



**CONVENTION ON
BIOLOGICAL DIVERSITY**

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STATEMENT BY

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CONVENTION ON BIOLOGICAL DIVERSITY

TO

**THE SECOND MEETING OF THE PANEL OF EXPERTS ON
ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING**

Montreal, Canada, 19 - 22 March 2001

Distinguished Delegates,
Ladies and Gentlemen,

I would like to welcome you all to the second meeting of the Panel of Experts on Access to Genetic Resources and Benefit-sharing. Last week we had a very successful meeting, SBSTTA-6. I am sure that this meeting will also be a successful one. I wish to thank those who participated in the first meeting of the Panel for having accepted the invitation to participate again on this occasion. I would also like to extend a particular word of welcome to the additional experts and observers who have joined the Panel for this meeting. This broader participation will certainly enrich the discussions and contribute to a successful outcome.

I wish to express my appreciation to the Governments of the United Kingdom and Switzerland for their financial support which made this meeting possible.

At its fourth meeting in May 1998, the Conference of the Parties to the CBD, decided to establish a regionally-balanced Panel of experts to develop common understandings of basic concepts and explore all options for access to genetic resources and benefit-sharing on mutually agreed terms including guiding principles, guidelines and codes of best practices for access and benefit-sharing arrangements.

In June 1999, the Inter-sessional meeting on the Operations of the Convention considered modalities of the meeting of the Panel and made specific recommendations regarding the preparations for the meeting, the composition of the Panel and the items to be included on its agenda.

On the basis of nominations received from Governments, Panel members were selected using a set of criteria to achieve, to the extent possible, balanced regional as well as sectoral representation.

The Panel then met in San José, Costa Rica, in October 1999, where the meeting was co-chaired by Costa Rica and Switzerland. At that meeting, the Panel focused on:

- i. Mutually agreed terms and contractual approaches in access and benefit-sharing arrangements;
- ii. Benefit sharing options and mechanisms;

- iii. Access legislation;
- iv. Concept and procedure of prior informed consent;
- v. Intellectual property rights; and
- vi. Regulatory and incentive measures

and the related capacity-building aspects of these six issues.

The report of the Panel was considered by the Conference of the Parties at its fifth meeting last May in Nairobi. The Conference of the Parties decided to reconvene the Panel to conduct further work on outstanding issues from its first meeting, especially:

- Assessment of user and provider experience in access to genetic resources and benefit-sharing and study of complementary options; and
- Identification of approaches to involvement of stakeholders in access to genetic resources and benefit-sharing processes.

In deciding to reconvene this Panel, the Conference of the Parties, decided also to establish an *Ad hoc* Open-ended Working Group on Access and Benefit-sharing. The report of your meeting will be submitted to the Working Group and the outcome of your deliberations is pivotal to the work of the Group, which will meet next October in Bonn, thanks to the generous support of the Government of Germany.

The Open-ended Working Group has been mandated by the Conference of the Parties to develop guidelines and other approaches to assist Parties and stakeholders in addressing elements relevant to access to genetic resources and benefit sharing for consideration by the Conference of the Parties at its sixth meeting in April 2002. The Conference of the Parties identified, *inter alia*, the following elements as relevant: terms for prior informed consent and mutually agreed terms; roles, responsibilities and participation of stakeholders; relevant aspects relating to *in situ* and *ex situ* conservation and sustainable use; mechanisms for benefit sharing; and means to ensure the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities taking into account, *inter alia*, the work of WIPO on intellectual property rights.

In this context, and building on your discussions, the Panel has a unique opportunity to lay the basis for the work of the Working Group.

The outcome of this meeting is expected to assist Parties in their development of appropriate legislative, administrative and policy measures for the implementation of access and benefit-sharing arrangements including, *inter alia*, prior informed consent and mutually agreed terms. In addition, a number of tools have already been developed internationally, such as codes of conduct and model agreements. These tools could be drawn upon for the development of these guidelines and approaches.

To assist you in your deliberations over the next few days, the Secretariat has prepared a background note which was distributed before the meeting. This document builds on the outcome of the first meeting of the Panel of Experts which was held in Costa Rica in 1999 and provides illustrations of user and provider experience in access and benefit-sharing as well as an overview of approaches which may assist in the development of equitable access and benefit-sharing systems.

In addition, as an introduction to each of the substantive items during the meeting, experts have been invited to make presentations on their national experience or specific area of expertise, with a view to facilitate Panel discussions. I wish to thank those experts who kindly accepted our invitation and look forward to their presentations.

Finally, I wish to assure you that my colleagues and I will spare no effort to assist you in your work during the meeting.

I wish you a very successful and fruitful meeting.

Thank you.