

**SCENARIO NOTE FROM THE CO-CHAIRS FOR THE INTERREGIONAL NEGOTIATING
GROUP (ING) OF THE AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND
BENEFIT-SHARING,
18 - 21 SEPTEMBER 2010 - MONTREAL, CANADA**

A. Introduction

1. In response to numerous requests, we have drafted the following scenario note for the meeting of Interregional Negotiating Group (ING) of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to be held in Montreal, 18-21 September 2010.
2. We are pleased to share with you our expectations for this meeting and our emerging plans to help to ensure the ING meets these expectations.
3. This note results from our recent informal consultations with a range of Parties, regions and groups, and with both the COP-9 Bureau President and the in-coming COP10 Bureau President.
4. The basis of the note is founded on the instruction to the Working Group by the Conference of the Parties to complete the negotiation of the international ABS regime at the earliest possible time before COP10 and on the commitment of the Working Group to finalize the international regime and to submit it for consideration and adoption by the Conference of the Parties in Nagoya, Japan.
5. Through the generous support of the Governments of Japan, Germany, Norway and Switzerland we have been given an unprecedented opportunity and one which we must now together seize.

B. Aim

6. The aim of the ING meeting is clear: to complete the negotiation of the draft protocol and forward the resulting text to the consideration of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, when it briefly resumes its ninth meeting in Nagoya on 16 October 2010.

C. Documentation for Meeting

7. The key document for the Interregional Negotiating Group meeting is the report of the resumed ninth meeting of the Ad Hoc Open Ended Working Group on Access and Benefit-sharing (UNEP/CBD/COP/10/5/Add.4), which includes the following:
 - i. The formal report of the resumed WGABS-9 (Montreal, 10-16 July 2010);
 - ii. Annex I: Draft Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity.

8. Numerous other documents are of direct relevance – e.g., WGABS-9 (Cali, 22-28 March 2010) and WGABS-8 (Montreal, 9-15 November 2009) meetings reports and associated annexes. Such documents have been made available on the Secretariat website.

D. Informal documentation

9. It is not our intention to produce additional informal documentation in advance of the ING meeting.

E. Organization of work

10. As agreed at the resumed ninth meeting of the Ad Hoc Open Ended Working Group on Access and Benefit-sharing (Montreal, 10-16 July 2010), the ING will work on the basis of the draft Protocol annexed to the report of that meeting.

11. The ING will, in effect, pick up where it left off prior to the final closing plenary of resumed WGABS-9 on 16 July 2010. The ING will operate in the same Cali-style manner and under the same procedures as those employed in the ING in July.

12. It is the Co-Chairs intention to work to ensure that all articles containing outstanding issues are fully negotiated and resolved. Delegations are requested to bear in mind the core issues identified by the small ‘linkages’ group -- including utilization of genetic resources, derivatives and pathogens and the relationship of the protocol to other international issues – and be ready to build on emerging understandings.

13. Delegations should arrive prepared on the morning of 18 September to negotiate, from the outset, all unresolved articles regardless of their order of placement in the current draft Protocol text. No opening statements are anticipated.

14. Given the need for the Working Group to finalize the entire draft Protocol text when it meets on 16 October in Nagoya, it may prove advisable -- contingent on time and the will of the group -- to initiate some informal discussions concerning a review the Protocol articles to ensure coherence and consistency from a legal standpoint. This is the usual practice in the negotiation of legally binding instruments but of course first requires more progress on the text of the draft Protocol.

15. With only four days in which to complete the task and given the volume of work before the ING, we kindly request that delegations prepare for both evening and late night sessions.

16. At the request of a number of Heads of Delegation who must attend to Ministers in New York on the evening prior to the United Nations General Assembly High Level Event, the ING will be closed no later than 13:00 hours on 21 September.

F. Results of the resumed ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing

17. The results of the ING will take the form of a revised draft of the Protocol, as currently annexed to the report of the resumed ninth meeting of the Ad-Hoc Open-ended Working Group on Access and Benefit-sharing (UNEP/CBD/COP/10/5/Add.4), which will be submitted to the consideration of the second Resumed Ninth Meeting of the Working Group, in Nagoya, on 16 October 2010.

G. Post-Montreal plans

18. It is expected that the ING will complete its task of revising the draft Protocol, thereby enabling the Working Group to fulfill its instructions from COP-9 to complete the negotiation of the international ABS regime when it meets on 16 October. The Co-Chairs do not, therefore, contemplate any further inter-sessional ABS negotiations between Montreal and Nagoya.

19. It is recognized by many that the results of the ING will be the subject of attention and discussion during both the many formal and informal discussions planned around United Nations General Assembly High Level Event on Biodiversity, which follows the ING on 22 September in New York.

20. The Working Group Co-Chairs will provide a brief oral report on the ING under Agenda Item 3 of the provisional agenda of the resumed ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WG ABS 9) when it resumes on 16 October 2010 at the Nagoya Congress Center. The revised draft Protocol prepared by the ING will be circulated in writing in advance of the meeting.

21. Ultimately, the Co-Chairs will formally report to the tenth meeting of the Conference of the Parties in Nagoya, transmitting the results of the Working Group's efforts over the past two years.



Timothy Hodges
Co-Chair



Fernando Casas
Co-Chair

Ad Hoc Open-ended Working Group on Access and Benefit-sharing

9 September 2010
