

Ref: SCBD/SEL/VN/34378

9 April 2003

Dear Madam/Sir,

NOTIFICATION

Implementation of decision VI/24 on access and benefit-sharing and follow up to the Intersessional meeting of the Multi-Year Programme of Work of the Conference of the Parties

The purpose of this notification is to invite Parties to provide information on a number of issues related to access to genetic resources and benefit-sharing. This information will assist the Secretariat in the preparation of relevant background documentation for upcoming meetings, as requested by the Conference of the Parties at its sixth meeting and the Intersessional meeting of the Multi-Year Programme of Work of the Conference of the Parties, at its meeting in March 2003. It will also assist in the dissemination of information for the implementation of decision VI/24 of the Conference of the Parties (COP) to the Convention on Biological Diversity, on access and benefit-sharing as related to genetic resources.

Issues requiring action by Parties are addressed in the following sections.

Second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing

1) **Information requested by the Conference of the Parties at its sixth meeting**

In a notification dated 27 June 2002, Parties were invited to communicate to the Secretariat their views and relevant information in connection with the issues to be examined by the Working Group on Access and Benefit-sharing, in conformity paragraphs 8 and 9 of decision VI/24A, in order to assist the Secretariat in preparing relevant documentation for the meeting, by 15 January 2003.

Those Parties and Governments that have not yet forwarded this information to the Secretariat are invited to do so **as soon as possible and no later than 15 May 2003**.

2) **Information requested by the Intersessional meeting of the Multi-Year Programme of Work of the Conference of the Parties up to 2010**

In addition, the Intersessional meeting of the Multi-Year Programme of Work of the Conference of the Parties up to 2010 invited Parties to provide information to the Executive Secretary on experience

To: All CBD National Focal Points

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gained in the use of the Bonn Guidelines, taking into consideration information to be provided by Parties pursuant to decision VI/24 and invited Parties, other Governments, indigenous and local communities and relevant organizations to submit to the Executive Secretary their views on the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing prior to the second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing. The Executive Secretary is requested to compile these views for the second meeting of the Working Group on Access and Benefit-sharing.

Parties are therefore invited to provide his information to the Secretariat **by 15 September 2003**, in order for this information to be compiled by the Executive Secretary and made available for the second meeting of the Working Group on Access and Benefit-sharing from 1 to 5 December 2003.

The role of intellectual property rights in the implementation of access and benefit-sharing arrangements

In accordance with paragraphs 6, 7 and 8 of decision VI/24C, in its notification dated 27 June 2002, the Secretariat invited Parties to submit case studies that they consider relevant to the issues specified in paragraphs 3 and 4, to share their national and regional experiences and also to contribute to the further study and analysis of these same issues. This information was to be provided to the Secretariat by 1 March 2003. Parties that have not already forwarded this information to the Secretariat are invited to do so **as soon as possible and no later than 15 May 2003**.

Prior informed consent of indigenous and local communities

In accordance with decision VI/24C, paragraph 13, in the same notification, Parties were also requested to provide relevant information to the Secretariat by 1 March 2003 on the principles, legal mechanisms and procedures for obtaining prior informed consent of indigenous and local communities under national access regimes for genetic resources, and also on assessments of the effectiveness of such mechanisms and procedures.

Parties that have not already done so are invited to forward this information as soon as possible and no later than **15 May 2003**.

Information related to access and benefit-sharing arrangements

In the notification dated 27 June 2002 pursuant to decision VI/24D, paragraph 6, Parties and relevant organisations were invited to provide information to the Executive Secretary on measures adopted to implement access and benefit-sharing, including the text of any legislation or other measures developed to regulate access and benefit-sharing.

In response to paragraph 7 of decision VI/24D, requesting the Executive Secretary to compile the information received and to make it available, the Executive Secretary has developed a database on access and benefit-sharing measures. This database, to be established within the Clearing House Mechanism, will include any measures related to access and benefit-sharing which have been taken by Governments or relevant organisations to assist with the implementation of access and benefit-sharing provisions of the Convention.

A data entry form, available in annex 1 of this notification, has been prepared by the Secretariat in order to assist in gathering information from Parties and relevant organisations.

Parties are therefore invited to fill out the form and to return it to the Secretariat **as soon possible but preferably before 1st July 2003.**

Capacity-building for Access and Benefit-sharing

As requested by COP VI, an open-ended expert workshop on capacity-building for access and benefit-sharing was held from 2 to 4 December 2002. The workshop adopted a draft Action Plan on Capacity-building for access and benefit-sharing, which is to be made available to the second meeting of the Open-ended Working Group on Access and Benefit-sharing and submitted for adoption at the seventh meeting of the Conference of the Parties.

The draft action plan recognises that 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 gaps in coverage.

In order to encourage Parties, Governments, and relevant organisations to provide information to the Secretariat regarding capacity-building measures or projects undertaken, a data entry form to be filled out by Parties, Governments and relevant organisations has been prepared by the Secretariat. The information provided will be made available through the Clearing House Mechanism in a database including projects related to capacity-building for access and benefit-sharing.

Parties are therefore invited to provide information regarding relevant capacity-building projects for access and benefit-sharing **as soon as possible** by completing the attached form and returning it to the Secretariat.

Accept, Madam/Sir, the assurance of my highest consideration.

Yours sincerely,

Hamdallah Zedan
Executive Secretary

ANNEX I

Database on Access and Benefit-sharing Measures**DATA ENTRY FORM****General guidelines for completing the form**

Parties and relevant organisations are invited to fill out this form in order to identify the main characteristics of the measures undertaken to address access to genetic resources and the fair and equitable sharing of benefits, in accordance with Article 15 of the Convention. Parties and relevant organisations are also encouraged to forward to the Secretariat **a copy of the measure, preferably in electronic form** (Word format would be appreciated), which will be accessible through the Clearing House Mechanism, for information purposes.

In the event that more than one measure has been adopted at the national or regional level, Parties and relevant organizations are requested to fill in a separate form for each different type of measure.

Identification of level and name

1) In the second column, please indicate whether the measure has been undertaken at the regional, national, sub-national, community or local level.

	Level
Regional	
National	
Sub-national	
Community	
Local	
Other	

2) Please provide the name of the region or of the country and, if applicable, of the sub-national level (e.g. State, Province, etc) or community or locality within that country to which the measure applies:

Area of activity

Please indicate whether the measure is general or whether it has been undertaken to apply to specific sectors (e.g. agriculture, forestry) and/or whether it is meant to apply to specific categories of users (e.g. industry, botanical gardens, research institutes, *ex situ* collection holders).

General	
Sectoral	
Specific to a category of users	

If sectoral and/or specific to a category of users, please specify the sector and/or category of user:

Type of measure in place and official title

Please indicate whether the measure undertaken has taken the form of a national or regional strategy, policy, legislation, regulation, community management plan, guidelines or a code of conduct on access and benefit-sharing.

Strategy	
Policy	
Legislation	
Regulation	
Community management plan	
Guidelines/Code of conduct	
Other	

If other, please specify:

Please provide the official title of the measure:

Scope

Please indicate whether the policy, strategy, legislation, regulation, community management plan, guidelines or code of conduct related to access and benefit-sharing is within the framework of a broader measure dealing with sustainable development, environment or biodiversity or whether it is a distinct measure focussing only on access and benefit-sharing:

Sustainable development	
Environment	
Biodiversity	
Access and Benefit-sharing	

Coverage

Please indicate which of the following specific issues related to access and benefit-sharing are covered by the measure:

Access to Genetic Resources	
Equitable Sharing of benefits arising out of the utilization of genetic resources	
Equitable sharing of benefits from the utilization of traditional knowledge, innovations and practices	
Intellectual property rights related to genetic resources	
Intellectual property rights concerning the protection of traditional knowledge, innovations and practices related to genetic resources	
Customary or traditional use of genetic resources	
Other	

If other, please specify:

Current status of the measure

Where applicable, please indicate whether the measure is still in draft form, or whether it has been adopted and has entered into force and if so, at which date it has been adopted and/or has entered into force.

Status	Date (Day/Month/Year)
Draft	
Adopted Entered into force	

ANNEX II

Database on ongoing ABS capacity-building projects

DATA ENTRY FORM**General guidelines for completing the form**

For a project to be included, it should be primarily aimed at building capacity for access to genetic resources and benefit-sharing. The project should be implemented over a period of time (preferably over six months) and should not be a one off event (e.g. organization of a workshop or a study tour). It should include several activities over a period of time. Detailed description of the project and other relevant information (e.g. project reports), where available, should be provided as a separate attachment (Word format or a web-link would be appreciated).

General description:

Title of project or programme:

Status

Indicate whether the project is ongoing, planned or completed

<input type="checkbox"/>	Planned
<input type="checkbox"/>	Ongoing
<input type="checkbox"/>	Completed

Period

Indicate the specific dates of the project

	Date (Day/Month/Year)
From	
To	

Country(ies) or Region(s)

Indicate in which geographic region or in which country (ies) the project is being implemented

Participating organization(s)

Lead organization(s) implementing the project or providing support:

Type of implementing agency(ies)

Please indicate, in the following list, the type of organization(s) which initiated and is/was mainly responsible for the implementation of the project

<input type="checkbox"/>	Inter-governmental organization
<input type="checkbox"/>	UN System Organization
<input type="checkbox"/>	Non-governmental organization
<input type="checkbox"/>	Government
<input type="checkbox"/>	Private foundation
<input type="checkbox"/>	Industry
<input type="checkbox"/>	Research/Scientific
<input type="checkbox"/>	Education/University

If other, please specify:

Other collaborating organizations/agencies, if applicable:

Main target group or target audience

Please indicate, in the following list, the main target group/audience and beneficiaries of the project

<input type="checkbox"/>	Government officials
<input type="checkbox"/>	Policy makers
<input type="checkbox"/>	Civil servants
<input type="checkbox"/>	Indigenous and local community representatives
<input type="checkbox"/>	Farmers
<input type="checkbox"/>	Researchers/scientists
<input type="checkbox"/>	Business sector
<input type="checkbox"/>	Civil society
<input type="checkbox"/>	Other

Contact details

Provide the name and position of a contact person who will be responsible for updating information about the project and responding to requests from the database users for further information.

Title (Mr, Ms, Dr):

Name

First Name:

Last Name:

Designation/Job title/Function:

Organization:

Address

Street Address	
Postal Code	
City, State or Province	
Postal Code	
Country	

International Phone Number:

International Fax Number:

Email address:

Web site:

Funding

Source

Please indicate whether the source of funding for this project is multilateral or bilateral

<input type="checkbox"/>	Multilateral
<input type="checkbox"/>	Bilateral
<input type="checkbox"/>	Other

Funding agency(ies)

Please indicate the funding agency and the amount of funding

Name of funding agency	
Amount in US\$	

Goals and objectives

State the overall goal of the project and outline the main objectives

Overall goal:

Specific objectives:

Scope and activities

Main capacity building areas

The following list of capacity-building areas related to access and benefit-sharing is based on the key areas requiring capacity-building identified in the draft Action Plan on capacity-building for access to genetic resources and benefit-sharing (included in Annex 1 of document UNEP/CBD/ABS/EW-CB/1/3). For ease of use and to facilitate database searches, the description of key areas has been synthesized. Reference to the relevant paragraphs of the Action Plan are included in parenthesis. Please indicate, out of the following list, the main capacity-building areas to which the project is contributing:

Assessment, inventory and monitoring of genetic resources and related traditional knowledge (paragraph 5(b))	
Assessment, inventory and monitoring of <i>in situ</i> and <i>ex situ</i> conservation activities (paragraph 5(b))	
Bioprospecting (paragraph 5 (d))	
Valuation of genetic resources and related traditional knowledge and development of their market potential (paragraph 5 (e))	
Impact of access activity on conservation and sustainable use of biodiversity (paragraph 5 (o))	
Inventories and case studies of existing policies and legislative measures related to access and benefit-sharing (paragraph 5 (g))	
Development of relevant policies and legislation on access to genetic resources and related traditional knowledge (paragraph 5(h))	
Development of appropriate measures in countries with users of genetic resources under their jurisdiction to support compliance with measures in provider countries related to prior informed consent and mutually agreed terms (paragraph 5(f))	
Information systems for information management and exchange linked to the Clearing House Mechanism under the Convention (paragraph 5 (i))	
Information to all potential users on their obligations regarding access to genetic resources and related traditional knowledge (paragraph 5 (q))	
Public education and awareness with respect to access and benefit-sharing issues (paragraphs 5 (k) (m))	
Human resource development at all levels related to access and benefit-sharing (paragraph 5(l))	
Development and strengthening of the capacities of indigenous and local communities (paragraph 5(j))	
Clarification and/or recognition of rights and claims of indigenous and local communities over genetic resources and related traditional knowledge (paragraph 5 (p))	
Institutional capacity-building (paragraph 5(a))	
Inter-institutional coordination (paragraph 5(n))	

For the capacity-building areas identified above, please indicate whether the capacity-building activity(ies) is/are being carried out at the national, regional/subregional and/or international levels.

National level activities	
Regional, sub-regional activities	
International level activities	

Please describe the nature of activity(ies)

Outcomes and lessons learned

Outcomes:

Lessons learned, including additional resources needed:

Any other relevant information:
