

Ref: SCBD/SEL/VN/GD/43651

29 April 2004

Dear Madam/Sir,

RE M I N D E R**NOTIFICATION****Decision VII/19 on Access and Benefit-sharing as related to genetic resources**

The purpose of this notification is to invite Parties to take specific actions to contribute to the preparatory work for the third meeting of the Ad Hoc Open-ended Working Group on Access and benefit-sharing and for the dissemination of information in accordance with decision VII/19 of the Conference of the Parties (COP) to the Convention on Biological Diversity, on access and benefit-sharing as related to genetic resources.

Parties are also invited to submit their views regarding the implementation of decision VII/30 on “the Strategic Plan: future evaluation of progress”, with respect to the issue of access and benefit-sharing.

The third meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing is tentatively planned to be held in February 2005. A copy of decision VII/19 and decision VII/30 is attached herewith and issues requiring action by Parties are addressed in the following sections.

Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization

In decision VII/19A, paragraph 3, the Conference of the Parties encouraged Parties, Governments, indigenous and local communities and all relevant stakeholders to further submit information on relevant experience and lessons learned, including successes and constraints, in the implementation of the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out of their Utilization and the need to keep their implementation under review.

The Executive Secretary is requested to make this information available through appropriate means, including the clearing-house mechanism of the Convention.

Requested action by Parties

Parties are invited to submit information on relevant **experience and lessons learned** in the implementation of the Guidelines to the Executive Secretary **as soon as it becomes available**.

To: All CBD National Focal Points

/...



Use of terms, definitions and/or glossary, as appropriate

In decision VII/19B, the Conference of the Parties noted that the terms as defined in Article 2 of the Convention shall apply to the Bonn Guidelines and that a number of other relevant terms not defined in the Convention may need to be examined.

In paragraph 1 of the same decision, the Conference of the Parties invited “Parties, Governments, relevant organizations, indigenous and local communities, and all relevant stakeholders, according to a format provided by the Secretariat, to submit to the Executive Secretary:

(a) Information on existing national definitions or other relevant definitions of the following terms: access to genetic resources, benefit sharing, commercialization, derivatives, provider, user, stakeholder, *ex situ* collection, and voluntary nature (as contained in annex II of document UNEP/CBD/COP/6/INF/4);

(b) Views on whether additional terms need to be considered, such as arbitrary restrictions”;

In paragraph 2, the Conference of the Parties also requested “access and benefit-sharing national focal points within Governments to facilitate the process of gathering and submitting relevant information to the Secretariat, taking into account the need to consult widely, including with indigenous and local communities.”

The Executive Secretary was requested to gather and compile the information referred to above and distribute this information through available means, including through the clearing-house mechanism of the Convention and to submit this compilation to the next meeting of the Ad Hoc Open Ended Working Group on Access and Benefit-sharing for its consideration.

Action requested by Parties

Parties are invited to **submit information** on existing national definitions and other relevant definitions of the terms referred to above and to **provide their views** on whether additional terms need to be considered to the Secretariat **by 15 September 2004**, using the format provided in Annex 1.

Other approaches, as set out in decision VI/24B

The Conference of the Parties recognised that a package of measures may be necessary to address the different needs of Parties, Governments, relevant organisations, indigenous and local communities and all relevant stakeholders in the implementation of access and benefit-sharing arrangements. It also acknowledged that existing other approaches could be considered to complement the Bonn Guidelines and are useful tools in assisting with the implementation of access and benefit-sharing provisions of the Convention.

In decision VII/19C, the Conference of the Parties stressed the need to further examine other approaches set out in decision VI/24 B, and additional approaches such as interregional and bilateral arrangements as well as an international certificate of legal provenance/origin/source, in particular the operational functionality and cost effectiveness of such an international certificate.

In paragraph 1 of this decision, Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders were invited to submit to the Secretariat their views and relevant information on additional approaches, as well as regional, national and local experiences on existing approaches, including on codes of ethics.

The Executive Secretary was requested to further compile information on existing complementary measures and approaches, and experiences with their implementation, and to disseminate such information to Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders through, *inter alia*, the clearing-house mechanisms of the Convention.

The Ad Hoc Open-ended Working Group on Access and Benefit-sharing is requested to further consider the issue of additional approaches, in a cost effective way at an appropriate time, and, to this end, the Executive Secretary is requested to prepare a report on the basis of the submissions received.

Requested action by Parties

Parties are invited to submit to the Secretariat, **by 15 September 2004**, their **views and relevant information** on additional approaches, including the consideration of an international certificate of origin/source/legal provenance, as well as **regional, national and local experiences** on existing approaches, including on codes of ethics.

International regime on access to genetic resources and benefit-sharing

In decision VII/19D, the Conference of the Parties decided to mandate the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing with the aim of adopting an instrument/instruments to effectively implement the provisions of Article 15 and Article 8(j) of the Convention and the three objectives of the Convention. The Conference of the Parties also recommended that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing should operate in accordance with the terms of reference contained in the annex to the decision.

In paragraph 8 of this decision, Parties, Governments, international organisations, indigenous and local communities and all relevant stakeholders, are invited to submit to the Executive Secretary their views, information and analysis on the elements of the international regime as soon as possible. The Executive Secretary is requested to compile the submissions received and to make them available through the clearing-house mechanism and other means for the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

Requested action by Parties

Parties are invited to submit to the Executive Secretary their **views, information and analysis** on the elements of the international regime by **15 September 2004**.

Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing genetic resources and mutually agreed terms on which access was granted in Contracting Parties with users of such resources under their jurisdiction

In decision VII/19E, paragraph 10, the Executive Secretary was requested “to gather information, with the assistance of Parties, Governments and relevant international organizations, and undertake further analysis relating to:

- (a) Specific measures to support and ensure compliance with national legislation, prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted;
- (b) Existing measures to support compliance with national, regional, and international legal instruments;
- (c) The extent and level of unauthorized access and misappropriation of genetic resources and associated traditional knowledge;
- (d) Access and benefit-sharing arrangements existing in specific sectors;
- (e) Administrative and judicial remedies available in countries with users under their jurisdiction and in international agreements regarding non-compliance with the prior informed consent requirements and mutually agreed terms;
- (f) Existing practices and trends with regard to commercial and other utilization of genetic resources and the generation of benefits;
- (g) Measures that preserve and promote legal certainty for users over the terms and conditions of access and use;

and prepare a compilation of the information received and make this compilation available for the consideration of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing at its third meeting.”

Requested action by Parties

Parties are invited to **provide information** relating to sub-paragraphs (a) to (g) referred to above to the Secretariat by **15 September 2004**.

Capacity-building for access and benefit-sharing

In decision VII/19F, the Conference of the Parties adopted the Action Plan on Capacity-building for access and benefit-sharing and invited Parties to use the Action Plan when designing and implementing national, regional and subregional plans and strategies to build capacities for access and benefit-sharing of genetic resources and related traditional knowledge.

In paragraph 5, Parties are also requested to make information available through the clearing-house mechanism and to include information in national reports regarding their implementation of capacity-building measures on access to genetic resources and related traditional knowledge, and benefit-sharing.

The Executive Secretary is requested to facilitate, including through the clearing-house mechanism, the sharing of relevant information among donor Parties and organizations to assist coordination, reduce duplication and identify gaps relevant to the implementation of the Action Plan.

The 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.

The database set up by the Executive Secretary includes information on various ongoing capacity-building projects related to access to genetic resources and benefit-sharing and is available at the following address: <http://www.biodiv.org/programmes/socio-eco/benefit/projects.aspx>.

Requested action by Parties

Parties are invited to make **any new information** regarding capacity-building measures available to the Secretariat **on an ongoing basis** and to fill out the **data entry form** in Annex 2.

Information on access and benefit-sharing measures

A database on access and benefit-sharing measures has been developed by the Secretariat in order to provide information on measures taken by Governments or relevant organizations to assist with the implementation of the access and benefit-sharing provisions of the Convention. The database may include a broad range of measures such as: national or regional strategies, policies, legislations, regulations, community management plans, guidelines or codes of conduct on access and benefit-sharing. It is available at the following address: <http://www.biodiv.org/programmes/socio-eco/benefit/measures.aspx> .

Requested action by Parties

In order for the database to provide an accurate overview of existing access and benefit-sharing measures worldwide, Parties and relevant organizations are invited to **provide information** to the Secretariat on these measures, **as they become available**, by filling out the **data entry form** in Annex 3.

Strategic Plan: future evaluation of progress

In decision VII/30 on the Strategic Plan, the Conference of the Parties decided to develop a framework to enhance the evaluation of achievements and progress in the implementation of the Strategic Plan and, in particular, its mission, to achieve a significant reduction in the current rate of biodiversity loss at the global, regional and national levels. The framework covers a number of focal areas, including: “Ensuring the fair and equitable sharing of benefits arising out of the use of genetic resources”. When addressing the issue of indicators for assessing progress towards the 2010 target at the global level, the Conference of the Parties, in paragraph 8, requested the Working Group on access and benefit-sharing to explore the need and possible options for indicators for access to genetic resources and in particular for the fair and equitable sharing of benefits arising from the utilization of genetic resources and to report the results to the Conference of the Parties at its eighth meeting.

Requested action by Parties

Parties are invited to **provide their views** to the Secretariat on the need and possible options for indicators for access and benefit-sharing, by **15 September 2004**.

Please accept, Madam/Sir, the assurances of my highest consideration.

Yours sincerely,

Hamdallah Zedan
Executive Secretary

ANNEX I

Use of Terms

In accordance with decision VII/19B, you are invited to provide to the Executive Secretary existing national definitions or other relevant definitions of the terms included in the following table along with the source of these definitions. Any views on whether additional terms should also be considered, including their definitions and source, are to be included in the last row of this table.

Terms to be defined	Existing definition/Source
Access to genetic resources	
Benefit-sharing	
Commercialization	
Derivatives	
Provider	
User	
Stakeholder	
<i>Ex situ</i> collection	
Voluntary nature	
Other term(s) to be defined:	

Comments:

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 Action Plan on capacity-building for access to genetic resources and benefit-sharing (included in Annex to decision VII/19F). 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	

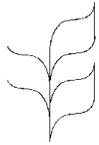
Please describe the nature of activity(ies)

Outcomes and lessons learned

Outcomes:

Lessons learned, including additional resources needed:

Any other relevant information:



ANNEX III

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	

VII/19. Access and benefit-sharing as related to genetic resources (Article 15)

A. Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization

The Conference of the Parties,

Recalling the evolutionary character of the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization and the need to keep their implementation under review,

Recognizing that the Guidelines are making a useful contribution to the development of national regimes and contractual arrangements for access and benefit-sharing and to the implementation of the objectives of the Convention,

Recognizing further that some developing countries have encountered some constraints due to inadequate capacity to fully utilize the guidelines in the formulation of their national legislation of access and benefit sharing and related arrangements,

1. *Notes* the progress already accomplished and the need for further experience in the implementation of the Guidelines;

2. *Invites* Parties, Governments, indigenous and local communities and all relevant stakeholders to continue to promote the wide implementation of the voluntary Bonn Guidelines;

3. *Encourages* Parties, Governments, indigenous and local communities and all relevant stakeholders to further submit information on relevant experience and lessons learned, including successes and constraints, in the implementation of the Guidelines;

4. *Requests* the Executive Secretary to make this information available through appropriate means, including the clearing-house mechanism of the Convention.

B. Use of terms, definitions and/or glossary, as appropriate

The Conference of the Parties

Recalling the voluntary nature of the Bonn Guidelines,

Noting that the terms as defined in Article 2 of the Convention shall apply to the Bonn Guidelines on Access and Benefit Sharing in accordance with paragraph 8 of the Bonn Guidelines,

Noting further that a number of other relevant terms not defined in the Convention may need to be examined,

Bearing in mind the difficulties faced by some developing countries with respect to information technology and related infrastructure,

1. *Invites* Parties, Governments, relevant organizations, indigenous and local communities, and all relevant stakeholders, according to a format provided by the Secretariat, to submit to the Executive Secretary:

(a) Information on existing national definitions or other relevant definitions of the following terms: access to genetic resources, benefit sharing, commercialization, derivatives, provider, user, stakeholder, *ex situ* collection, and voluntary nature (as contained in annex II of document UNEP/CBD/COP/6/INF/4);

(b) Views on whether additional terms need to be considered, such as arbitrary restrictions;

2. *Requests* access and benefit-sharing national focal points within Governments to facilitate the process of gathering and submitting relevant information to the Secretariat, taking into account the need to consult widely, including with indigenous and local communities;

3. *Requests* the Executive Secretary to gather and compile the information referred to above and distribute this information through available means, including through the clearing-house mechanism of the Convention;

4. *Requests* the Executive Secretary to submit this compilation to the next meeting of the Ad Hoc Open Ended Working Group on Access and Benefit-sharing for its consideration and *requests* the Working Group to further examine the issue of use of terms not defined in the Convention including the possible establishment of an expert group to determine the need for definitions or a glossary, and to report back to the Conference of the Parties.

C. Other approaches, as set out in decision VI/24 B

The Conference of the Parties

Recognizing that a package of measures may be necessary to address the different needs of Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders in the implementation of access and benefit-sharing arrangements,

Acknowledging that existing other approaches could be considered to complement the Bonn Guidelines and are useful tools in assisting implementation of access and benefit-sharing provisions of the Convention,

Stressing the need to further examine other approaches set out in decision VI/24 B, and additional approaches such as interregional and bilateral arrangements as well as an international certificate of legal provenance/origin/source, in particular the operational functionality and cost effectiveness of such an international certificate,

1. *Invites* Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders, to submit to the Secretariat their views and relevant information on additional approaches as well as regional, national and local experiences on existing approaches, including on codes of ethics;

2. *Requests* the Executive Secretary to further compile information on existing complementary measures and approaches, and experiences with their implementation, and to disseminate such information to Parties, Governments, relevant organizations, indigenous and local communities and all relevant stakeholders through, *inter alia*, the clearing-house mechanisms of the Convention;

3. *Requests* the Open-ended Working Group on Access and Benefit-sharing to further consider the issue of additional approaches, in a cost effective way at an appropriate time, and, to this end, *requests* the Executive Secretary to prepare a report on the basis of the submissions received.

D. International regime on access to genetic resources and benefit-sharing

The Conference of the Parties,

Reaffirming that the fair and equitable sharing of the benefits arising out of the utilization of genetic resources is one of the objectives of the Convention on Biological Diversity, in accordance with Article 1 of the Convention,

Reaffirming the sovereign rights of States over their natural resources and that the authority to determine access to genetic resources rests with the national Governments and is subject to national legislation, in accordance with Article 3 and Article 15, paragraph 1, of the Convention,

Reaffirming the commitment of Parties in Article 15, paragraph 2 of the Convention to “endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention”,

Recalling paragraph 44 (o) of the Plan of Implementation of the World Summit on Sustainable Development, which calls for action to “negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”,

Further recalling resolution 57/260 of 20 December 2002, adopted by the United Nations General Assembly at its fifty-seventh session, inviting the Conference of the Parties to take appropriate steps with regard to the commitment made at the World Summit on Sustainable Development “to negotiate within the framework of the Convention on Biological Diversity, bearing in mind the Bonn Guidelines, an international regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources”,

Recalling the recommendation of the Inter-Sessional Meeting on the Multi-Year Programme of Work of the Conference of the Parties up to 2010 inviting the Ad Hoc Open-ended Working Group on Access and Benefit-sharing “to consider the process, nature, scope, elements and modalities of an international regime on access to genetic resources and benefit-sharing and to provide advice to the Conference of the Parties at its seventh meeting on this issue”,

Noting the Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, adopted at the sixth meeting of the Conference of the Parties, “as a useful first step of an evolutionary process in the implementation of relevant provisions of the Convention related to access to genetic resources and benefit-sharing”,

Recalling also paragraph 44 (n) of the Plan of Implementation of the World Summit on Sustainable Development which calls for action to promote the wide implementation of and continued work on the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits arising out of their Utilization, as an input to assist the Parties when developing and drafting legislative, administrative or policy measures on access and benefit-sharing as well as contract and other arrangements under mutually agreed terms for access and benefit-sharing”,

Recalling further the Millennium Development Goals and the potential role of access and benefit-sharing in poverty eradication and environmental sustainability,

Taking into account Articles 8(j), 15, 16, 17, 18, 19, paragraphs 1 and 2, 20, 21 and 22 of the Convention on Biological Diversity,

Reaffirming the commitment by Parties, subject to national legislation, to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from their utilization,

Noting the work being carried out under the framework of the Convention by the Working Group on Article 8(j) and Related Provisions of the Convention,

Recognizing that the Convention is the key instrument for the conservation, sustainable use and fair and equitable sharing of benefits arising out of the utilization of genetic resources and bearing in

mind the work related to access to genetic resources and benefit-sharing carried out in other relevant international intergovernmental organizations,

Recognizing also the important contribution of the FAO International Treaty for Plant Genetic Resources for Food and Agriculture that was negotiated in harmony with the Convention on Biological Diversity,

Recognizing that Parties that are countries of origin of genetic resources may be both users and providers and that Parties that have acquired these genetic resources in accordance with the Convention on Biological Diversity may also be both users and providers

Recalling that the Bonn Guidelines indicate that Parties and stakeholders may be both users and providers, noting that these terms may still need to be examined and clarified

Recognizing that the regime should be practicable, transparent, and efficient and avoid arbitrary treatment, consistent with the provisions of the Convention.

Recalling that the international regime should recognize and shall respect the rights of indigenous and local communities

Noting that there is a need for further analysis of existing national, regional and international legal instruments and regimes relating to access and benefit-sharing and experience gained in their implementation, including gaps and their consequences,

Noting that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing has identified possible components of an international regime, without prejudging the outcome,

1. *Decides* to mandate the Ad Hoc Open-ended Working Group on Access and Benefit-sharing with the collaboration of the Ad Hoc Open ended Inter-Sessional Working Group on Article 8(j) and Related Provisions, ensuring the participation of indigenous and local communities, non-governmental organizations, industry and scientific and academic institutions, as well as intergovernmental organizations, to elaborate and negotiate an international regime on access to genetic resources and benefit-sharing with the aim of adopting an instrument\instruments to effectively implement the provisions in Article 15 and Article 8(j) of the Convention and the three objectives of the Convention;

2. *Recommends* that the Ad Hoc Open-ended Working Group on Access and Benefit-sharing should operate in accordance with the terms of reference contained in the annex to this decision;

3. *Request* the Executive Secretary to make the necessary arrangements for the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to be convened twice before the eighth meeting of the Conference of the Parties with one meeting from the core budget back to back with the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions and the other from voluntary contributions;

4 *Requests* the Ad Hoc Open-ended Working Group on ABS to report on progress to the Conference of the Parties at its eighth meeting;

5 *Invites* the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations, the World Trade Organization, the World Intellectual Property Organization, the International Union for the Protection of New Varieties of Plants, to cooperate with the Ad Hoc Open-ended Working Group on Access and Benefit-sharing in elaborating the international regime;

6. *Encourages* Parties, Governments, international organizations and all relevant stakeholders to provide the ways and means to allow for sufficient preparation and to facilitate effective participation of indigenous and local communities in the process of the negotiation and elaboration of an international regime;

7. *Recommends* the promotion of the participation of all relevant stakeholders, including non-governmental organizations and the private sector, and indigenous and local communities.

8. *Invites* Parties, Governments, international organisations, indigenous and local communities and all relevant stakeholders, to submit to the Executive Secretary their views, information and analysis on the elements of the international regime as soon as possible.

9. *Requests* the Executive Secretary to compile the submissions received and to make them available through the clearing-house mechanism and other means for the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

Annex

TERMS OF REFERENCE FOR THE AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT-SHARING

- (a) **Process:**
- (i) To elaborate and negotiate the nature, scope and elements of an international regime on access and benefit-sharing within the framework of the Convention on Biological Diversity, as contained in paragraphs (b), (c) and (d) below, drawing on *inter alia* an analysis of existing legal and other instruments at national, regional and international levels relating to access and benefit-sharing, including: access contracts; experiences with their implementation; compliance and enforcement mechanisms; and any other options.
 - (ii) As part of the work, the Ad Hoc Open-ended Working Group on Access and Benefit-sharing will examine whether and to what extent possible elements as contained in paragraph (d) below are part of these instruments and determine how to address the gaps.
- (b) **Nature:** The international regime could be composed of one or more instruments within a set of principles, norms, rules and decision-making procedures, legally-binding and/or non-binding.
- (c) **Scope:**
- (i) Access to genetic resources and promotion and safeguarding of fair and equitable sharing of the benefits arising out of the utilization of genetic resources in accordance with relevant provisions of the Convention on Biological Diversity;
 - (ii) Traditional knowledge, innovations and practices in accordance with Article 8(j).
- (d) **Elements:** The following elements shall be considered by the Ad Hoc Open-ended Working Group on Access and Benefit-sharing for inclusion in the international regime, *inter alia*:
- (i) Measures to promote and encourage collaborative scientific research, as well as research for commercial purposes and commercialization, consistent with Articles 8(j), 10, 15, paragraph 6, paragraph 7 and Articles 16, 18 and 19 of the Convention;
 - (ii) Measures to ensure the fair and equitable sharing of benefits from the results of research and development and the benefits arising from the commercial and other utilization of genetic resources in accordance with Articles 15.7, 16, 19.1, 19.2. of the Convention;

- (iii) Measures for benefit-sharing including, *inter alia*, monetary and non-monetary benefits, and effective technology transfer and cooperation so as to support the generation of social, economic and environmental benefits;
- (iv) Measures to promote facilitated access to genetic resources for environmentally sound uses according to Article 15.2 of the Convention on Biological Diversity;
- (v) Measures to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources;
- (vi) Measures to ensure the sharing of benefits arising from the commercial and other utilization of genetic resources and their derivatives and products, in the context of mutually agreed terms;
- (vii) Measures to promote access and benefit-sharing arrangements that contribute to the achievement of the Millennium Development Goals, in particular on poverty eradication and environmental sustainability;
- (viii) Measures to facilitate the functioning of the regime at the local, national, subregional, regional and international levels, bearing in mind the transboundary nature of the distribution of some *in situ* genetic resources and associated traditional knowledge;
- (ix) Measures to ensure compliance with national legislations on access and benefit-sharing, prior informed consent and mutually agreed terms, consistent with the Convention on Biological Diversity;
- (x) Measures to ensure compliance with prior informed consent of indigenous and local communities holding traditional knowledge associated with genetic resources, in accordance with Article 8(j);
- (xi) Measures to ensure compliance with the mutually agreed terms on which genetic resources were granted and to prevent the unauthorized access and use of genetic resources consistent with the Convention on Biological Diversity;
- (xii) Addressing the issue of derivatives;
- (xiii) Internationally recognized certificate of origin/source/legal provenance of genetic resources and associated traditional knowledge;
- (xiv) Disclosure of origin/source/legal provenance of genetic resources and associated traditional knowledge in applications for intellectual property rights;
- (xv) Recognition and protection of the rights of indigenous and local communities over their traditional knowledge associated to genetic resources subject to the national legislation of the countries where these communities are located;
- (xvi) Customary law and traditional cultural practices of indigenous and local communities;
- (xvii) Capacity-building measures based on country needs;
- (xviii) Code of ethics/Code of conduct/Models of prior informed consent or other instruments in order to ensure fair and equitable sharing of benefits with indigenous and local communities;
- (xix) Means to support the implementation of the international regime within the framework of the Convention;
- (xx) Monitoring, compliance and enforcement;
- (xxi) Dispute settlement, and/or arbitration, if and when necessary;

- (xxii) Institutional issues to support the implementation of the international regime within the framework of the Convention;
- (xxiii) Relevant elements of existing instruments and processes, including:
- Convention on Biological Diversity;
 - Bonn Guidelines on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization;
 - The International Treaty on Plant Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations;
 - The Commission on Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations;
 - Current national legislative, administrative and policy measures implementing Article 15 of the Convention on Biological Diversity;
 - The United Nations Permanent Forum on Indigenous Issues;
 - Outcomes of Working Group on Article 8(j);
 - The Agreement on Trade-related Aspects of Intellectual Property Rights and other World Trade Organization agreements;
 - World Intellectual Property Organization conventions and treaties;
 - International Convention for the Protection of New Varieties of Plants;
 - Regional agreements;
 - Codes of conduct and other approaches developed by specific user groups or for specific genetic resources, including model contractual agreements;
 - African Model Law on the Rights of Communities, Farmers, Breeders, and on Access to Biological Resources;
 - Decision 391 of the Andean Community;
 - Decision 486 of the Andean Community;
 - United Nations Convention on the Law of the Sea;
 - Agenda 21;
 - Rio Declaration;
 - CITES;
 - Antarctic Treaty;
 - The Universal Declaration of Human Rights;
 - The International Covenant on Civil and Political Rights;
 - The International Covenant on Economic, Social and Cultural Rights.

E. Measures, including consideration of their feasibility, practicality and costs, to support compliance with prior informed consent of the Contracting Party providing genetic resources and mutually agreed terms on which access was granted in Contracting Parties with users of such resources under their jurisdiction

The Conference of the Parties,

Recalling paragraph 8 of its decision VI/24 A,

Recalling also Article 8(j), Article 15, paragraphs 1, 3 and 7, Article 16, paragraph 3, and Article 19, paragraphs 1 and 2, of the Convention,

Recalling further paragraph 16 (d) of the Bonn Guidelines on Access to Genetic Resources and Equitable Sharing of Benefits Arising out of their Utilization, which identifies a number of measures that could be taken by Contracting Parties with users of genetic resources under their jurisdiction, to support compliance with prior informed consent of the Contracting Party providing such resources and with mutually agreed terms on which access was granted,

Noting that a number of Governments have taken initiatives at the national and regional levels to establish measures to support compliance with prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted,

Noting further the ongoing activities and processes in relevant international forums such as the World Intellectual Property Organization, the TRIPs Council of the World Trade Organization, and the Commission on Plant Genetic Resources for Food and Agriculture of the Food and Agriculture Organization of the United Nations acting as the Interim Committee for the International Treaty on Plant and Genetic Resources for Food and Agriculture, regarding measures to support compliance with prior informed consent,

Aware that further work is required on a number of issues, including analysis of: (i) specific measures to support compliance, in accordance with the sovereign rights of the country of origin of genetic resources, with the prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge; (ii) compliance measures existing in national laws; (iii) the extent and level of unauthorized access and misappropriation of genetic resources and traditional knowledge; and (iv) availability of remedies in user countries relating to non-compliance,

Recognizing that a number of critical issues, such as an international certificate of origin/source/legal provenance, and disclosure of origin of genetic resources and associated traditional knowledge, need to be addressed to support compliance with national legislation of countries of origin and prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted,

Recognizing further the need to ensure transparency in the international exchange of genetic resources and associated traditional knowledge,

Recalling paragraph 35 of decision VI/20 in which the Conference of the Parties recognized the leading role of the Convention on Biological Diversity in international biological diversity issues,

Noting with appreciation the Technical Study on Disclosure Requirements Concerning Genetic Resources and Traditional Knowledge prepared by World Intellectual Property Organization at the request of the Conference of the Parties in decision VI/24 C and considering the contents of the Technical Study to be helpful in the consideration of intellectual property-related aspects of user measures,

1. *Takes note* of ongoing initiatives at national, regional and international levels regarding measures to support compliance with national legislation, including prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted;

2. *Invites* Parties and Governments to continue taking appropriate and practical measures to support compliance with prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted. Such measures may include:

(a) Exchange of information between users and providers regarding legislative, administrative and policy measures existing in their jurisdiction relating to access and benefit-sharing;

(b) Incentive measures, as referred to in paragraph 51 of the Bonn Guidelines, to encourage users to comply with national legislation, including prior informed consent and mutually agreed terms, such as publicly sponsored research grants and voluntary certification schemes;

(c) Development of model/standard contractual agreements for different user groups and different genetic resources;

(d) Aspects related to the import and export of genetic resources, including regulations when feasible and as appropriate;

(e) Easy access to justice in cases of violation of legal provisions in provider and user countries;

(f) Administrative and judicial remedies, including penalties and compensation as provided by national laws;

(g) Monitoring;

3. *Invites* Parties to recognize that traditional knowledge, whether written or oral, may constitute prior art;

4. *Invites* Parties to establish national mechanisms to ensure compliance, when required by domestic law, with the obtaining of prior informed consent of indigenous and local communities regarding access to genetic resources and associated traditional knowledge;

5. *Invites* Parties to put in place mechanisms to ensure fair and equitable benefit-sharing at the national level with relevant stakeholders and indigenous and local communities;

6. *Requests* the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing to address issues related to an international certificate of origin/source/legal provenance, taking into account multilateral approaches to access to genetic resources and benefit-sharing, including issues such as feasibility, practicality and costs;

7. *Requests* the Ad hoc Open-ended Working Group on Access and Benefit-Sharing to identify issues related to the disclosure of origin of genetic resources and associated traditional knowledge in applications for intellectual property rights, including those raised by a proposed international certificate of origin/source/legal provenance, and transmit the results of this examination to the World Intellectual Property Organization and other relevant forums.

8. *Invites* the World Intellectual Property Organization to examine, and where appropriate address, taking into account the need to ensure that this work is supportive of and does not run counter to the objectives of the Convention on Biological Diversity, issues regarding the interrelation of access to genetic resources and disclosure requirements in intellectual property rights applications, including, *inter alia*:

- (a) Options for model provisions on proposed disclosure requirements;
- (b) Practical options for intellectual property rights application procedures with regard to the triggers of disclosure requirements;
- (c) Options for incentive measures for applicants;
- (d) Identification of the implications for the functioning of disclosure requirements in various World Intellectual Property Organization-administered treaties;
- (e) Intellectual property-related issues raised by proposed international certificate of origin/source/legal provenance;

and regularly provide reports to the Convention on Biological Diversity on its work, in particular on actions or steps proposed to address the above issues, in order for the Convention on Biological Diversity to provide additional information to the World Intellectual Property Organization for its consideration in the spirit of mutual supportiveness;

9. *Invites* the United Nations Conference on Trade and Development and other relevant international organisations to examine the issues in, and related to, the matters specified in paragraphs 7 and 8 in a manner supportive of the objectives of the Convention on Biological Diversity and prepare a report for submission to the on-going process of the work of the Convention on Biological Diversity on access and benefit sharing.

10. *Requests* the Executive Secretary to gather information, with the assistance of Parties, Governments and relevant international organizations, and undertake further analysis relating to:

- (a) Specific measures to support and ensure compliance with national legislation, prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted;
- (b) Existing measures to support compliance with national, regional, and international legal instruments;
- (c) The extent and level of unauthorized access and misappropriation of genetic resources and associated traditional knowledge;
- (d) Access and benefit-sharing arrangements existing in specific sectors;
- (e) Administrative and judicial remedies available in countries with users under their jurisdiction and in international agreements regarding non-compliance with the prior informed consent requirements and mutually agreed terms;
- (f) Existing practices and trends with regard to commercial and other utilization of genetic resources and the generation of benefits;
- (g) Measures that preserve and promote legal certainty for users over the terms and conditions of access and use;

and prepare a compilation of the information received and make this compilation available for the consideration of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing at its third meeting;

11. *Requests* the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to analyse the compilation prepared by the Executive Secretary in accordance with the preceding paragraph, and recommend to the Conference of the Parties at its eighth meeting further measures to support and ensure compliance with prior informed consent of the Contracting Parties providing such resources, including countries of origin, in accordance with Article 2 and Article 15, paragraph 3, of the Convention, and of the indigenous and local communities providing associated traditional knowledge, and with mutually agreed terms on which access was granted.

F. Needs for capacity-building identified by countries to implement the Bonn Guidelines

The Conference of the Parties

Recalling decision VI/24 A, paragraph 8, in which the Conference of the Parties requested, the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing to advise the Conference of the Parties on needs for capacity-building identified by countries to implement the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilization,

Mindful that capacity-building activities related to access and benefit-sharing are a crucial element in achieving the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, as well as the other two objectives of the Convention and the target to significantly reduce the rate of biodiversity loss by 2010,

Having considered the Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing developed by the Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing further to decision VI/24 B, paragraph 1,

Having considered the work done during the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Montreal from 10 to 14 November 2003, in preparing a programme of work on technology transfer and cooperation for consideration by the Conference of the Parties at its seventh meeting,

Recognizing that the Action Plan represents an important framework for the identification of capacity needs, priority areas requiring capacity-building, sources of funding and implementation of the identified needs and priorities,

Underlining that capacity-building should be a flexible, demand- and country-driven process requiring international and regional cooperation, as appropriate, involving indigenous and local communities as well as all relevant stakeholders,

Underlining also that the implementation of an international regime on access and benefit sharing and of national legislation on access and benefit-sharing could require additional activities to build capacity,

Taking note with appreciation of the report of the Open-ended Expert Workshop on Capacity-building for Access to Genetic Resources and Benefit-sharing and its work;

1. *Adopts* the Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing annexed to this decision;

2. *Invites* Parties and Governments and relevant organizations to use the Action Plan when designing and implementing national, regional and subregional plans and strategies to build capacities for access and benefit-sharing of genetic resources and related traditional knowledge;

3. *Urges* Parties and relevant organizations to provide financial and technical assistance to support developing countries, in particular, least developed countries, small island developing States, as

well as countries with economies in transition, in implementing the Action Plan and the resulting national, regional and subregional plans and strategies;

4. *Encourages* Parties and Governments to provide for the full and effective involvement and participation of indigenous and local communities and all relevant stakeholders in the development and implementation of national capacity-building plans and strategies;

5. *Requests* Parties and Governments to make information available through the clearing-house mechanism and to include information in national reports regarding their implementation of capacity-building measures on access to genetic resources and related traditional knowledge, and benefit-sharing;

6. *Requests* the Executive Secretary to facilitate, including through the clearing-house mechanism, the sharing of relevant information among donor Parties and organizations to assist coordination, reduce duplication and identify gaps relevant to the implementation of the Action Plan.

Annex

ACTION PLAN ON CAPACITY-BUILDING FOR ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

A. Objective of the Action Plan

1. The objective of the Action Plan is to facilitate and support the development and strengthening of capacities of individuals, institutions and communities for the effective implementation of the provisions of the Convention relating to access to genetic resources and benefit-sharing, and in particular the Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising Out of their Utilization, taking into account their voluntary nature. The implementation of the Action Plan at the local, national, subregional, regional and international levels should involve indigenous and local communities and all relevant stakeholders.

2. Capacity-building for access and benefit-sharing constitutes an integral part of efforts to build the capacities of Parties to manage and develop their genetic resources and should contribute to the conservation and sustainable use of biological diversity.

3. To achieve the objective, the Action Plan will provide a framework for identifying country, indigenous and local community and all relevant stakeholder needs, priorities, mechanisms of implementation and sources of funding.

B. Key areas requiring capacity-building

4. Key areas that require capacity-building initiatives should be considered in a flexible and transparent manner, based on a country-driven approach. This approach will take into account the different situations, needs, capabilities and stages of development of each country, as well as the different types of genetic resources and their respective characteristics, and will promote synergies between different initiatives related to capacity-building.

5. Capacities should be strengthened at the systemic, institutional and individual levels in the following key areas:

(a) Institutional capacity-building:

- (i) Policy, legislative and regulatory frameworks;
- (ii) Administrative framework;
- (iii) Funding and resource management;
- (iv) Mechanisms for follow-up, monitoring and assessment;

(b) Assessment, inventory and monitoring of genetic resources, and traditional knowledge including taxonomic capacity, *inter alia*, within the context of the Global Taxonomy Initiative, and of *in situ* and *ex situ* conservation activities;

- (c) The capacity of indigenous and local communities to assess, inventory and monitor genetic resources and related traditional knowledge, with their approval and consent, using the Global Taxonomy Initiative and other relevant initiatives;
- (d) Bioprospecting, screening, DNA sequencing, characterization, product development and marketing;
- (e) Environmental, cultural, social and economic valuation of genetic resources, and associated traditional knowledge, innovations and practices, and market information, including sector-relevant production and marketing strategies;
- (f) Development by Contracting Parties with users of genetic resources under their jurisdiction of appropriate legal, administrative, or policy measures, as appropriate, to support compliance with prior informed consent of the Contracting Party providing such genetic resources and mutually agreed terms on which access was granted;
- (g) Inventory and case-studies of existing policy and legislative measures, and the development of appropriate policies and legislation.
- (h) Development of legislative, administrative and policy mechanisms for the protection of genetic resources and related traditional knowledge including, *inter alia*, the development of *sui generis* systems, the promotion of existing forms of protection of intellectual property rights and the support for community-based approaches of indigenous and local communities;
- (i) Development of national, regional, subregional and international information systems, and national, regional, subregional and international information management and exchange, linked with the clearing-house mechanism of the Convention;
- (j) Development and strengthening of the capacities of indigenous and local communities for participation in decision-making, policy formulation and implementation and for conservation, management and product development with regard to genetic resources and to enable them to benefit from the use of their traditional knowledge and practices related to genetic resources;
- (k) Public education and awareness focusing on indigenous and local communities and all relevant stakeholders at local, national and regional levels;
- (l) Human-resources development at all levels, including: legal drafting skills for development of access to genetic resources and benefit-sharing measures; contract-negotiation skills for indigenous and local communities and other relevant stakeholders; modalities for benefit-sharing; dispute resolution mechanisms;
- (m) Development of awareness with respect to conventions, norms and policies relating to intellectual property rights and trade and their interrelationship with genetic resources and traditional knowledge;
- (n) Strengthening inter-institutional linkages and processes with a view to ensuring more effective coordination.
- (o) Evaluation of how the access activity may impact on conservation and sustainable use of biodiversity, to determine the relative costs and benefits of granting access;
- (p) Clarification and/or recognition, as appropriate, of established rights and claims of indigenous and local communities over genetic resources and related traditional knowledge, innovations and practices, subject to collecting for scientific or potential commercial purposes and subject to national legal and policy frameworks;
- (q) Mechanisms to provide information to potential users, regulators and the public, international and national, on their obligations regarding access to genetic resources.

C. Mechanisms for the implementation of capacity-building in key areas

6. The following processes, measures and mechanisms could be used for the implementation of capacity-building activities for access to genetic resources and benefit-sharing; noting that measures directed towards the capacity-building needs of users and of providers should be mutually supportive.

7. Actions at multiple levels:

(a) Awareness-raising for the issues at stake and identification of capacity needs at the local, national, subregional, and regional levels, taking into account, as appropriate, the work of the Global Environment Facility on national capacity self-assessment;

(b) Prioritization at the local, national, and regional levels of the key areas, drawing upon a range of existing expertise in academic, industrial and government sectors and indigenous and local communities;

(c) Identification of existing and planned capacity-building initiatives, including capacity-building gaps, at the local, national, subregional, regional and international levels, both public and private, and their coverage, including by:

- (i) National sources;
- (ii) Bilateral sources;
- (iii) Regional sources;
- (iv) Multilateral agencies;
- (v) Other international sources;
- (vi) Indigenous and local communities;
- (vii) Private sector, non-governmental organizations and other stakeholders;

(d) Developing and enhancing synergies and coordination of capacity-building initiatives;

(e) Establishment of indicators for monitoring capacity-building implementation;

(f) Funding through the Global Environment Facility and other donors;

(g) The participation of the private sector, academic institutions, relevant institutions and organizations of indigenous and local communities, and non-governmental organizations, as providers of capacity-building in specific areas, for example through collaborative research, transfer of technology and funding;

(h) Training workshops, train the trainers, exchange programmes and study trips;

(i) Full and effective involvement and participation of relevant stakeholders and indigenous and local communities, taking into account the tasks defined within the programme of work on the implementation of Article 8(j) and related provisions of the Convention;

(j) Development of audiovisual, multi-media and educational material.

8. Actions at the national level:

(a) Designation of national focal points and establishment of competent national authorities;

(b) Development of appropriate national access and benefit-sharing strategies, policies, legislation and regulatory frameworks;

(c) Integration of capacity-building for access to genetic resources and benefit-sharing within the framework of national biodiversity strategies and other related initiatives and strategies;

(d) Approaches for action, including timelines for the operation of capacity-building for access to genetic resources and benefit-sharing, as provided for in the appendix to this Action Plan;

(e) Scientific and technical areas, including research production and technology transfer relevant to access to and use of genetic resources and benefit-sharing;

(f) Development of instruments and tools, including indicators to monitor and assess the implementation of capacity-building for access to genetic resources and benefit-sharing at all stages, and the effectiveness of policy and legislative measures.

9. *Actions at the regional and subregional levels and at the international levels:*

- (a) Regional and subregional collaborative arrangements;
- (b) Assessment of resource requirements and development of a funding strategy;
- (c) Scientific and technical cooperation and partnerships among Parties, and between Parties and relevant multilateral agencies and other organizations through, *inter alia*, the clearing-house mechanism of the Convention, and other relevant networks, including those of relevant indigenous and local communities and relevant stakeholders;
- (d) Information exchange, through the clearing-house mechanism of the Convention, the use of the Internet, databases, CD-ROMs, hard copies and workshops;
- (e) Identification and dissemination of case-studies and best practices;
- (f) Coordination between multilateral and bilateral donors and other organizations;
- (g) Development of model agreements and codes of conduct for specific uses, users and sectors, where possible making use of work done in other forums;
- (h) The Global Taxonomy Initiative;
- (i) The roster of experts on access to genetic resources and benefit-sharing established under the Convention.

D. Coordination

10. 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 existing gaps in coverage. At the international level, coordination is required with other relevant international regimes, in particular with capacity-building programmes under the International Treaty on Plant Genetic Resources for Food and Agriculture, and with the World Intellectual Property Organization to ensure synergies and complementarities.

11. While recognizing the country-driven nature of the Action Plan, regional and subregional approaches should be encouraged and facilitated to implement the Action Plan, noting in particular the special needs of small island developing States (SIDS). Such facilitation could include appropriate advice to the Global Environment Facility (GEF), including promotion of regional coordination among implementing agencies of capacity-building activities supported by GEF, the submission of relevant case-studies and the broader use of the clearing-house mechanism as a means, assisted by the Executive Secretary, of identifying opportunities for regional and subregional collaboration.

12. Parties, Governments and relevant international organizations should be encouraged to provide information to the Secretariat on steps taken, including by donors, towards the implementation of capacity-building measures, to be made available through the clearing-house mechanism of the Convention.

13. Parties may consider including in their national reports, websites and any other form of reporting, information on the implementation of capacity-building measures on access to genetic resources and benefit-sharing.

14. Coordination between the Ad Hoc Open-ended Inter-Sessional Working Group on Access and Benefit sharing and the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity in the continuing development of their programmes of work with respect to capacity-building for indigenous and local communities should be encouraged.

Appendix

Possible approaches for action

Recognizing that the status of policy development related to access and benefit-sharing differs among countries, the approaches for action necessary to implement the Action Plan on access and benefit-sharing are to be decided by countries according to their national needs and priorities,

Cognizant of the urgent need to build capacities in developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition,

Building on the identified elements in the Action Plan and without prejudice to the timeframes indicated therein,

As a tool to assist countries to establish national priorities and to facilitate regional and subregional activities the following approaches for action, based on experience and past practice, are proposed for consideration.

Possible approaches for implementation of activities identified in the Action Plan

A. National level

1. Inventory of genetic resources and traditional knowledge and evaluation of their potential markets, as well as assessment of existing measures and practices relating to access and benefit-sharing.
2. Assessment of the effectiveness and adequacy of existing capacity.
3. Development of national access and benefit-sharing strategy or policy (determination of ownership or rights to provide resources, including rights of indigenous and local communities; traditional knowledge; private sector partnership; prior informed consent; implementation; conflict resolution).
4. Enhancing awareness and participation of indigenous and local communities and all relevant stakeholders.
5. Development of timelines, including short- and long-term requirements for internal and external funding.
6. Development and/or strengthening of institutional, administrative, financial and technical capacities, including designation of national focal points and competent authorities and development of national legislative measures.
7. Mechanism for handling access and benefit-sharing requests, including decision-making, as well as public information and participation.
8. Mechanisms for monitoring and compliance for access and benefit-sharing arrangements.
9. Appropriate information mechanisms.

B. Subregional and regional levels

1. Assessment of national, bilateral and multilateral funding.
2. Mechanisms for regional and subregional coordination and harmonization of access and benefit-sharing strategies, policies, and legislative measures, where appropriate. This may also include regional and subregional websites, databases, collaborative arrangements, advisory mechanisms, and centres of excellence and training.

C. International level

1. Effective functioning of the clearing-house mechanism, including the establishment of a database on capacity-building activities.

2. Enhancing the effectiveness and adequacy and coordination of financial resources to be provided by multilateral and bilateral donors and other donors to developing countries, in particular the least developed and small island developing States among them, as well as countries with economies in transition.
3. Development and effective use of the roster of experts.
4. Enhancing synergies and coordination with capacity-building initiatives carried out by the Food and Agriculture Organization of the United Nations (FAO), the World Intellectual Property Organization (WIPO) and other relevant organizations.
5. Strengthening South-South cooperation.
6. Regular review and provision of further guidance by the Conference of the Parties to the Convention.

VII/30. *Strategic Plan: future evaluation of progress*

The Conference of the Parties,

Review and evaluation

Recognizing the need to: (i) facilitate assessment of progress towards the 2010 target, and communication of this assessment; (ii) promote coherence among the various programmes of work of the Convention; and (iii) provide a flexible framework within which national and regional targets may be set, and indicators identified, where so desired by Parties; as well as (iv) the need for a mechanism to review implementation of the Convention,

Recalling the statement in the Johannesburg Plan of Implementation that a more efficient and coherent implementation of the three objectives of the Convention and the achievement by 2010 of a significant reduction in the current rate of loss of biological diversity will require the provision of new and additional financial and technical resources to developing countries,

1. *Decides* to develop a framework to enhance the evaluation of achievements and progress in the implementation of the Strategic Plan and, in particular, its mission, to achieve a significant reduction in the current rate of biodiversity loss at global, regional and national levels. The framework includes the following focal areas:

- (a) Reducing the rate of loss of the components of biodiversity, including: (i) biomes, habitats and ecosystems; (ii) species and populations; and (iii) genetic diversity;
- (b) Promoting sustainable use of biodiversity;
- (c) Addressing the major threats to biodiversity, including those arising from invasive alien species, climate change, pollution, and habitat change;
- (d) Maintaining ecosystem integrity, and the provision of goods and services provided by biodiversity in ecosystems, in support of human well-being;
- (e) Protecting traditional knowledge, innovations and practices;
- (f) Ensuring the fair and equitable sharing of benefits arising out of the use of genetic resources; and
- (g) Mobilizing financial and technical resources, especially for developing countries, in particular least developed countries and small island developing States among them, and countries with economies in transition, for implementing the Convention and the Strategic Plan;

Goals and sub-targets will be established, and indicators identified, for each of the focal areas. The goals and sub-targets will complement the existing goals of the Strategic Plan; ^{1/}

2. For the purposes of assessing progress towards the target to achieve by 2010, a significant reduction in the current rate of biodiversity loss, *defines* biodiversity loss as the long-term or permanent qualitative or quantitative reduction in components of biodiversity and their potential to provide goods and services, to be measured at global, regional and national levels;

^{1/} These are:

Goal 1: The Convention is fulfilling its leadership role in international biodiversity issues.

Goal 2: Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention.

Goal 3: National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention.

Goal 4: There is a better understanding of the importance of biodiversity and of the Convention, and this has led to broader engagement across society in implementation.

Indicators for assessing progress towards, and communicating the 2010 target at the global level

3. In order to assess progress at the global level towards the 2010 target, and to communicate effectively trends in biodiversity related to the three objectives of the Convention, *agrees* that a limited number of trial indicators, for which data are available from existing sources, be developed and used in reporting, *inter alia*, through the Global Biodiversity Outlook. A balanced set of indicators should be identified or developed, according to the principles for choosing indicators identified by the Expert Group on Indicators and Monitoring (UNEP/CBD/SBSTTA/9/10) referred to in decision VII/8, on monitoring and indicators, to assess and communicate trends in the focal areas listed in paragraph 1. The global application of those indicators as well as the assessment of the progress towards the 2010 target should not be used to evaluate the level of implementation of the Convention in individual Parties or regions. As far as is feasible, the indicators should be identified or developed in such a way that:

(a) The same indicators may be used at the global, regional, national and local levels as tools for the implementation of the Convention and of national biodiversity strategies and action plans, where so desired by Parties;

(b) The indicators relate to one or more of the various Programmes of Work of the Convention;

(c) The indicators should take into consideration relevant Millennium Development Goals and indicators developed by other relevant international processes; and

(d) Existing data sets are used.

Full use should be made of the report of the London meeting (UNEP/CBD/SBSTTA/9/INF/9), and the notes by the Executive Secretary: on proposed biodiversity indicators relevant to the 2010 target (UNEP/CBD/SBSTTA/9/INF/26); on using existing processes as building blocks in reporting on the 2010 target (UNEP/CBD/SBSTTA/9/INF/27), on proposed global indicators (UNEP/CBD/COP/7/INF/33), and on monitoring and indicators (UNEP/CBD/SBSTTA/9/10);

4. *Agrees* that the indicators to be tested, identified or developed, are listed in annex I to the present decision. Indicators for immediate testing are listed in column B of annex I; indicators requiring further development are listed in column C of annex I;

5. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice at its tenth or eleventh meetings to evaluate information on the changes in trends and status of biodiversity, particularly the current rate of biodiversity loss at the global level *inter alia* by reviewing a draft of the Second Global Biodiversity Outlook;

6. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice at its tenth or eleventh meetings, with the assistance of an ad hoc technical expert group, subject to the availability of the necessary voluntary contributions, to:

(a) Review the use of the indicators listed in annex I, column B, to the present decisions, *inter alia*, by reviewing a draft of the second Global Biodiversity Outlook;

(b) Identify or develop indicators listed in annex I, column C, to the present decision, ensuring that the full set of indicators is limited in number;

and report on the results to the Conference of the Parties at its eighth meeting;

7. *Requests* the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, respectively, to explore the need and possible options for indicators for access to genetic resources and in particular for the fair and equitable sharing of benefits arising from the utilization of genetic resources, and associated innovations, knowledge and practices of indigenous and local communities, and for the protection of innovations, knowledge and practices of indigenous and local communities, and to report the results to the Conference of the Parties at its eighth meeting;

8. *Requests* the Executive Secretary, with the assistance of the World Conservation Monitoring Centre of the United Nations Environment Programme and other relevant international organizations, to

(a) Prepare the second Global Biodiversity Outlook for publication prior to the eighth meeting of the Conference of the Parties following peer review and review by the Subsidiary Body on Scientific, Technical and Technological Advice at its tenth or eleventh meeting. The second Global Biodiversity Outlook should provide an assessment of progress towards the 2010 biodiversity target at the global level and communicate effectively trends in biodiversity related to the three objectives of the Convention, based on the focal areas listed in paragraph 1 of the present decision, and making use of the indicators listed in annex I below that are successfully developed and tested, information provided in the national reports, as well as information provided by international organizations;

(b) Prepare the necessary background documentation to assist the Subsidiary Body on Scientific, Technical and Technological Advice in the work outlined in paragraph 6 above;

9. *Invites* related conventions, assessment processes and relevant organizations to contribute reports and information that assist the monitoring of progress towards the 2010 targets;

10. *Invites* the World Conservation Monitoring Centre of the United Nations Environment Programme to support the Secretariat in facilitating the compilation of information necessary for reporting on achievement on the 2010 target;

Goals and sub-targets to facilitate coherence among the programmes of work, and to provide a flexible framework for national targets

11. *Decides* to establish, goals and sub- targets for each of the focal areas identified in paragraph 1 above, as set out in annex II to the present decision, in order to clarify the 2010 global biodiversity target adopted by decision VI/26, help assess progress towards the target, and promote coherence among the programmes of work of the Convention. Such goals would complement the existing goals of the Strategic Plan;

12 *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice at its tenth or eleventh meetings to:

(a) Review, and, as necessary, further refine the goals and sub-targets, ensuring that they are linked to relevant Millennium Development Goals, initiatives of the World Summit on Sustainable Development, and the goals articulated by other relevant international processes;

(b) Identify indicators for the sub-targets, where possible, by association with the indicators provided in annex I to the present decision;

(c) Refine proposals for the integration of outcome-oriented targets proposals for the integration of outcome-oriented targets into the programmes of work of inland water biodiversity and of marine and coastal biodiversity, according to the framework in annex II and using the approach set out in annex III to the present decision, identifying more precise targets, including, as appropriate, quantitative elements and decides that outcome oriented targets are a key priority for the Subsidiary Body on Scientific, Technical and Technological Advice;

(d) When the programmes of work of the Convention, are reviewed according to the multi-year programme of work of the Conference of the Parties develop recommendations for the integration of outcome-oriented targets into each of the thematic programmes of work, according to the framework in annex II and using the approach set out in annex III to the present decision, identifying more precise targets, including, as appropriate, quantitative elements;

13. *Requests* the Executive Secretary:

(a) To prepare proposals for the integration of goals and targets into the programmes of work when these programmes are due for review according to the multi-year programme of work of the Conference of the Parties, taking into account that these goals and targets should be viewed as flexible

framework within which national and/or regional targets may be developed, according to national priorities and capacities; and

(b) To make full use of the clearing-house mechanism in promoting technical cooperation to achieve the 2010 targets and facilitating information exchange on progress made;

National implementation and national biodiversity strategies and action plans

14. *Emphasizes* that the goals and targets referred to in paragraph 12 above should be viewed as a flexible framework within which national and/or regional targets may be developed, according to national priorities and capacities, and taking into account differences in diversity between countries;

15. *Invites* Parties and Governments to develop national and/or regional goals and targets, and, as appropriate, to incorporate them into relevant plans, programmes and initiatives, including national biodiversity strategies and action plans;

16. *Invites* Parties and Governments to use existing national indicators or to establish national indicators using the tools (UNEP/CBD/SBSTTA/9/10) referred to in decision VII/8, on monitoring and indicators, and according to their national needs and priorities, to assess progress towards their national/and or regional targets;

17. *Emphasizes* the need for capacity-building, especially in developing countries, in particular the least developed countries and the small island developing States among them, and countries with economies in transition, in order to enable them to implement activities to achieve and monitor progress towards the goals and targets;

18. *Invites* Parties, Governments, international and funding organizations to provide adequate and timely support for the implementation of activities to achieve and monitor progress towards the goals and targets to developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, as appropriate;

19. *Requests* the Executive Secretary to continue to explore ways to expand active support for developing country Parties in particular least developed countries and small island developing States among them, and Parties with economies in transition, where appropriate, in the development, revision and implementation of national biodiversity strategies and action plans. This process should include the commitment and resources of civil society in the development and implementation of national biodiversity strategies and action plans;

20. *Emphasizes* that national biodiversity strategies and action plans, as the primary mechanisms for the implementation of the Convention and the Strategic Plan, should be developed or reviewed with due regard to the relevant aspects of the four goals of the Strategic Plan, and the goals established by this decision, to enable greater contribution to the achievement of the 2010 target, consistent with national needs and priorities; and invites Parties to incorporate the goals, as appropriate, into the national biodiversity strategies and action plans when these are revised;

21. *Invites* developed country Parties continue to provide support to developing country Parties, in particular least developed countries and small island developing States among them, and Parties with economies in transition, as appropriate, to develop national-level indicators;

22. *Requests* the Executive Secretary to report to Conference of the Parties at its eighth meeting on the work required by decision V/20, paragraph 41, to allow further work to be undertaken to identify ways to support the review by Parties of national implementation;

Review of implementation of the Convention

23. *Recognizing the need* to establish a process, for evaluating, reporting and reviewing the Strategic Plan 2002-2010, *decides* to allocate adequate time in subsequent meetings of the Conference of the Parties and the Subsidiary Body on Scientific, Technical and Technological Advice, as well as ad hoc open-ended Working Groups, as appropriate, and *establishes* an Ad Hoc Open-ended Working Group on Review of Implementation of the Convention, subject to the availability of the necessary voluntary

contributions, to consider progress in the implementation of the Convention and the Strategic Plan and achievements leading up to the 2010 target in line with the multi-year programme of work for the Conference of the Parties (decision VII/31), to review the impacts and effectiveness of existing processes under the Convention, such as meetings of the Conference of the Parties, the Subsidiary Body on Scientific, Technical and Technological Advice, national focal points and the Secretariat, as part of the overall process for improving the operations of the Convention and implementation of the Strategic Plan, and to consider ways and means of identifying and overcoming obstacles to the effective implementation of the Convention;

24. *Invites* Parties, other Governments and relevant organizations to submit views on these issues to the Executive Secretary, and requests the Executive Secretary to compile and make available these views for consideration by the Ad Hoc Open-ended Working Group on Review of Implementation of the Convention;

25. *Requests* the Executive Secretary to participate in processes arising from the twenty-second session of the Governing Council of the United Nations Environment Programme relating to consideration of the development and establishment of an intergovernmental strategic plan for implementation support, linked to the outcome of the international environmental governance process, to ensure that it will contribute to the implementation of the Convention;

26. *Decides* to address explicitly the need to provide focused support and improve existing support mechanisms where obstacles to implementation of national biodiversity strategies and action plans have been identified, particularly when considering the results of the evaluation of progress in achievement the goals and mission of the Strategic Plan as well as the goals and sub-targets established in this decision

27. *Recognizing* in the development of better methods to evaluate progress in the implementation of the Convention that consideration could be given to making full use of the experiences of other multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change, *requests* the Executive Secretary to initiate action as a follow-up to paragraph 41 of decision V/20,.

*Annex I***PROVISIONAL INDICATORS FOR ASSESSING PROGRESS TOWARDS THE 2010 BIODIVERSITY TARGET**

<i>A: Focal area</i>	<i>B: Indicator for immediate testing</i>	<i>C: Possible indicators for development by SBSTA or Working Groups</i>
Status and trends of the components of biological diversity	Trends in extent of selected biomes, ecosystems and habitats	
	Trends in abundance and distribution of selected species	
		Change in status of threatened species (Red List indicator under development)
		Trends in genetic diversity of domesticated animals, cultivated plants, and fish species of major socioeconomic importance
	Coverage of protected areas	
Sustainable use		Area of forest, agricultural and aquaculture ecosystems under sustainable management
		Proportion of products derived from sustainable sources
Threats to biodiversity	Nitrogen deposition	
		Numbers and cost of alien invasions
Ecosystem integrity and ecosystem goods and services	Marine trophic index	Application to freshwater and possibly other ecosystems
		Connectivity/fragmentation of ecosystems
		Incidence of human-induced ecosystem failure
		Health and well-being of people living in biodiversity-based-resource dependent communities
	Water quality in aquatic ecosystems	
		Biodiversity used in food and medicine
Status of traditional knowledge, innovations and Practices	Status and trends of linguistic diversity and numbers of speakers of indigenous languages	Further indicators to be identified by WG-8j
Status of access and benefit-sharing		Indicator to be identified by WG-ABS
Status of resource transfers	Official development assistance provided in support of the Convention (OECD-DAC-Statistics Committee)	
		Indicator for technology transfer

Annex II

PROVISIONAL FRAMEWORK FOR GOALS AND TARGETS

Protect the components of biodiversity

Goal 1. Promote the conservation of the biological diversity of ecosystems, habitats and biomes

Target 1.1: At least 10% of each of the world's ecological regions effectively conserved.

Target 1.2: Areas of particular importance to biodiversity protected

Goal 2. Promote the conservation of species diversity

Target 2.1: Restore, maintain, or reduce the decline of populations of species of selected taxonomic groups

Target 2.2: Status of threatened species improved.

Goal 3. Promote the conservation of genetic diversity

Target 3.1: Genetic diversity of crops, livestock, and of harvested species of trees, fish and wildlife and other valuable species conserved, and associated indigenous and local knowledge maintained.

Promote sustainable use

Goal 4. Promote sustainable use and consumption.

Target 4.1: Biodiversity-based products derived from sources that are sustainably managed, and production areas managed consistent with the conservation of biodiversity.

Target 4.2: Unsustainable consumption, of biological resources, or that impacts upon biodiversity, reduced

Target 4.3: No species of wild flora or fauna endangered by international trade

Address threats to biodiversity

Goal 5. Pressures from habitat loss, land use change and degradation, and unsustainable water use, reduced.

Target 5.1: Rate of loss and degradation of natural habitats decreased

Goal 6. Control threats from invasive alien species

Target 6.1: Pathways for major potential alien invasive species controlled.

Target 6.2: Management plans in place for major alien species that threaten ecosystems, habitats or species.

Goal 7. Address challenges to biodiversity from climate change, and pollution

Target 7.1: Maintain and enhance resilience of the components of biodiversity to adapt to climate change

Target 7.2: Reduce pollution and its impacts on biodiversity

Maintain goods and services from biodiversity to support human well-being

Goal 8. Maintain capacity of ecosystems to deliver goods and services and support livelihoods

Target 8.1: Capacity of ecosystems to deliver goods and services maintained.

Target 8.2: biological resources that support sustainable livelihoods, local food security and health care, especially of poor people maintained

Protect traditional knowledge, innovations and practices

Goal 9 Maintain socio-cultural diversity of indigenous and local communities

Target 9s.1 Protect traditional knowledge, innovations and practices

Target 9.2: Protect the rights of indigenous and local communities over their traditional knowledge, innovations and practices, including their rights to benefit sharing

Ensure the fair and equitable sharing of benefits arising out of the use of genetic resources

Goal 10. Ensure the fair and equitable sharing of benefits arising out of the use of genetic resources

Target 10.1: All transfers of genetic resources are in line with the Convention on Biological Diversity, the International Treaty on Plant Genetic Resources for Food and Agriculture and other applicable agreements.

Target 10.2: Benefits arising from the commercial and other utilization of genetic resources shared with the countries providing such resources

Ensure provision of adequate resources

Goal 11: Parties have improved financial, human, scientific, technical and technological capacity to implement the Convention 2/

Target 11.1: New and additional financial resources are transferred to developing country Parties, to allow for the effective implementation of their commitments under the Convention, in accordance with Article 20.

Target 11.2: Technology is transferred to developing country Parties, to allow for the effective implementation of their commitments under the Convention, in accordance with its Article 20, paragraph 4.

2/ This is the existing goal 2 of the Strategic Plan of the Convention on Biological Diversity.

Annex III

GENERAL APPROACH FOR THE INTEGRATION OF TARGETS INTO THE PROGRAMMES OF WORK OF THE CONVENTION

The following steps would be carried out: for each thematic programme of work, and for other programmes of work, as appropriate:

- (a) *Vision, mission and outcome-oriented targets:*
 - (i) Identification of the overall vision (or long-term goal) to be ultimately achieved for the biome/issue covered by the programme of work, consistent with the Purpose of the Strategic Plan;
 - (ii) Identification of a 2010 outcome-oriented global target specific to the scope of the programme of work and consistent with the mission of the Strategic Plan;
 - (iii) Identification of a limited number of outcome-oriented targets related to the status and trends of biodiversity and its components, threats to biodiversity, and goods and services provided by biodiversity and ecosystems within the scope of the programme of work. Where appropriate, quantitative sub-targets should be established. The targets should be assigned to a number of goals according to the proposed headings in annex I above. Where possible the sub-targets of annex II above should be incorporated into the work programmes without modification to avoid unnecessary proliferation of targets. Where appropriate, identification of targets could draw upon the approach used to develop the Global Strategy for Plant Conservation. However, this process does not imply that all targets in annex I and the Global Strategy for Plant Conservation should be applied in every programme of work. Rather, targets may highlight broad strategic issues and/or particularly urgent priority issues, and each target should be associated with one or more indicators, which can draw upon existing data.
- (b) *Relationship between the programme of work, its targets, and other processes:*
 - (i) Examination of how the programme of work contributes to particular Millennium Development Goals and associated targets;
 - (ii) A brief analysis of how the programme of work, and its targets, relates to the elements of the Plan of Implementation of the World Summit on Sustainable Development, categorizing such elements as follows:
 - Elements to be integrated into the programme of work (these elements should be fully within the scope of the programme of work), specifying which of these represent outcome-oriented biodiversity related targets;
 - Elements which complement the goals of the programme of work; and
 - Elements representing goals to which the programme of work contributes;
 - (iii) A brief analysis of how the programme of work, and its targets, relates to the objectives, plans and targets of other multilateral environmental agreements and other relevant agreements, using the same categorization as in subparagraph (b) (ii) above;
- (c) *Intermediate output- or process-oriented targets, milestones and deadlines for the activities of the programme of work:* Identification of a number of process- or output-oriented targets, milestones and

deadlines, relating to the specific objectives, programme elements, and/or activities of the programme of work, according to the structure and needs of each programme of work.