



**Convention on
Biological Diversity**

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

Eighth meeting

Montreal, 9-15 November 2009

Item 3 of the provisional agenda*

**EXTRACT FROM THE REPORT OF THE TWELFTH REGULAR SESSION OF THE
COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

Rome, 19 – 23 October 2009

Note by the Executive Secretary

1. The Executive Secretary is pleased to circulate herewith, for the information of participants in the eighth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, an extract from the report of the Twelfth Regular Session of the Commission on Genetic Resources for Food and Agriculture, Rome, from 19 to 23 October 2009 (CGRFA-12/09/Report), submitted by the Food and Agriculture Organization of the United Nations.
2. The paper is being circulated in the form and language in which it was received by the Secretariat.

* UNEP/CBD/WG-ABS/8/1.

Extract from the Report of the Twelfth Regular Session of the Commission on Genetic Resources for Food and Agriculture, Rome, Italy, 19 – 23 October 2009 (CGRFA-12/09/Report)¹

III. CROSS-SECTORAL MATTER: ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE

1. The Commission considered the documents, *Policies and arrangements for access and benefit-sharing for genetic resources for food and agriculture*,² and the document, *Status of the negotiations of the International Regime on Access and Benefit-sharing*.³ It took note of the background study papers commissioned by its Secretariat on the use and exchange of genetic resources for food and agriculture,⁴ on the role of genetic resources for food and agriculture in existing access and benefit-sharing policies and arrangements,⁵ on trends in intellectual property rights relating to genetic resources for food and agriculture⁶ and on the impact of climate change on countries' interdependence on genetic resources for food and agriculture.⁷ It requested that the background studies be transmitted to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing established under the CBD.

2. The Commission stressed the essential role of genetic resources for food and agriculture for achieving food security, and requested its Secretariat to report on the results of the negotiations of the International Regime on Access and Benefit-sharing to the next session of the Commission. The Commission prepared and adopted Resolution 1/2009 contained in *Appendix B*.

3. The Commission expressed the need for intersessional work. It encouraged:

- Members of the Commission to work closely with the negotiators of the International Regime on Access and Benefit-sharing in their respective countries;
- its Chair, and as practical, its Bureau Members, to participate in meetings of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and of the Conference of the Parties of the CBD;
- its Chair and Bureau Members to meet with the Co-Chairs of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing and the Bureau of the Conference of the Parties of the CBD;
- the Secretariat of the Commission (and the International Treaty) to meet with the Secretariat of the CBD; and

¹ The full report is available from the Commission's website, at: www.fao.org/nr/cgrfa

² CGRFA-12/09/3.1.

³ CGRFA-12/09/3.2 Rev.1.

⁴ Background Study Paper No. 43: *The use and exchange of animal genetic resources for food and agriculture*; Background Study Paper No. 44: *The use and exchange of forest genetic resources for food and agriculture*; Background Study Paper No. 45: *The use and exchange of aquatic genetic resources for food and agriculture*; Background Study Paper No. 46: *The use and exchange of microbial genetic resources for food and agriculture*; Background Study Paper No. 47: *The use and exchange of biological control agents for food and agriculture*.

⁵ Background Study Paper No. 42: *Framework study on food security and access and benefit-sharing for genetic resources for food and agriculture*.

⁶ Background Study Paper No. 49: *Trends in intellectual property rights relating to genetic resources for food and agriculture*.

⁷ Background Study Paper No. 48: *The impact of climate change on countries' interdependence on genetic resources for food and agriculture*.

- the involvement of the Intergovernmental Technical Working Groups in intersessional work, mindful of the need to avoid duplication of work with regard to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing.

APPENDIX B

**RESOLUTION 1/2009
POLICIES AND ARRANGEMENTS FOR ACCESS AND BENEFIT- SHARING FOR
GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

The Commission on Genetic Resources for Food and Agriculture,

Reaffirming the principle of sovereignty of states over their natural resources as reflected in the Rio Declaration on Environment and Development;

Stressing that genetic resources for food and agriculture are essential for achieving food security and the sustainable development of the food and agriculture sector;

Recognizing the interdependence of countries regarding genetic resources for food and agriculture, in that all countries depend on genetic resources originating elsewhere to address environmental, climate change, natural resource, sustainable development and food security challenges;

Acknowledging also that genetic resources for food and agriculture depend for their survival on the active cooperation among all stakeholders involved in the conservation, breeding and sustainable utilisation of these resources and benefit-sharing, including dynamic management by farmers, pastoralists and indigenous and local communities;

Recalling that the World Summit on Sustainable Development called for action to negotiate, within the framework of the Convention on Biological Diversity, an International Regime to promote and safeguard the fair and equitable sharing of benefits arising out of the utilization of genetic resources;

Recalling further that the Conference of the Parties of the Convention on Biological Diversity has agreed to finalize the International Regime on access to genetic resources and benefit-sharing, for consideration and adoption, at its Tenth Meeting to be held in Japan in October 2010;

Emphasizing the important work undertaken in the past by the FAO and the Commission with regard to access to genetic resources for food and agriculture and benefit-sharing, in particular the adoption of the International Treaty on Plant Genetic Resources for Food and Agriculture and its Multilateral System of Access and Benefit-sharing, in harmony with the Convention on Biological Diversity;

Emphasizing that nothing in this Resolution in any way will prejudice or preclude the position of Member States in the negotiations of the International Regime under the Convention on Biological Diversity;

The Commission:

(a) *Reiterates* the need for FAO and the Commission, in close collaboration with the Governing Body of the International Treaty, to contribute within their mandate to further work on access and benefit-sharing within the auspices of the Convention on Biological Diversity, for adequate treatment of genetic resources for food and agriculture in the International Regime;

(b) *Expresses* its willingness to cooperate with the Convention on Biological Diversity and its Ad Hoc Open-ended Working Group on Access and Benefit-sharing using various available mechanisms;

- (c) **Invites** the Conference of the Parties of the Convention on Biological Diversity and its Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to take into account the special nature of agricultural biodiversity, in particular genetic resources for food and agriculture, their distinctive features, and problems needing distinctive solutions; in developing policies they might consider sectoral approaches which allow for differential treatment of different sectors or sub-sectors of genetic resources, different genetic resources for food and agriculture, different activities or purposes for which they are carried out;
- (d) **Invites** the Conference of the Parties of the Convention on Biological Diversity and its Ad Hoc Open-ended Working Group on Access and Benefit-sharing to explore and assess options for the International Regime on Access and Benefit-sharing that allow for adequate flexibility to acknowledge and accommodate existing and future agreements relating to access and benefit-sharing developed in harmony with the Convention on Biological Diversity;
- (e) **Invites** the Conference of the Parties of the Convention on Biological Diversity to work closely with the Commission on Genetic Resources and the Governing Body of the International Treaty regarding access and benefit-sharing in the area of genetic resources for food and agriculture in a mutually supportive manner in future years;
- (f) **Wishes** the Conference of the Parties of the Convention on Biological Diversity a successful conclusion of the negotiations of an International Regime on access and benefit-sharing in Nagoya, in October 2010;
- (g) **Requests** the Director-General to bring this Resolution to the attention of the FAO Conference and of the Executive Secretary of the Convention on Biological Diversity