


**CONVENTION ON BIOLOGICAL DIVERSITY:
NEGOTIATION OF
AN INTERNATIONAL REGIME
ON ACCESS AND BENEFIT-SHARING**


by
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Outline

- I. Background: Decision VII/19
- II. Third meeting of the Ad Hoc Open-ended Working Group on ABS
 - Organisational matters
 - Substantive matters
- III. Outlook

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COP 7 Decision VII/19D

I. Background

International regime on ABS

- **Mandate:** Working Group on ABS with collaboration of Working Group on 8(j) to negotiate an international regime on access and benefit-sharing with the aim of adopting an instrument/instruments to implement the provisions in Articles 15 and 8(j) and the three objectives of the Convention (par. 1 of decision VII/19D)
- WG-ABS to be convened twice prior to COP 8

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Terms of Reference for WG-ABS

I. Background

NATURE

- one or more instruments
- legally-binding or non-binding


SCOPE

- Access to genetic resources and sharing of benefits
- Traditional Knowledge in accordance with Article 8(j)

ELEMENTS

- Consider list of possible elements for inclusion in the regime listed in decision VII/19D, Annex, including existing instruments and processes

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Organisational matters for WG-ABS

II. Third meeting of WG-ABS

Organisation of work

- establishment of two Sub-Working Groups


Nomination of chairs or co-chairs

- for Working Group on ABS
 - Host country
- for Sub Working Groups
 - to be discussed by Bureau prior to meeting

Adoption of the Agenda

- UNEP/CBD/WG-ABS/3/1/Add.1/Rev.1

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Organisation of work

II. Third meeting of WG-ABS

Plenary

- Item 3. Reports on implementation of Bonn Guidelines, capacity-building and other developments

Sub Working Group 1:

- Item 4. International regime on ABS

Sub Working Group 2:

- Item 5. Use of terms
- Item 6. Other approaches, including an international certificate of origin/source/legal provenance
- Item 7. Measures to ensure compliance with PIC and MAT
- Item 8. Strategic plan – indicators for ABS

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Substantive matters

Item 4: International regime on ABS
 Overview of existing instruments (UNEP/CBD/WG-ABS/2/3)

➤ **International level**

- Relevant instrument: FAO/ITPGRFA
- Related instruments: WIPO treaties, WTO/TRIPs, UPOV Convention

➤ **National/regional levels**

- no national systems in majority of countries (number in development)
- lack of experience with implementation
- need for capacity-building

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Substantive matters

Item 4. International regime (continued)
 Compilation of views on the elements of the international regime (UNEP/CBD/WG-ABS/3/3)

➤ 10 submissions were received including from Parties and other organisations

➤ different priorities expressed

➤ way forward proposed...

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Substantive matters

Item 4. International regime on ABS:
 Possible way forward at WGABS-3

- *Identify objectives of the regime*
 - Based on elements in annex to decision VII/19D
- *Agree on structure of the regime*
 - What instrument(s) is/are needed?

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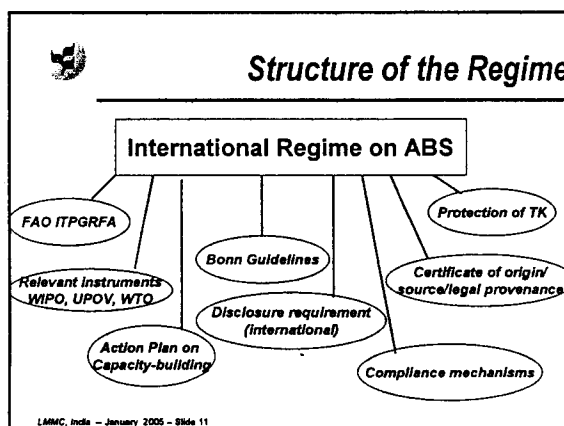
Objectives of the regime

Main issues covered by elements in annex to decision VII/19D

- Measures to ensure benefit-sharing (i),(ii), (iii), (v), (vi),(xiii),(xiv),
- Measure to facilitate access (iv)
- Measures to ensure compliance with PIC and MAT (ix), (x), (xi)
- Protection of traditional knowledge (xv), (xvi), (xviii)
- Compliance mechanisms (xx), (xxi)
- Measures to facilitate implementation of the regime (viii), (xix), (xxii)
- Others (vii), (xii), (xxiii)

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Substantive matters

Item 5. Use of terms

➤ **Issue:** Further examine the issue of terms not defined by CBD and possible establishment of expert group to determine need for definitions or a glossary

➤ UNEP/CBD/WG-ABS/3/4: Compilation of existing definitions and possible additional terms to be defined

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Substantive matters

II. Third meeting of WG-ABS

Item 6. Other approaches

- **Issue:** Need to assess practicality and feasibility of international certificate of origin/source/legal provenance based on practical implications
- Document UNEP/CBD/WG-ABS/3/5 provides an update of existing approaches (e.g. codes of conduct) and examination of new approaches, such as an international certificate of origin/source/legal provenance

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Substantive matters

II. Third meeting of WG-ABS

Item 7. Measures to ensure compliance with PIC and MAT

- **Issue:** Parties with users under their jurisdiction to continue to take measures to ensure compliance with PIC and MAT
- Document UNEP/CBD/WG-ABS/3/5: Overview of measures taken by Governments to assist with ABS implementation

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Substantive matters

II. Third meeting of WG-ABS

Item 8. Strategic Plan - Indicators for ABS

- **Issue:** consider need for process and/or outcome-oriented indicators
- Document UNEP/CBD/WG-ABS/3/6: examines possible options for indicators for ABS -

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Outlook

Calendar

- **Ad-hoc Open-Ended Working Group on ABS**
 - third meeting, Bangkok, 14-18 February 2005
 - fourth meeting, Spain, first quarter 2006
- **Ad-hoc Open-ended Intersessional Working Group on Article 8 (j)**
 - fourth meeting, venue and date to be determined
- **COP 8 in 2006 in Brazil**

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Thank you for your attention!

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