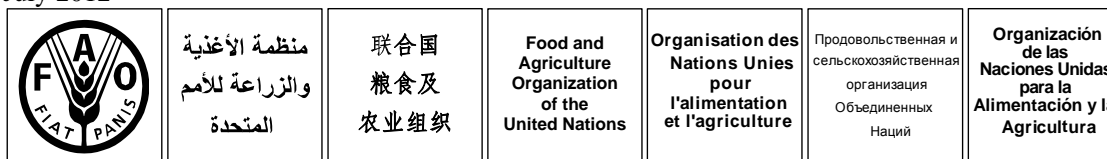


July 2012

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COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Item 2 of the Provisional Agenda
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
PROVISIONAL ANNOTATED AGENDA AND TIME-TABLE

1. Election of Chair, Vice-chair(s) and *Rapporteur*

According to its Terms of Reference (CGRFA/WG-ABS-1/12/Inf.2), the Ad Hoc Working Group on Access and Benefit-sharing for Genetic Resources for Food and Agriculture (Working Group) shall, at the beginning of the meeting, elect its Chairperson and one or more Vice-Chairpersons from among the representatives of Members of the Working Group. The Chairperson, or a Vice-Chairperson in the absence of a Chairperson, shall preside over the meeting of the Working Group and exercise such other functions as may be required to facilitate its work. The Members of the Working Group are listed in the document, *Members 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).

2. Adoption of the agenda and time-table

The provisional agenda is contained in the document, *Provisional Agenda* (CGRFA-WG-ABS/1/12/1). The present document contains the provisional annotated agenda and time-table, for consideration of the Working Group.

3. Distinctive features of the different sectors and sub-sectors of genetic resources for food and agriculture

FAO and its Commission on Genetic Resources for Food and Agriculture (Commission) have a longstanding history of dealing with issues related to access to and the sharing of benefits derived from the utilization of genetic resources for food and agriculture. Milestones include the 1983 International Undertaking on Plant Genetic Resources for Food and Agriculture which, in 2001, became the International Treaty on Plant Genetic Resources for Food and Agriculture

- In 2004, the Commission recommended that FAO and the Commission contribute to further work on access and benefit-sharing, in order to ensure that it 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.¹
- In 2007, the Commission agreed on the importance of considering access and benefit-sharing in relation to all components of biodiversity for food and agriculture, and decided that work in this field should be an early task within its Multi-Year Programme of Work.² Accordingly, the Commission, in 2009, considered arrangements and policies for access and benefit-sharing for GRFA³ and addressed, through the FAO Conference, the then on-going access and benefit-sharing (ABS) negotiations. The FAO Conference, through Resolution 18/2009, invited negotiators 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.⁴
- In 2011, the Commission noted the adoption of 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).⁵ It invited countries to consider in the development and implementation of legislative, administrative or policy measures on ABS, the importance of GRFA and their special role for food security.⁶ The Commission also established the Working Group which, according to its terms of reference, shall, *inter alia*, identify relevant distinctive features of the different sectors and sub-sectors of genetic resources for food and agriculture requiring distinctive solutions.

While the distinctive features of GRFA have long been recognized, they have rarely been specified in more detail. The document, Distinctive features of genetic resources for food and agriculture (**CGRFA/WG-ABS-1/12/3**), aims to assist the Working Group in identifying the relevant distinctive features of GRFA requiring distinctive solutions for ABS. Building upon the analysis of use and exchange patterns in the different subsectors of food and agriculture, the document presents a list of twenty distinctive features of GRFA that might be relevant to the design of ABS measures suitable for GRFA. The list has been developed on the basis of the outcomes of wide stakeholder consultations that were carried out to develop the background study papers that were presented in 2009⁷ and during the course of a Multi-stakeholder Expert Dialogue on ABS for GRFA, that had been initiated by the Secretariat of the Commission in 2010 and reported to the last session of the Commission.⁸

¹ CGRFA-10/04/REP, paragraph 76.

² CGRFA-11/07/Report, paragraph 71.

³ 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. 49: *Trends in intellectual property rights relating to genetic resources for food and agriculture*.

⁴ C 2009/REP, p. 73.

⁵ CGRFA-13/11/Report, para. 57.

⁶ CGRFA-13/11/Report, para. 58.

⁷ See footnotes 3-6 above.

⁸ 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*.

4. Options to guide and assist countries, upon their request, in developing legislative, administrative and policy measures

The Commission requested the Working Group to develop options to guide and assist countries, upon their request, in developing legislative, administrative and policy measures that accommodate the distinctive features of GRFA.

The document, *Options to guide and assist countries in developing legislative, administrative and policy measures (CGRFA/WG-ABS-1/12/4)*, contains options the Working Group may wish to recommend to the Commission to either support or directly pursue, in order to guide and assist countries, upon their request, in developing ABS measures for GRFA. The document relates the task of the Working Group to existing ABS international frameworks, with a particular focus on the Nagoya Protocol, and to on-going global efforts supporting the development of ABS frameworks. A range of options to guide and assist countries are presented, namely: awareness-raising and exchange of information; capacity-building and technical assistance; model contractual clauses for mutually agreed terms; stakeholder voluntary codes of conduct, guidelines and best practices and/or standards; voluntary guidelines for addressing legislative, administrative and policy measures on ABS for GRFA; specialized international ABS agreement for GRFA.

Options to assist countries in developing ABS measures for GRFA are inextricably linked with the question of possible modalities for addressing ABS for GRFA. In advising the Commission on options to guide and assist countries in developing ABS frameworks for GRFA, the Working Group may therefore wish to take into account possible modalities for addressing ABS for GRFA, as presented under agenda item 5.

5. Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture

The Commission requested the Working Group to analyze, as appropriate, possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture, taking into account the full range of options, including those presented in the Nagoya Protocol.

Based on the distinctive features of genetic resources for food and agriculture and on experience gained and lessons learned from existing ABS arrangements established by some stakeholders in the different subsectors of food and agriculture, the document, *Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture (CGRFA/WG-ABS-1/12/5)*, identifies issues for which approaches and modalities for legislative, administrative or policy measures for ABS for genetic resources for food and agriculture (GRFA) exist or could be developed. The Working Group may wish to consider these approaches and modalities in advising the Commission on options to assist countries in developing legislative, administrative and policy measures for ABS for GRFA.

6. Other business

7. Adoption of the report

PROVISIONAL TIME-TABLE

Time	Agenda Item	Title	Working Documents
Tuesday, 11 September 2012 morning			
10:00 – 13:00		Opening of the Session	
	1	Election of Chair and Vice-Chair(s) and Rapporteur	
	2	Adoption of the agenda and time-table	CGRFA-WG-ABS-1/12/1 CGRFA-WG-ABS-1/12/2
Tuesday, 11 September 2012 afternoon			
15:00 – 18:00	3	Distinctive features of the different sectors and sub-sectors of genetic resources for food and agriculture	CGRFA-WG-ABS-1/12/3
Wednesday, 12 September 2012 morning			
10:00 – 13:00	4	Options to guide and assist countries, upon their request, in developing legislative, administrative and policy measures	CGRFA-WG-ABS-1/12/4
Wednesday, 12 September 2012 afternoon			
15:00 – 18:00	5	Possible modalities for addressing access and benefit-sharing for genetic resources for food and agriculture	CGRFA-WG-ABS-1/12/5
	6	Other business	
Thursday, 13 September 2012 afternoon			
15:00 – 18:00	7	Adoption of the report	