



CBD



CONVENTION ON BIOLOGICAL DIVERSITY

Distr.
GENERAL

UNEP/CBD/ISOC/1/Add.1
8 April 1999

ORIGINAL: ENGLISH

INTER-SESSIONAL MEETING ON THE
OPERATIONS OF THE CONVENTION
Montreal, 28-30 June 1999

PROVISIONAL ANNOTATED AGENDA

ITEM 1: OPENING OF THE MEETING

A. General information

Venue

1. In its decision IV/16 on institutional matters and the programme of work, the Conference of the Parties decided to hold an open-ended meeting to consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties, taking into account proposals made at the fourth meeting of the Conference of the Parties. The Conference of the Parties further decided that the meeting should be of three days' duration, and should be held in conjunction with one of the meetings planned for 1999.

2. In accordance with rules 4 and 5 of the rules of procedure for meetings of the Conference of the Parties, the President of the fourth meeting of the Conference of the Parties, in consultation with the Bureau of the Conference of the Parties and the Executive Secretary, decided that an intersessional meeting on the operations of the Convention should be convened in conjunction with the fourth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and should accordingly be held from 28 to 30 June 1999.

3. The meeting will take place at the Conference Centre of the International Civil Aviation Organization (ICAO). Registration of participants will commence at the venue of the meeting at 3 p.m. on Sunday, 27 June 1999.

Logistical arrangements

4. The Secretariat has distributed an information note containing details of registration and logistical arrangements for the meeting, including information on travel, visa requirements, accommodation and other matters.

Participants

5. In accordance with Article 36, paragraph 3 of the Convention, for each Contracting Party which ratifies, accepts or approves the Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession. Consequently, the Parties to the Convention at the opening of the meeting on 28 June 1999 will be those States and regional economic integration organizations that have deposited their instruments by 29 March 1999.

Observers

6. In accordance with Rule 6 of the rules of procedure for meetings of the Conference of the Parties, the Secretariat will notify the United Nations, its specialized agencies and the International Atomic Energy Agency as well as any State not Party to the Convention of this meeting so that they may be represented as observers.

7. In accordance with rule 7 of the rules of procedure, the Secretariat will also notify any body or agency, whether governmental or non-governmental, qualified in fields relating to the conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented at this meeting, so that any such bodies may be represented as observers. Such bodies or agencies who wish to be represented at the meeting, and who have not already informed the Secretariat thereof, are requested to do so.

Documentation

8. A list of documents is provided in Annex 1. In addition to normal distribution, documents will be made available on the Secretariat's world-wide web site at the following Internet address: <<http://www.biodiv.org>>.

9. The Bureau of the fourth meeting of the Conference of the Parties has recommended that the Executive Secretary take the necessary measures to ensure that the documentation to be prepared and distributed by the Secretariat at the expense of the Trust Fund for the Convention be confined to essential relevant documentation. Parties and observers who wish to make documentation available to the meeting are requested to bring sufficient copies to the meeting for distribution to participants or to make their own arrangements for the reproduction of such documents in Montreal.

Exhibition and other events

10. Delegations and organizations interested in arranging events at the meeting, such as workshops, seminars, presentations, or receptions,

are asked to contact the Secretariat before 15 May 1999, in order to make the necessary arrangements.

Opening of the meeting by the President of the fourth meeting of the Conference of the Parties

11. The President of the fourth meeting of the Conference of the Parties, Mr Lazlo Miklos (Slovakia), will open the meeting.

ITEM 2: ORGANIZATIONAL MATTERS

2.1 Election of officers

12. The Bureau of the fourth meeting of the Conference of the Parties recommended that the President of the Conference, with support from the Bureau of the fourth meeting of the Conference of the Parties, preside over the meeting.

2.2 Adoption of the agenda

13. The meeting may wish to adopt its agenda, on the basis of the provisional agenda as contained in document UNEP/CBD/ISOC/1.

14. The provisional agenda contained in document UNEP/CBD/ISOC/1 has been prepared by the Executive Secretary in the light of the provisions of rule 8 of the rules of procedure for meetings of the Conference of the Parties, which apply mutatis mutandis to the current meeting. In preparing the provisional agenda, the Executive Secretary has benefited from the guidance of the Bureau of the fourth meeting of the Conference of the Parties.

2.3 Organization of work

15. The meeting may wish to work in its entirety in plenary, without establishing any subsidiary bodies.

ITEM 3: REVIEW OF THE OPERATIONS OF THE CONVENTION AND THE PROGRAMME OF WORK

16. At its first meeting, in 1994, the Conference of the Parties adopted a medium-term programme of work for 1995 to 1997, also deciding that it would review the operations of the Convention upon the completion of that programme of work, with a view to improving the effectiveness of the Convention and developing the next programme of work.

17. Decision III/22 of the Conference of the Parties set out a procedure for preparing for the review of the operations of the Convention, based on soliciting the views of Parties and other relevant institutions. The Secretariat received a wide range of views on the matter, as well as organizing and participating in a number of informal consultations on the subject. Document UNEP/CBD/COP/4/14 contained a synthesis of those views, set out within the context of the existing structure of the Convention (the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice and other subsidiary bodies, the financial mechanism, etc.). The document, which is made available to this meeting, also sets out the preliminary basis for developing a longer-term programme of work, while its annexes contain a suggested 10-year rolling programme of work, based on the assumptions listed in paragraphs 88-91 of document UNEP/CBD/COP/4/14 and on the cycle of work which emerged from the experience of the first programme of work.

18. The Conference of the Parties undertook the review of the operations of the Convention at its fourth meeting. The results of the review are contained in decision IV/16.

19. By its decision IV/16 the Conference of the Parties made certain adjustments to the operations of the Convention, by:

1. requesting the Executive Secretary to organize regional/subregional meetings to consider ways and means of implementing the Convention and the decisions of the Conference of the Parties;
2. requesting the Executive Secretary when preparing the provisional agenda to indicate clearly whether matters are for information purposes or for consideration by the meeting;
3. requesting Parties to forward any proposed decisions to the Executive Secretary in sufficient time to enable him/her to circulate those draft decisions to all Parties at least three weeks before the commencement of meetings of the Conference of the Parties;

4. requesting the distribution of the principal documents for meetings of the Conference of the Parties preferably six months before the meeting;
5. requesting Parties to notify the Executive Secretary of any additional items they wished to add to the provisional agenda at least six weeks before the opening of the meeting;
6. requesting the Executive Secretary to prepare a handbook relating the decisions of the Conference of the Parties and other material relevant to the operation of the Convention to the text of the Convention;
7. adopting a revised *modus operandi* of the SBSTTA; and
8. adopting a rolling programme of work for the following three meetings of the Conference of the Parties and requested SBSTTA to develop its own programme in line with the programme contained in the decision.

3.1 Consideration of the operations of other conventions; and

3.2 Review of experience of the operations of the Convention

20. By its decision IV/16 the Conference of the Parties decided that the current meeting would consider possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties, "taking into account proposals made at the fourth meeting of the Conference of the Parties".

21. Accordingly, the meeting will have before it the following documents containing proposals made at the fourth meeting of the Conference of the Parties, to assist its deliberations on the above items of the provisional agenda:

1. UNEP/CBD/COP/4/27, Report of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity;
2. UNEP/CBD/COP/4/14, Synthesis of the views of the operations of the Convention; and
3. UNEP/CBD/COP/3/35, Relationship of the Convention with other processes: modalities for enhanced co-operation with relevant biodiversity-related bodies.

22. The Conference of the Parties also requested the Executive Secretary to prepare for the present meeting a document analysing the development and experience of other conventions and agreements and their potential relevance to the work of the Convention. Paragraph 4 of decision IV/16 also stipulated that the Conference of the Parties at its fifth meeting would consider the results of this meeting along with the experience gained following the changes in the functioning of the Convention made by decision IV/16 and listed above, with a view to taking a decision on the need for further measures to improve preparations for and conduct of meetings of the Conference of the Parties.

23. Accordingly, the Executive Secretary has prepared document UNEP/CBD/ISOC/2, "Analysis of the development and experience of the operations of other conventions and agreements". The document reviews the existing institutional structure of the Convention and considers the concerns raised during the review of the operations of the Convention. It reviews the effect of the changes made at the fourth

meeting of the Conference of the Parties. Based on the experience of other agreements the document considers options to address the gaps and concerns and the methods to take the necessary steps. Measures regarding the way in which the Conference of the Parties takes decision and organizes its work, as well as additional measures regarding SBSTTA, are considered in detail. In particular, the document considers the role and utility of a more developed programme of work. It also considers the need for additional subsidiary bodies and an implementation review mechanism. Finally, the document contains the elements of a draft recommendation for the consideration of the meeting.

24. The current meeting has been established to consider "possible arrangements to improve preparations for and conduct of the meetings of the Conference of the Parties, taking into account proposals made at the fourth meeting of the Conference of the Parties with a view to taking a decision on the need for further measures to improve preparations for and conduct of meetings of the Conference of the Parties". Accordingly, the meeting may wish to consider recommending to the fifth meeting of the Conference of the Parties further adjustments to the operations of the Convention, an updated rolling programme of work and the creation of further subsidiary bodies, based on the draft recommendation contained in document UNEP/CBD/ISOC/2.

25. The Executive Secretary has also prepared a preliminary draft of the handbook of the Convention. The handbook will be available only in draft form and is submitted to this meeting for information only. The Executive Secretary invites comments from Parties and observers on the draft by 1 October 1999 so that the handbook can be finalized and made available at the fifth meeting of the Conference of the Parties. The draft will also be made available through the Internet homepage of the Secretariat.

ITEM 4: ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

26. In its decision I/9, on the medium-term programme of work, the Conference of the Parties decided to address the question of access to genetic resources at its second and third meetings, and the question of benefit-sharing at its fourth meeting. Subsequently, in its decision IV/16, as recorded in its Annex II containing the programme of work from the fifth to the seventh meeting of the Conference of the Parties, the Conference of the Parties decided to address those issues at its fifth and sixth meetings, respectively. In the same decision, the Conference of the Parties also decided that the inter-sessional meeting would hold a preparatory discussion on access to genetic resources.

27. Decision IV/16 complements decision IV/8 of the Conference of the Parties on Access and Benefit-Sharing, which requests this meeting to explore options for access and benefit-sharing mechanisms. In addition, decision IV/8 requests the meeting to start work on paragraph 10 of decision IV/15 and to make recommendations for future work. In paragraph 10 of decision IV/15, the Conference of the Parties:

"Emphasizes that further work is required to help develop a common appreciation of the relationship between

intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity."

28. Furthermore, in its decision IV/8, paragraph 2, the Conference of the Parties requested the Executive Secretary to invite information from Parties and relevant organizations, in time for the inter-sessional meeting, on ex situ collections which were acquired prior to the entry into force of the Convention on Biological Diversity and which are not addressed by the Commission on Genetic Resources for Food and Agriculture. This is intended to help the current inter-sessional meeting to make recommendations to the fifth meeting of the Conference of the Parties for future work on resolving the issue of such ex situ collections, with due regard to the provisions of the Convention.

29. Decision IV/8, paragraph 3, also provides for the establishment of a regionally balanced panel of experts to explore options for access to genetic resources and benefit-sharing. This panel is due to meet for the first time in October 1999, and it may be expected to draw upon, inter alia, the results of the present meeting. The mandate of the panel is to develop a common understanding of basic concepts and to explore all options for access and benefit-sharing on mutually agreed terms including guiding principles, guidelines and codes of best practice for access and benefit-sharing arrangements. The elements of the options which the Conference of the Parties requested the panel to consider are detailed in the annex to decision IV/8.

30. For the consideration of this issue it is important to note that by its decision IV/9 the Conference of the Parties established an ad hoc open-ended inter-sessional working group to address the implementation of Article 8(j) and related provisions. The mandate of that group includes the provision of advice to the Conference of the Parties on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities; and the identification of objectives and activities falling within the scope of the Convention; and the recommendation of priorities and activities on equitable sharing of benefits.

4.1 Review of access to genetic resources and benefit-sharing arrangements and consideration of options

31. In order to facilitate the consideration of this issue the Bureau of the fourth meeting of the Conference of the Parties requested that the Executive Secretary make available to the current meeting document UNEP/CBD/COP/4/21, "Measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19" and document

UNEP/CBD/COP/4/23/Rev.1, "Review of national, regional and sectoral measures and guidelines on access to genetic resources".

32. The Executive Secretary has also prepared document UNEP/CBD/ISOC/3, "Review of access and benefit-sharing arrangements" which addresses the options for access and benefit-sharing arrangements, on the basis of: the consideration of the subject by the fourth meeting of the Conference of the Parties; all relevant documents prepared for the meetings of the Conference of the Parties; and relevant information received for those meetings.

33. The meeting may wish to focus its consideration on options available to facilitate access and benefit-sharing arrangements, including legislative, administrative and policy measures as well as incentive measures. The meeting may also wish to consider the modalities of the first meeting of the expert Panel on Access and Benefit Sharing.

4.2 Ex-situ collections which were acquired prior to the entry into force of the Convention on Biological Diversity and which are not addressed by the Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization

34. Document UNEP/CBD/ISOC/4, "Report on the information on ex situ collections in accordance with decision IV/8" is based on the information obtained from Parties, Governments and relevant organizations. In order to prepare this document, the Executive Secretary invited relevant bodies to provide the information requested by decision IV/8. Invitations were sent to National Focal Points, Food and Agricultural Organization of the United Nations, the Centres of the Consultative Group on International Agricultural Research, botanical and zoological gardens, microbial collection centres and other relevant bodies. Although the Secretariat has received some information, it is not sufficient to derive any meaningful conclusion. The meeting may wish to recommend to the Conference of the Parties that the exercise should be continued in order to acquire more information.

4.3 The relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity

35. The third meeting of the Conference of the Parties addressed the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity. To assist the Conference of the Parties in its consideration of the issue the Executive Secretary prepared documents UNEP/CBD/COP/3/23, "The Convention on Biological Diversity and the Agreement on Trade-Related Intellectual Property Rights (TRIPs): Relationships and Synergies" and UNEP/CBD/COP/3/22, "The impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and on the equitable sharing of benefits from its use". These documents were prepared with the assistance of the secretariat of the

World Trade Organization (WTO). By decision III/17 the documents were transmitted by the Conference of the Parties to the secretariat of the WTO for use by the WTO. In order to facilitate consideration by the current meeting of this issue, the Bureau of the fourth meeting of the Conference of the Parties requested the Executive Secretary to make the documents available to the present meeting.

36. The Executive Secretary has prepared document UNEP/CBD/ISOC/5, "The relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity", which considers developments since the third meeting of the Conference of the Parties. The document identifies some areas for further consideration which the current meeting may wish to recommend to the fifth meeting of the Conference of the Parties. In particular, the document considers modalities for undertaking further work on a common appreciation of the relationship between the Convention and relevant provisions of the TRIPs Agreement and the importance of reaffirming the need for sui generis systems of intellectual property rights in implementing the provisions of the Convention regarding equitable sharing of the benefits arising from the use of genetic resources.

37. The meeting is invited to consider this issue, in conjunction with its consideration of the options for access and benefit-sharing arrangements, bearing in mind that a panel of experts on access and benefit-sharing is planned to meet in October 1999 and an ad hoc open-ended working group on the implementation of Article 8(j) and related provisions is to meet in January 2000.

ITEM 5: OTHER MATTERS

38. The meeting may wish to consider other items raised and accepted in accordance with rule 12 of the rules of procedure for meetings of the Conference of the Parties and paragraph 7 of decision IV/16 of the Conference of the Parties.

ITEM 6: ADOPTION OF THE REPORT

39. The meeting will consider and adopt its report, which will be presented by the President of the Conference of the Parties to the fifth meeting of the Conference of the Parties for its consideration.

ITEM 7: CLOSURE OF THE MEETING

40. The meeting will be closed on Wednesday, 30 June 1999 at 18:00.

Annex

LIST OF DOCUMENTS FOR THE INTER-SESSIONAL MEETING
ON THE OPERATION OF THE CONVENTION

<u>Symbol</u>	<u>Title</u>
UNEP/CBD/ISOC/1	Provisional agenda
UNEP/CBD/ISOC/1/Add.1	Annotated provisional agenda
UNEP/CBD/ISOC/2	Analysis of the development and experience of the operations of other conventions and agreements
UNEP/CBD/ISOC/3	Review of access and benefit-sharing arrangements
UNEP/CBD/ISOC/4	Report on the information on <u>ex situ</u> collections in accordance with decision IV/8
UNEP/CBD/ISOC/5	The relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity
UNEP/CBD/COP/4/27	Report of the fourth meeting of the Conference of the Parties to the Convention on Biological Diversity
UNEP/CBD/COP/4/14	Synthesis of the views of the operations of the Convention
UNEP/CBD/COP/3/35	Relationship of the Convention with other processes: modalities for enhanced co-operation with relevant biodiversity-related bodies
UNEP/CBD/COP/4/21	Measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19
UNEP/CBD/COP/4/23/Rev.1	Review of national, regional and sectoral measures and guidelines on access to genetic resources
UNEP/CBD/COP/4/Inf.7	Synthesis of case studies on benefit-sharing
UNEP/CBD/COP/3/23	The Convention on Biological Diversity and the Agreement on Trade-Related Intellectual Property Rights (TRIPs): Relationships and Synergies
UNEP/CBD/COP/3/22	The impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and on the equitable sharing of benefits from its use
[no symbol]	Draft Handbook on the Convention on Biological Diversity
