9 to 15 November 2009 and the first part of the ninth meeting of the Working Group was held in Cali, Colombia, from 22 to 28 March 2010. On 28 March, the Working Group decided to suspend the meeting and to resume its ninth meeting at a later date.

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\* UNEP/CBD/WG-ABS/9/1.

4. The resumed ninth meeting of the Working Group will be held in Montreal, from 10 to 16 July 2010. Information regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and related 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 are available on the Secretariat’s website at the same address.

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

6. The meeting will be opened by the Co-Chairs of the Working Group. There will be no formal statements as the meeting is the continuation of the ninth meeting of the Working Group.

## **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/9/1/Rev.1), which was prepared by the Secretariat in close cooperation with the Co-Chairs on the basis of decision IX/12.

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

9. The meeting will start with a plenary session. The Co-Chairs will inform Plenary on results of their consultations with Parties, regions and stakeholders, on 8-9 July, and on their discussions with the Bureau. The Co-Chairs intend to move promptly to a Cali-style interregional group format (i.e., the “Vienna Plus setting” employed in the first part of the ninth meeting of the Working Group on Access and Benefit-sharing) to advance the negotiations. The interregional group will have three days in which to conduct its task prior to a Working Group assessment in plenary on the morning of Day Four to ensure the process is fully on track. Additional plenary sessions will be held as needed. With these considerations in mind, an indicative timetable is appended in annex II below. As per usual practice, the Co-Chairs will provide a scenario note before the meeting, along with a further revised guidance note reflecting on the discussions in Cali and subsequent consultations.

10. Interpretation will be provided in the six official languages of the United Nations for the plenary sessions of the meeting.

## **ITEM 3. FINALIZATION OF THE INTERNATIONAL REGIME ON ACCESS AND BENEFIT-SHARING**

11. In accordance with decision IX/12, the Ad Hoc Working Group on Access and Benefit-sharing is to complete the elaboration and negotiation of the international regime at the earliest possible time before the tenth meeting of the Conference of the Parties.

12. During the first part of its ninth meeting, the Working Group agreed to negotiate on the basis of a draft Protocol tabled by the Co-Chairs with a view to finalizing the negotiations of the international regime. The Working Group also agreed to annex the Co-Chairs draft protocol to the report of the first part of the meeting as annex I, with a footnote to clarify that the text, which was not negotiated, reflected the efforts by the Co-Chairs to elaborate the elements of a draft Protocol and was without prejudice to the rights of the Parties to make further amendments and additions to the text. In addition, a number of proposals of operational text reflecting the views of Parties are reproduced in the report of the first part of ninth meeting of the Working Group (UNEP/CBD/WG-ABS/9/3), which is before the Working Group at the resumed ninth meeting.

13. In addition, relevant documents made available for previous meetings of the Working Group are also available for this meeting, as follows:

(a) The report of the eighth meeting of the Working Group (UNEP/CBD/WG-ABS/8/8) including the outcomes of the seventh and eighth meetings of the Working Group on the international regime on access and benefit-sharing (annex I) and proposals for operational texts left in abeyance for consideration at the ninth meeting of the Working Group (annex II);

(b) Annex I to decision IX/12 is available as document UNEP/CBD/WG-ABS/7/7;

(c) The reports of the three expert group meetings addressing respectively “concepts, terms, working definitions and sectoral approaches”, “compliance” and “traditional knowledge associated with genetic resources” are respectively available as documents UNEP/CBD/WG-ABS/7/2, UNEP/CBD/WG-ABS/7/3 and UNEP/CBD/WG-ABS/8/2;

(d) A short review paper “on the history of the concept of “genetic resources” as it emerged and keeps evolving in the context of: (a) *Ex situ* collections, such as gene banks and data bases; (b) Bio-economy’, i.e. the emerging competitive global market based on genetic resources; (c) The rapid developments of modern biotechnology and biochemistry, including genomics, proteomics and synthetic biology is available as UNEP/CBD/WG-ABS/9/INF/1;

(e) The technical studies commissioned in response to a request of the Conference of the Parties (decision IX/12, paragraph 13) and initially made available for the seventh meeting of the Working Group as information documents.

14. The reports of the regional consultations held prior to the first part of the ninth meeting of the Working Group on Access and Benefit-sharing in Cali are also available as information documents (UNEP/CBD/WG-ABS/9/INF/2 to INF/5).

15. Finally, it should be noted that the ninth session of the United Nations Permanent Forum on Indigenous Issues was held in New York, from 19-30 April 2010. The Forum made a number of recommendations of relevance to the negotiations of the International Regime. These are available as document UNEP/CBD/WG-ABS/9/INF/6. In addition, the report of the international indigenous and local community consultation on access and benefit-sharing and the development of an international regime (UNEP/CBD/WG-ABS/5/INF/9), initially made available at the fifth meeting of the Working Group on Access and Benefit-sharing is also made available for this meeting.

#### **ITEM 4. OTHER MATTERS**

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

**ITEM 5. ADOPTION OF THE REPORT**

17. 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**

18. The meeting is expected to be closed at 6 p.m. on Friday 16 July 2010.

*Annex I*

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

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/9/1/Rev.1	Provisional agenda
UNEP/CBD/WG-ABS/9/1/Add.1/Rev.1	Annotated provisional agenda
UNEP/CBD/WG-ABS/9/2	Collation of submissions provided in relation to preambular text, definitions and text for inclusion in annex II to the report of the eighth meeting of the Working Group on Access and Benefit-sharing
UNEP/CBD/WG-ABS/9/3	Report of the first part of the ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing
UNEP/CBD/WG-ABS/9/INF/1	Review paper on the history of the concept of “genetic resources”
UNEP/CBD/WG-ABS/9/INF/2	Report of the regional consultations for Asia
UNEP/CBD/WG-ABS/9/INF/3	Report of the regional consultations for GRULAC
UNEP/CBD/WG-ABS/9/INF/4	Report of the regional consultations for CEE
UNEP/CBD/WG-ABS/9/INF/5	Report of the regional consultations for Pacific countries
UNEP/CBD/WG-ABS/9/INF/6	Recommendations from the Ninth Session of the United Nations Permanent Forum on Indigenous Issues of relevant to the negotiations of the International Regime on Access and Benefit-sharing
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/8/8	Report of the eighth meeting of the Ad Hoc Open-ended Working Group 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

<i>Symbol</i>	<i>Title</i>
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 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/5/INF/9	Report of the International Indigenous and Local Community Consultation on Access and Benefit-sharing and the Development of an International Regime

## Annex II

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

	<i>Plenary</i>	<i>“Vienna Setting”</i>
<i>Saturday, 10 July 2010</i> 10 am to 1 pm      3 – 6 pm	Item 1. Opening of the meeting. Item 2. Organizational matters: 2.1. Officers; 2.2. Adoption of the agenda; 2.3. Organization of work. Item 3. Finalization of the International Regime on Access and Benefit-sharing	           Item 3 ( <i>continued</i> )
<i>Sunday and Monday, 11-12 July 2010</i> 10 am to 1 pm   3 – 6 p m		Item 3. ( <i>continued</i> )   Item 3 ( <i>continued</i> )
<i>Tuesday, 13 July 2010</i> 10 a.m. to 1 p.m.  3-6 p m	Review of progress	      Item 3. ( <i>continued</i> )
<i>Wednesday and Thursday 14-15 July 2010</i> 10 am to 1 pm  3-6 pm		Item 3 ( <i>continued</i> )   Item 3 ( <i>continued</i> )
<i>Friday, 16 July 2010</i> 10 am- 1pm	Item 3 ( <i>continued</i> )	
<i>Friday, 16 July 2010</i> 3-6 p.m.	Item 4. Other matters Item 5. Adoption of report Item 6. Closure of the meeting	