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Eleventh meeting

Hyderabad, India, 8-19 October 2012

Item 5.2 of the provisional agenda*

**REPORT OF THE FIRST SESSION OF THE AD HOC TECHNICAL WORKING GROUP
(OF THE COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE)
ON ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND
AGRICULTURE**

Note by the Executive Secretary

1. The Executive Secretary is pleased to circulate herewith, for the information of participants at the eleventh meeting of the Conference of the Parties to the Convention on Biological Diversity, the report of the above-mentioned meeting, which is referred to in paragraph 40 of document UNEP/CBD/COP/11/17.
2. The Commission on Genetic Resources for Food and Agriculture (CGRFA) of the Food and Agriculture Organization of the United Nations (FAO) decided to establish an Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture in 2011, and requested the Director-General of FAO to convene a three-day meeting of the Working Group. The attached is the report of this recent meeting, held from 11 to 13 September 2012 in Longyearbyen (Svalbard), Norway.
3. The meeting considered, *inter alia*, distinctive features of the different sectors and subsectors of genetic resources for food and agriculture, and guiding and assisting countries in addressing possible modalities of, and options for, access and benefit-sharing for genetic resources for food and agriculture.
4. Regarding the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol) the Working Group recommended, *inter alia*, that the Commission encourage countries to consider the option of ratifying or acceding to the Nagoya Protocol, taking into account its role in the international regime on access and benefit-sharing, as well as the importance of genetic resources for food and agriculture and their special role for food security; and that it request the Secretary (of the CGRFA) to, *inter alia*, undertake a number of specified activities in collaboration with the Secretariat of the Convention on Biological Diversity (as listed in paragraph 17 of the attached report).
5. This document is circulated in the form and language in which it was received by the Secretariat of the Convention on Biological Diversity.

* UNEP/CBD/COP/11/1.

CGRFA/WG-ABS-1/12/Report

COMMISSION ON GENETIC RESOURCES FOR
FOOD AND AGRICULTURE

First Session of the Ad Hoc Technical Working Group on Access and Benefit- Sharing for Genetic Resources for Food and Agriculture

Longyearbyen (Svalbard), Norway

11 – 13 September 2012



Food and Agriculture Organization of the United Nations

**REPORT OF THE AD HOC TECHNICAL WORKING GROUP ON ACCESS AND
BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

First Session

Longyearbyen (Svalbard), Norway, 11 – 13 September 2012

The documents of the First Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture are to be found on the internet at:

<http://www.fao.org/nr/cgrfa/cgrfa-meetings/cgrfa-abs/wg-abs-1/en/>

They may also be obtained from:

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- E. List of delegates and observers

I. OPENING OF THE SESSION

1. The First Session of the Ad Hoc Technical Working Group on Access and Benefit-Sharing for Genetic Resources for Food and Agriculture (Working Group) was held in Longyearbyen (Svalbard), Norway, from 11 to 13 September 2012. The list of delegates and observers is given in *Appendix E*.
2. Mr Brad Fraleigh, Chair of the Fourteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture (Commission), opened the meeting. He welcomed delegates and observers and thanked the Government of Norway for hosting the meeting and for its hospitality in the unique environment of Longyearbyen, Svalbard. He also welcomed Palau as a new Member of the Commission.
3. Ms Ane Handsdatter Kismul, Political Advisor to the Minister of Agriculture and Food, Government of Norway, welcomed delegates and observers and highlighted the importance of holding the meeting at the location of the Global Seed Vault, where almost three-quarters of a million of seed samples from all over the world were stored. She noted that there were many tasks in genetic resources for food and agriculture that, in the future, would require intergovernmental collaboration within the framework of the Commission. In addressing access and benefit-sharing, she stressed the need to consider financial supporting mechanisms and to acknowledge the contribution of local communities, smallholder and family farmers to the conservation and sustainable use of biodiversity for food and agriculture. Ms Handsdatter Kismul recognized the Commission and the International Treaty on Plant Genetic Resources for Food and Agriculture (International Treaty) as two important governance instruments at the global level and also acknowledged other relevant international instruments, such as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol). She reiterated that the meeting of the Working Group came at an opportune time. The world needed practical and efficient systems for the conservation and sustainable use of genetic resources for food and agriculture.
4. Ms Christin Kristoffersen, Chair of the Community Council of Longyearbyen, recalled the connection between Svalbard and agriculture, as symbolized by the Global Seed Vault. She noted that the loss of biological diversity could have negative consequences for agriculture, including the irreversible inability to grow crops that can adapt to changing climatic conditions. Ms Kristoffersen noted on-going research on the “re-growing” potential of seeds stored in the Global Seed Vault. She wished participants a productive meeting for the benefit of biodiversity for food and agriculture.
5. Ms Linda Collette, Secretary of the Commission, thanked the Government of Norway for hosting and financially supporting the meeting, as well as the Governments of Spain and Switzerland for their financial contributions. Ms Collette recalled that the meeting of the Working Group was part of the Commission’s long-standing history of work on access and benefit-sharing for genetic resources for food and agriculture, that started with the 1983 International Undertaking on Plant Genetic Resources, later revised into the International Treaty. Ms Collette highlighted food security and rural poverty eradication as overriding objectives of policies for genetic resources for food and agriculture, including policies on access and benefit-sharing. Ms Collette noted that it was of pivotal importance to ensure that, as stated by the Commission, work on access and benefit-sharing “move in a direction supportive of the special needs of the agricultural sector, in regard to all components of biological diversity of interest to food and agriculture.”
6. Working Group Members took the floor to thank the Government of Norway for hosting the meeting and enabling the participation of delegates from developing countries. They also

stressed the importance of the meeting in addressing the special role of genetic resources for food and agriculture for food security.

7. Statements were made by International Organizations, including the Convention on Biological Diversity, CABI, the International Organization for Biological Control (IOBC), and the International Treaty.

II. ELECTION OF THE CHAIR, VICE-CHAIRS AND *RAPPORTEUR*

8. The Working Group elected Ms Grethe Helene Evjen (Norway) as Chairperson of the Working Group. Mr Pedro Brancante Machado (Brazil), Mr M. Khalequzzman Akanda Chowdhury (Bangladesh), Mr Graybill Munkombwe (Zambia), Mr Raj Patil (Australia), Mr Javad Mozafari Hashjin (Islamic Republic of Iran) and Mr Brad Fraleigh (Canada) were elected as Vice-Chairpersons of the Working Group. Ms Tashi Yangzome Dorji (Bhutan) was elected as the meeting's *Rapporteur*.

9. The Chair thanked the Working Group for the confidence it placed in her. She recalled the Terms of Reference of the Working Group according to which it provides a report on the outcome of the meeting to the Fourteenth Regular Session of the Commission and, prior to that, to the Commission's intergovernmental technical working groups.¹

III. ADOPTION OF THE AGENDA AND TIMETABLE

10. The Working Group adopted the agenda, as given in *Appendix A*.

IV. DISTINCTIVE FEATURES OF THE DIFFERENT SECTORS AND SUBSECTORS OF GENETIC RESOURCES FOR FOOD AND AGRICULTURE

11. The Working Group considered the document, *Distinctive features of genetic resources for food and agriculture*.² It took note of the relevant background study papers.³

12. Based on the above mentioned document, the Working Group decided to agree on the list of distinctive features of genetic resources for food and agriculture requiring distinctive solutions for access and benefit-sharing, as given in *Appendix B*. The Working Group did not have time to consider the distinctive features of the various subsectors of genetic resources for food and agriculture. It agreed that it would be appropriate to have the distinctive features of subsectors addressed by the intergovernmental technical working groups, where they exist, as suggested by the Commission in the Terms of Reference for the Working Group.

13. The Working Group agreed that a more precise delineation of the scope of genetic resources for food and agriculture and their subsectors, in particular forest genetic resources, would be useful to the Commission's further work on access and benefit-sharing for genetic resources for food and agriculture, and also for national authorities designing and implementing domestic access and benefit-sharing systems. The descriptions of genetic resources for food and agriculture and agricultural biodiversity by the Commission and the Convention on Biological Diversity were noted.

¹ CGRFA/WG-ABS-1/12/Inf. 2.

² CGRFA/WG-ABS-1/12/3.

³ Background study papers Nos. 42; 43; 44; 45; 46; 47; 48; 59.

V. GUIDING AND ASSISTING COUNTRIES IN ADDRESSING POSSIBLE MODALITIES OF AND OPTIONS FOR ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR FOOD AND AGRICULTURE

14. The Working Group considered the documents, *Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture*⁴ and, *Options to guide and assist countries in developing legislative, administrative and policy measures*.⁵ It noted that the background information referred to in paragraph 11 above was also relevant to these considerations.

15. The Working Group agreed to consider approaches and modalities for addressing access and benefit-sharing for genetic resources for food and agriculture, in exploring options for the Commission to assist and guide countries in developing legislative, administrative and policy measures for access and benefit-sharing for genetic resources for food and agriculture.

16. The Working Group agreed that it was premature to consider recommending to negotiate an international agreement or agreements on access and benefit-sharing for genetic resources for food and agriculture.

17. The Working Group recommended that the Commission, taking into account the International Treaty, the Convention on Biological Diversity, the Nagoya Protocol and other relevant international agreements and subject to the availability of resources, where relevant:

- (a) Encourage countries that have not done so, to ratify or accede to the International Treaty as soon as possible and promote its full implementation in regard to plant genetic resources for food and agriculture and recognize the importance of providing support to developing countries for this purpose, in particular through the capacity building activities under the International Treaty;
- (b) Encourage countries to consider the option of ratifying or acceding to the Nagoya Protocol, taking into account its role in the international regime on access and benefit-sharing, as well as the importance of genetic resources for food and agriculture and their special role for food security;
- (c) Invite the Governing Body of the International Treaty, in its continued governance of plant genetic resources for food and agriculture, to continue to closely coordinate with the Commission in order to address in a complementary way the distinctive features and specific uses of genetic resources for food and agriculture especially in light of the development of access and benefit-sharing measures at both national and international levels;
- (d) Request the Secretary to develop, upon request from governments, targeted awareness-raising activities, including materials, with regard to access and benefit-sharing for different subsectors of genetic resources for food and agriculture and, in collaboration with all relevant FAO divisions and the Secretariats of the International Treaty and the Convention on Biological Diversity, provide support to national, regional and international awareness-raising processes on access and benefit-sharing, including in the context of wider access and benefit-sharing initiatives implemented by other organizations and institutions;

⁴ CGRFA/WG-ABS-1/12/5.

⁵ CGRFA/WG-ABS-1/12/4.

- (e) Request the Secretary to develop targeted capacity-building and technical assistance activities with regard to access and benefit-sharing for different subsectors of genetic resources for food and agriculture, in cooperation with the Secretariats of the Convention on Biological Diversity and the International Treaty and with relevant stakeholders, taking into account existing regional and national institutions and the special needs of farmers and indigenous and local communities;
- (f) Request the Secretariat to work with the Secretariat of the Convention on Biological Diversity to ensure the former's active participation at regional and national level meetings, organized by the Secretariat of the Convention on Biological Diversity to discuss the Nagoya Protocol, including, as appropriate, making presentations at such meetings and providing its expertise and inputs in the preparation of documentation for such meetings, with the purpose of sharing information on access and benefit-sharing for genetic resources for food and agriculture, taking into account the relevant provisions of the Joint Work Plan of the Secretariats of the Convention on Biological Diversity, of the Food and Agriculture Organization of the United Nations and its Commission on Genetic Resources for Food and Agriculture, Phase 2 (2011-2020),⁶ and the Memorandum of Cooperation signed between the Secretary of the International Treaty and the Executive Secretary of the Convention on Biological Diversity.⁷
- (g) Request the Members of the Commission to report, at national and/or regional levels, on the conditions under which specific genetic resources for food and agriculture are exchanged and utilized with the engagement of relevant stakeholders, including institutions, in all subsectors; request the Secretary to compile the information obtained, for consideration by the intergovernmental technical working groups, in order that the Commission can decide on developing model contractual clauses for subsectors of genetic resources for food and agriculture other than plant genetic resources for food and agriculture;
- (h) Request the Secretary to invite stakeholder groups to report on voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing for subsectors of genetic resources for food and agriculture and to compile them for consideration by the intergovernmental technical working groups;
- (i) Request the Secretary to prepare, based on regional consultations as well as submissions by governments and international organizations and all relevant stakeholders from all subsectors, including farmers and indigenous and local communities, draft elements for voluntary guidelines at the appropriate level for domestic legislative, administrative and policy measures for access and benefit-sharing for different subsectors of genetic resources for food and agriculture, taking account of the existing different instruments and stages of international discussions on access and benefit-sharing for different subsectors of genetic resources for food and agriculture, and in particular the International Treaty and its Governing Body, and taking into account relevant elements from options (g) and (h) above, for future review; and
- (j) Develop a matrix illustrating international practices, initiatives and instruments of relevance to the subsectors of genetic resources for food and agriculture in the context of access and benefit-sharing that are or could form mutually supportive parts of the international regime on access and benefit-sharing, including recognition of the distinctive features of genetic resources for food and agriculture.

⁶ CGRFA-13/11/Inf.11.

⁷ IT/GB-4/11/22.

VI. CLOSING STATEMENTS

18. The Working Group expressed its gratitude to the Chair for her wisdom and guidance and the manner in which she had conducted the session. It also noted with appreciation the guidance provided by the Vice-Chairs and the dedicated work of the *Rapporteur*.

19. Several representatives from developing countries expressed their appreciation for the financial support from the Government of Norway that had enabled their participation in the session.

20. A representative from the European Region announced that the Region would submit additional relevant information not contained in the report of the meeting and requested the Secretariat to make this information available to the intergovernmental technical working groups and to the Commission.

21. The Working Group thanked the Secretary and the Secretariat and all the staff from FAO for their efforts before and during the session, noting the importance of all of the staff that had made the session possible.

22. The Secretary noted that the meeting had made important recommendations to the Commission. She thanked the governments that had provided financial support to the meeting of the Working Group and expressed her deep appreciation to the Member countries, the Chair, and Vice-Chairs for their advice and support, and to the interpreters, translators, technicians, and staff for their dedication.

APPENDIX A**AGENDA OF THE FIRST SESSION OF THE AD HOC TECHNICAL
WORKING GROUP ON ACCESS AND BENEFIT-SHARING FOR
GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

1. Election of the Chair, Vice-Chairs and *Rapporteur*
2. Adoption of the agenda and timetable
3. Distinctive features of the different sectors and subsectors of genetic resources for food and agriculture
4. Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture
5. Options to guide and assist countries, upon their request, in developing legislative, administrative and policy measures
6. Other business
7. Adoption of the Report

APPENDIX B

DISTINCTIVE FEATURES OF GENETIC RESOURCES FOR FOOD AND AGRICULTURE REQUIRING DISTINCTIVE SOLUTIONS FOR ACCESS AND BENEFIT-SHARING

The distinctive features of genetic resources for food and agriculture requiring distinctive solutions for access and benefit-sharing are presented below in seven clusters. They aim to reflect an equilibrium between all subsectors of food and agriculture. Not every feature is necessarily applicable to each and every genetic resource for food and agriculture and the various subsectors often have different features. Further detailing of subsector-specific features may still be developed.

The features are distinctive, but not necessarily unique to genetic resources for food and agriculture. While other genetic resources may share with genetic resources for food and agriculture some of the features listed below, the specific combination of these features distinguishes genetic resources for food and agriculture from most other genetic resources.

Cluster A: The role of genetic resources for food and agriculture for food security

A.1 Genetic resources for food and agriculture are an integral part of agricultural and food production systems and play an essential role for achieving food security and the sustainable development of the food and agriculture sector.

A.2 Plant, animal, invertebrate and micro-organism genetic resources for food and agriculture form an interdependent network of genetic diversity in agricultural ecosystems.

Cluster B: The role of human management

B.1 The existence of most genetic resources for food and agriculture is closely linked to human activity and many genetic resources for food and agriculture can be regarded as human-modified forms of genetic resources.

B.2 The maintenance and evolution of many genetic resources for food and agriculture depend on continued human intervention, and their sustainable utilization in research, development and production is an important instrument to ensure conservation.

Cluster C: International exchange and interdependence for food security, nutrition and sustainable agriculture

C.1 Historically, genetic resources for food and agriculture have been widely exchanged across communities, countries and regions over often long periods of time, and a relevant part of the genetic diversity used in food and agriculture today is of exotic origin.

C.2 Countries are interdependent with regard to genetic resources for food and agriculture and act both as providers of some genetic resources for food and agriculture and as recipients of others.

C.3 The international exchange of genetic resources for food and agriculture is essential to the functioning of the sector, and its importance is likely to increase in future.

Cluster D: The nature of the innovation process

D.1 The innovation process for genetic resources for food and agriculture is usually of incremental nature and the result of contributions made by many different people, including indigenous and local communities, farmers, researchers and breeders, in different places and at different points in time.

D.2 Many genetic resources for food and agriculture products are not developed out of an individual genetic resource, but with the contributions of several genetic resources for food and agriculture at different stages in the innovation process.

D.3 Most products developed with the use of genetic resources for food and agriculture can in turn be used as genetic resources for further research and development, which makes it difficult to draw a clear line between providers and recipients of genetic resources for food and agriculture.

D.4 Many agricultural products reach the market place in a form in which they may be used both as biological resources and as genetic resources.

Cluster E: Holders and users of genetic resources for food and agriculture

E.1 Genetic resources for food and agriculture are held and used by a broad range of very diverse stakeholders. There are distinct communities of providers and users with respect to the different subsectors of genetic resources for food and agriculture.

E.2 The different stakeholders managing and using genetic resources for food and agriculture are interdependent.

E.3 A significant amount of genetic resources for food and agriculture is privately held.

E.4 An important part of genetic resources for food and agriculture is held and can be accessed *ex situ*.

E.5 An important part of genetic resources for food and agriculture is conserved *in situ* and on farm under different financial, technical and legal conditions.

Cluster F: Exchange practices for genetic resources for food and agriculture

F.1 The exchange of genetic resources for food and agriculture takes place in the context of customary practices and existing communities of providers and users.

F.2 An extensive transfer of genetic material between different stakeholders along the value chain occurs in research and development.

Cluster G: Benefits generated with the use of genetic resources for food and agriculture

G.1 While the overall benefits of genetic resources for food and agriculture are very high, it is difficult to estimate at the time of the transaction the expected benefits of an individual sample of genetic resources for food and agriculture.

G.2 The use of genetic resources for food and agriculture may also generate important non-monetary benefits.

G.3 The use of genetic resources for food and agriculture may lead to external effects going far beyond the individual provider and recipient.

APPENDIX C

LIST OF DOCUMENTS

Working Documents

CGRFA/WG-ABS-1/12/1	Provisional agenda
CGRFA/WG-ABS-1/12/2	Provisional annotated agenda and timetable
CGRFA/WG-ABS-1/12/3	Distinctive features of genetic resources for food and agriculture
CGRFA/WG-ABS-1/12/4	Options to guide and assist countries in developing legislative, administrative and policy measures
CGRFA/WG-ABS-1/12/5	Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture

Information Documents

CGRFA/WG-ABS-1/12/Inf.1	Information note for participants
CGRFA/WG-ABS-1/12/Inf.2	Terms of Reference of the Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture
CGRFA/WG-ABS-1/12/Inf.3	Members of the Ad Hoc Technical Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture

Background Study Papers

Background study paper No.42	Framework study on food security and access and benefit-sharing for genetic resources for food and agriculture
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
Background study paper No.48	The impact of climate change on countries' interdependence on genetic resources for food and agriculture
Background study paper No.59	Access and benefit-sharing for genetic resources for food and agriculture – Current use and exchange practices, commonalities, differences and user community needs – Report from a multi-stakeholder expert dialogue

Other documents

CGRFA-13/11/Report	Report of the Thirteenth Regular Session of the Commission on Genetic Resources for Food and Agriculture
UNEP/CBD/COP/DEC/X/1	Access to genetic resources and the fair and equitable sharing of benefits arising from their utilization

APPENDIX D
**MEMBERS OF THE AD HOC TECHNICAL WORKING GROUP ON
ACCESS AND BENEFIT-SHARING FOR GENETIC RESOURCES FOR
FOOD AND AGRICULTURE**

<i>Composition (no. of countries per region)</i>	<i>Country</i>
Africa (5)	Cameroon Eritrea Togo Tunisia Zambia
Asia (5)	Bangladesh Bhutan Indonesia Lao, People's Democratic Republic Thailand
Europe (5)	Netherlands Norway Spain Switzerland United Kingdom
Latin America and the Caribbean (5)	Brazil Chile Ecuador Guyana Paraguay
Near East (3)	Iran, Islamic Republic of Lebanon Yemen
North America (2)	Canada United States of America
Southwest Pacific (2)	Australia Cook Islands ⁸

⁸ Palau replaced Cook Islands in this session of the Working Group.

APPENDIX E**LIST OF DELEGATES AND OBSERVERS**

Chair:	Ms Grethe Helene Evjen (Norway)
Vice-Chairs:	Mr Raj Patil (Australia)
	Mr M. Khalequzzman Akanda Chowdhury (Bangladesh)
	Mr Pedro Brancante Machado (Brazil)
	Mr Brad Fraleigh (Canada)
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<i>Rapporteur:</i>	Ms Tashi Yangzome Dorji (Bhutan)

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