

**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**

**13 - 15 OCTOBER 2010 - NAGOYA, JAPAN**

***A. Introduction***

1. At the request of the regions, we have drafted the following scenario note for the resumed meeting of Interregional Negotiating Group (ING) of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, to be held in Nagoya, 13-15 October 2010.

2. As per the July meeting of the ING, this note is based 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.

***B. Aim***

3. The aim of the ING meeting remains as follows: to complete the negotiation of the draft protocol and forward the resulting text to the Ad Hoc Open-ended Working Group on Access and Benefit-sharing (WGABS), for its consideration when it resumes its ninth meeting in Nagoya on 16 October 2010.

4. It is important to note that the resumed WGABS-9 meeting will briefly convene on 16 October in order to consider the results of the Interregional Negotiating Group to finalize the draft Protocol and to forward it to COP10 for adoption (ref: UNEP/CBD/WG-ABS/9/1/Add.1/Rev.2).

***C. Considerations***

5. Given the importance attached to the ABS negotiations for the overall success of the COP10 and the future of the Convention, Ministers have urged that we resume the ING in advance of the WGABS-9 taking into account the agenda and demands of the COP-MOP-5 meeting and working to avoid scheduling conflicts.

6. We are convinced that the goal of adopting the ABS protocol in Nagoya is fully tenable. In order to achieve this goal the ING must now deliver on its responsibilities to the Working Group. Given insufficient progress in the Montreal ING session (18-21 September) there is no alternative but to make real progress, confirmed in treaty language, during this crucial ING meeting.

7. We wish to again draw your attention to the fact that while there will be some time available for ABS during COP10, there are many other issues on the COP agenda. Furthermore, solely in the context of ABS, there are many other undone tasks (e.g., the draft decision, interim arrangements, work programme, budget, strategic plan) that must be completed and considered by the COP.

***D. Documentation for the meeting***

8. The basis for the work of the Interregional Negotiating Group meeting in Nagoya is the *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, annexed to the report of the Interregional Negotiating Group, Montreal, Canada, 18-21 September 2010 (UNEP/CBD/WG-ABS/9/ING/1).

9. Also of direct relevance is annex II of the report of the first part of the ninth meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-sharing, Cali, Colombia, 22-28 March 2010.

***E. Informal documentation***

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

## ***F. Organization of work***

11. Delegations should therefore arrive prepared on 13 October 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.

12. However, at the request of several regions please find below a list of issues and articles and the order in which we plan to take them up in the ING. It is our intention to discuss when precisely to deal with each issue when the ING first meets on 13 October.

- Utilization (Article 2, and specific references in Articles 4, 5, and 12)
- Benefit-sharing (Article 4)
- Access (Article 5)
- Compliance (Article 12, 13, 13 *bis*, 14, 14 *bis*)
- Traditional knowledge (Articles 5bis and 9, and specific references in Articles 4, 5 and 14)
- Other issues (Articles 14 *bis* to 19)
- Secretariat (Article 22) and subsidiary bodies (Article 21)
- Scope and relationship with other instruments (Articles 3, 3 *bis*, 6)
- Use of terms (Article 2)
- Preamble

13. It remains our intention to work to ensure that *all* articles containing outstanding issues are fully negotiated and resolved by building on the further emerging understandings reached in the Montreal ING session.

14. With the need to consider the demands and priorities of COP-MOP5, we kindly request that delegations exercise flexibility be prepared for both day and night sessions.

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

15. 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.

16. 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.



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Co-Chair  
Ad Hoc Open-ended Working Group on Access and Benefit-sharing  
1 October 2010



Fernando Casas  
Co-Chair

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