



## Convention on Biological Diversity

Distr.  
GENERAL

UNEP/CBD/WG-ABS/6/1/Add.1  
27 November 2007

ORIGINAL: ENGLISH

AD HOC OPEN-ENDED WORKING GROUP  
ON ACCESS AND BENEFIT-SHARING  
Sixth meeting  
Geneva, 21-25 January 2008  
Item 2 of the provisional agenda\*

### ORGANIZATIONAL MATTERS

#### *Annotated provisional agenda*

#### INTRODUCTION

1. In paragraph 1 of decision VIII/4 A, the Conference of the Parties welcomed the progress made in the Ad Hoc Open-ended Working Group on Access and Benefit-sharing to elaborate and negotiate an international regime.
2. In paragraph 2 of the same decision, the Conference of the Parties decided “to transmit the annex to the present decision to the fifth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing for the purposes of continuing to elaborate and negotiate the international regime in accordance with decision VII/19 D, as well as, *inter alia*, the following inputs for the elaboration and negotiation of an international regime:
  - (a) The outcomes of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance;
  - (b) A progress report on the gap analysis, and the matrix; and
  - (c) Other inputs submitted by Parties relating to access and benefit-sharing.

The annex to that decision reflects the range of views held by Parties at the fourth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.”

3. In paragraph 5 of the same decision, the Conference of the Parties designated Mr. Fernando Casas of Colombia and Mr. Timothy Hodges of Canada as Co-Chairs of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, for the purposes of the elaboration and negotiation of the international regime on access and benefit-sharing in accordance with the mandate of decision VII/19 D.
4. In paragraph 6 of decision VIII/4 A, the Conference of the Parties requested the Ad Hoc Open-ended Working Group on Access and Benefit-sharing “to continue the elaboration and negotiation of the international regime in accordance with its terms of reference in decision VII/19 D” and instructed

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\* UNEP/CBD/WG-ABS/6/1.

the Ad Hoc Open-ended Working Group to complete its work at the earliest possible time before the tenth meeting of the Conference of the Parties.

5. In paragraph 7, the Conference of the Parties further requested 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 ninth meeting of the Conference of the Parties”.

6. Against this background, the Co-Chairs of the Working Group prepared the provisional agendas for the fifth and sixth meetings of the Working Group on Access and Benefit-sharing in close collaboration with the Secretariat, and following a series of initial informal consultations with a number of Parties from the various regions on possible strategic approaches to the negotiations. Subsequently, both agendas were submitted to, and approved by, the Bureau of the Conference of the Parties.

7. As stated by the Co-Chairs in the explanatory note circulated to Parties together with the provisional agenda, the Co-Chairs have recommended that Parties consider the fifth and sixth meetings as two sessions of a single meeting. The results of the deliberations of the Working Group will be submitted for consideration by the Conference of the Parties at its ninth meeting, to be held in Bonn, Germany, in May 2008.

8. The sixth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing will be held at the Palais des Nations, in Geneva, from 21 to 25 January 2008. Registration of participants will take place at the Pregny Gate to the Palais from noon to 6 p.m. on Sunday, 20 January, and will continue from 8 a.m. on Monday, 21 January 2007. **Owing to strict security measures, Parties must provide in advance the list of their representatives.**

9. Further information regarding logistical arrangements for the meeting, including registration, information on travel, visa requirements, accommodation and related matters are available in document “Information for participants” available on the Secretariat website at: <http://www.cbd.int/doc/meetings/abs/abswg-06/other/abswg-06-info-part-en.pdf>

10. The documents for the meeting are listed in annex I. They are available on the Secretariat’s website at [www.cbd.int](http://www.cbd.int) or <http://www.biodiv.org>.

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

11. The meeting will be opened by the Co-Chairs of the Working Group. The Executive Secretary will make introductory remarks.

## **ITEM 2. ORGANIZATIONAL MATTERS**

### ***2.1. Officers***

12. In addition to the two Co-Chairs, the Bureau of the Conference of the Parties will serve as the Bureau of the Working Group. In accordance with rule 21 of the rules of procedures of the Conference of the Parties, Ms. Mary Fosi Mbantenkhu of Cameroon was designated by the Bureau to act as Rapporteur.

### ***2.2. Adoption of the agenda***

13. The Working Group may wish to adopt its agenda on the basis of the provisional agenda (UNEP/CBD/WG-ABS/6/1), which was prepared by the Co-Chairs in close cooperation with the Executive Secretary on the basis of decisions VIII/4 A-E, and was approved by the Bureau.

### 2.3. *Organization of work*

14. Interpretation will be provided in the six official languages of the United Nations.
15. It is proposed that the Working Group conduct its work in plenary, with the understanding that contact groups may be established, as needed. A suggested timetable is proposed in annex II.

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

16. In paragraph 2 of decision VIII/4 A, the Conference of the Parties decided “to transmit the annex to the decision to the fifth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing for the purposes of continuing to elaborate and negotiate the international regime in accordance with decision VII/19 D, as well as, *inter alia*, the following inputs for the elaboration and negotiation of an international regime:

- (a) The outcomes of the meeting of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance;
- (b) A progress report on the gap analysis, and the matrix, and;
- (c) Other inputs submitted by Parties relating to access and benefit-sharing.

The annex reflects the range of views held by Parties at the fourth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.”

17. For ease of reference, the annex to decision VIII/4 A is available in document UNEP/CBD/WG-ABS/5/2.

18. In paragraph 3 of the same decision, the Conference of the Parties invited Parties, Governments, indigenous and local communities, international organizations and all relevant stakeholders to provide information regarding the inputs on an analysis of existing legal and other instruments at national, regional and international levels relating to access and benefit-sharing to the Secretariat of the Convention four months prior to the fifth meeting of the Working Group on Access and Benefit-sharing.

19. In paragraph 10, the Conference of the Parties invited Parties to submit to the Executive Secretary information on the legal status of genetic resources in their national law, including their property law where applicable, and requested the Executive Secretary to submit a report to the fifth meeting of the Working Group.

20. Against this background, the relevant documents prepared for the fifth meeting of the Working Group, listed in annex I, will continue to assist and/or inform the negotiation process.

21. The Co-Chairs’ reflections on progress made by the Working Group at its fifth meeting and the Co-Chairs’ notes on proposals made at the meeting are available as information documents (UNEP/CBD/WG-ABS/6/INF/1 and UNEP/CBD/WG-ABS/6/INF/2). These documents are the sole responsibility and under the sole authority of the Co-Chairs.

22. In addition, the Working Group on Access and Benefit-sharing at its fifth meeting, invited Parties, Governments, indigenous and local communities and stakeholders to submit to the Secretariat, by 30 November 2007, concrete options on the substantive items on the agenda of the fifth and sixth meetings of the Working Group. The Secretariat will circulate a compilation of the submissions received as soon as practicable prior to the sixth meeting of the Working Group, as an information document (UNEP/CBD/WG-ABS/6/INF/3).

23. An analytical study on access and benefit-sharing arrangements in different sectors will be available in as an information document (UNEP/CBD/WG-ABS/6/INF/4). This study will provide information on access and benefit-sharing contracts/partnerships in a number of sectors and information on access and benefit-sharing practices.

24. At its sixth meeting, the Working Group is to continue the elaboration and negotiation of the international regime on access and benefit-sharing on the basis of the following substantive agenda items:

3.1 Compliance

- (a) Measures to support compliance with prior informed consent and mutually agreed terms;
- (b) Internationally recognized certificate of origin/source/legal provenance;
- (c) Monitoring, enforcement and dispute settlement;

3.2 Traditional knowledge and genetic resources

3.3 Capacity-building

3.4 Nature, scope and objectives of the international regime

**ITEM 4. OTHER MATTERS**

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

**ITEM 5. ADOPTION OF THE REPORT**

26. The Working Group will consider and adopt its report, on the basis of the draft report of the meeting to be presented by the Rapporteur.

**ITEM 6. CLOSURE OF THE MEETING**

27. The meeting is expected to be closed at 6 p.m. on Friday, 25 January 2008.

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

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/6/1	Provisional agenda
UNEP/CBD/WG-ABS/6/1/Add.1	Annotated provisional agenda
UNEP/CBD/WG-ABS/5/2	Annex to decision VIII/4 A of the Conference of the Parties on the international regime on access and benefit-sharing
UNEP/CBD/WG-ABS/5/3	Analysis of gaps in existing national, regional and international legal and other instruments relating to access and benefit-sharing
UNEP/CBD/WG-ABS/5/4	Overview of recent developments at national and regional levels relating to access and benefit-sharing
UNEP/CBD/WG-ABS/5/4/Add.1	Overview of recent developments at the international level relating to access and benefit-sharing
UNEP/CBD/WG-ABS/5/5	Report on the legal status of genetic resources in national law, including property law, where applicable in a selection of countries
UNEP/CBD/WG-ABS/5/7	Report of the Group of Technical Experts on an Internationally Recognized Certificate of Origin/Source/Legal Provenance
UNEP/CBD/WG-ABS/5/8	Report of the Ad Hoc Open-Ended Working Group on Access and Benefit-sharing on the Work of its fifth Meeting
UNEP/CBD/WG-ABS/6/INF/1	Co-Chairs' reflections on progress made by the Working Group at its fifth meeting
UNEP/CBD/WG-ABS/6/INF/2	Notes from the Co-Chairs on proposals made at the fifth meeting of the Working Group on Access and Benefit-sharing
UNEP/CBD/WG-ABS/6/INF/3	Compilation of submissions provided by Parties, Governments, indigenous and local communities and stakeholders on concrete options on the substantive items on the agenda of the fifth and sixth meetings of the Working Group.
UNEP/CBD/WG-ABS/6/INF/4	Access and benefit-sharing arrangements existing in specific sectors
UNEP/CBD/WG-ABS/5/INF/1	Compilation of submissions provided by Parties and other relevant organisations on issues of relevance to the international regime on access and benefit-sharing
UNEP/CBD/WG-ABS/5/INF/2	Compilation of submissions provided by Parties on experiences in developing and implementing Article 15 of the Convention at the national level and measures taken to support compliance with prior informed consent and mutually agreed terms

<i>Symbol</i>	<i>Title</i>
UNEP/CBD/WG-ABS/5/INF/2/Add.1	Compilation of submissions provided by Parties on experiences in developing and implementing Article 15 of the Convention at the national level and measures taken to support compliance with prior informed consent and mutually agreed terms (Addendum)
UNEP/CBD/WG-ABS/5/INF/2/Add.2	Compilation of submissions provided by Parties on experiences in developing and implementing Article 15 of the Convention at the national level and measures taken to support compliance with prior informed consent and mutually agreed terms (Addendum)
UNEP/CBD/WG-ABS/5/INF/3	Analytical study on administrative and judicial remedies available in countries with users under their jurisdiction and in international agreements
UNEP/CBD/WG-ABS/5/INF/4	Issues for consideration regarding an internationally recognized certificate of origin/source/legal provenance
UNEP/CBD/WG-ABS/5/INF/4/Add.1	Discussion paper on an internationally recognized certificate of origin/source/legal provenance
UNEP/CBD/WG-ABS/5/INF/5	Access to biocontrol agents to combat invasive alien species and the access and benefit-sharing regulations
UNEP/CBD/WG-ABS/5/INF/7	Workshop Report of the "Certificate of Origin/Source/Legal Provenance" in the African ABS Discussion
UNEP/CBD/WG-ABS/5/INF/8	Report of the First Capacity Development Workshop on Access and Benefit-sharing for Africa
UNEP/CBD/WG-ABS/5/INF/9	Report of the International Indigenous and Local Community Consultation on Access and Benefit-sharing and the development of an international regime
<i>Other documents of relevance to the meeting</i>	
COP Decision VII/19 D, annex	Terms of reference for the Ad Hoc Open-ended Working Group on Access and Benefit-sharing
COP Decision VII/19 F, annex	Action Plan on Capacity-building for Access to Genetic Resources and Benefit-sharing
UNEP/CBD/WG-ABS/4/3	Matrix on the analysis of gaps
UNEP/CBD/WG-ABS/3/2	Analysis of existing national, regional and international legal instruments relating to access and benefit-sharing and experiences gained in their implementation, including identification of gaps

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

	<i>Plenary</i>
<i>Monday, 21 January 2008</i> 10 a.m. to 1pm.	Item 1. Opening of the meeting. Item 2. Organizational matters: 2.1. Officers; 2.2. Adoption of the agenda; 2.3. Organization of work. Item 3. International regime: 3.1. Compliance (a) Measures to support compliance with prior informed consent and mutually agreed terms (b) Internationally recognised certificate of origin/source/legal provenance (c) Monitoring, enforcement and dispute settlement
3-6 p.m.	Item 3.1. <i>Continued</i>
<i>Tuesday, 22 January 2008</i> 10 a.m. to 1 p.m.	Item 3.2. Traditional knowledge and genetic resources
3-6 p.m.	Item 3.3. Capacity-building
<i>Wednesday, 23 January 2008</i> 10 a.m. to 1 p.m.	Item 3.4. Nature, scope and objectives of the international regime
3-6 p.m.	Item 3.4 <i>Continued</i>
<i>Thursday, 24 January 2008</i> 10 a.m. to 1 p.m.	Items 3.1 to 3.4 <i>Continued</i>
3-6 p.m.	Items 3.1 to 3.4 <i>Continued</i>

<i>Friday, 25 January 2008</i> 10 a.m. to 1 p.m.	Item 4. Other matters Item 5. Adoption of the report Item 6. Closure of the meeting
3-6 p.m.	Item 4, 5 and 6 ( <i>continued, as necessary</i> )

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